

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1108 (Companion to SB 905)

SHORT TITLE: Limitation/Childhood Sexual Abuse

SPONSOR(S): Representatives Fitch and Michaux

FISCAL IMPACT: Expenditures: Increase () Decrease ()
 Revenues: Increase () Decrease ()
 No Impact ()
 No Estimate Available (X)

FUND AFFECTED: General Fund (X) Highway Fund () Local Fund ()
 Other Fund ()

BILL SUMMARY: Adds new G.S. 1-15.2, and revises G.S. 1-52(16), to require that civil action for damages for personal injury or illness caused by childhood sexual abuse (defined in new section) be commenced within three years of the later of the time the plaintiff reaches majority or the time the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by sexual abuse. Provides further than no action can be commenced after the plaintiff reaches the age of 40. Also provides that parental immunity is no defense and that the plaintiff need not establish which specific act in a series of acts of sexual abuse caused the injury.

AMENDMENT: Deletes the act of "fondling the genitals, buttocks, or breasts" from the definition of "childhood sexual abuse" within the new section.

EFFECTIVE DATE: October 1, 1993; applicable to all actions arising on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department; Department of Correction

FISCAL IMPACT

FY 93-94 FY 94-95 FY 95-96 FY 96-97 FY 97-98

EXPENDITURES

RECURRING No Estimate Available

NON-RECURRING

REVENUES/RECEIPTS

RECURRING

NON-RECURRING

POSITIONS:

ASSUMPTIONS AND METHODOLOGY: No estimate of fiscal impact upon the Judicial Department or the Department of Correction is provided due to a lack of pertinent data. Thirteen studies conducted between 1979 and 1986 by the American Humane Association (the operating agency for the National Resource Center for Child Abuse and Neglect) estimate that between 8% and 38% of all women and between 3% and 11% of all men are sexually abused as children. However, there is no relevant data to suggest what percentage of this rather speculative population would pursue civil actions against their victimizers in North Carolina as a result of this bill. Four states (California, Maine, Rhode Island, and Utah) have enacted similar legislation but are unable to provide actual data. A representative of the Attorney General's Office in Rhode Island, however, did note that there have been no known cases since their law was enacted in 1992.

In a telephone interview, a representative of the Administrative Office of the Courts (AOC) noted that some additional superior court civil cases would be expected. These cases would be complex, would involve jury trials and numerous expert witnesses, and would be estimated to last a week to a week and a half. Hence, a few cases could involve significant resources.

SOURCES OF DATA: Administrative Office of the Courts; National Conference of State Legislators; State Court Administrators in Utah, Rhode Island, California, and Maine; National Victims of Child Abuse Center; American Humane Association.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Brenda S. Beerman
Carolyn H. Wyland

APPROVED BY: Tom Covington **TomC**

DATE: 13-MAY-93

[FRD#003]



Signed Copy Located in the NCGA Principal Clerk's Offices