



## POLITICS

## NC lawmakers pass bill to extend statute of limitations for child sex crime victims



Bill to extend statute of limitations could help NHCS teacher sex abuse victims

By [Ann McAdams](#) | October 31, 2019 at 3:40 PM EDT - Updated October 31 at 6:55 PM

WILMINGTON, N.C. (WECT) - A bill passed the State House and Senate Thursday would extend the statute of limitations for child sex crime victims. Victims would now have until the age of 28 to file a civil lawsuit, up from the current cap of 21. The bill also expands the duty of adults to report suspected abuse to law enforcement, and gives women the right to revoke consent.

The bill, which is awaiting the governor's signature, could significantly impact a lawsuit filed against New Hanover County Schools by expanding the number of victims eligible to sue. Former NHCS high school science teacher Michael Kelly recently pleaded guilty to dozens of sex crimes. Many of those crimes happened at school against his own students. The reports date back to the 1990s, and under the previous rule of law, some of the victims had waited too long to seek justice in civil court.

“This is an extraordinary day for victims throughout North Carolina as well as in New Hanover County,” said Joel Rhine of the Rhine Law Firm, one of two firms suing the New Hanover County

Board of Education and other defendants for assaults committed by Kelly.

“In our lawsuit, all of the defendants who have answered the Plaintiffs’ complaint – Defendant Rick Holliday, Timothy Markley and the Board of Education – have alleged the statute of limitations as a defense in the case,” Rhine’s co-counsel in the lawsuit, Jim Lea noted. “Today’s legislation, if signed by the Governor, will allow for all of these victims and others to come forward and have their day in court.”

Lumberton Senator Danny Britt was one of the bill’s primary sponsors. Wilmington Senator Harper Peterson advocated for the bill, and although he would have liked to have seen the civil statute of limitations extended even further, he said this was “a start.”

Previously, public employees were required to report suspected crimes against children, but under Senate Bill 199, *all* adults would be required to report crimes against children to law enforcement.

“Any person 18 years of age or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse under G.S. 14-318.2 shall immediately report the case of that juvenile to the appropriate local law enforcement agency in the county where the juvenile resides or is found,” Senate Bill 199 reads. Failure to report would be a Class 1 misdemeanor.

“This is a sweeping bill that expands protections for victims of sexual assault,” North Carolina Senate Minority Leader Jeff Jackson said. “North Carolina has been the only state in the country where a woman cannot revoke consent to have sex once sex has begun. That means if a woman initially consents and sex turn violent, the man cannot be prosecuted for rape – even if he admits that she had withdrawn her consent.”

There is no statute of limitations in North Carolina for sex crimes from a criminal standpoint, but victims trying to obtain monetary compensation previously had a short window of three years after they turned 18 to pursue civil relief. If it could be proven that the crime had been concealed, it would theoretically extend the statute of limitations to ten years, but when that exception could be applied was up to interpretation.

Other elements of Senate Bill 199 ban high-risk sex offenders from communicating online with people under the age of 16, and require training related to child sexual abuse and sex trafficking for school personnel.

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