

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1113

Short Title: State Tort Claims/Public Duty Doctrine. (Public)

Sponsors: Representatives Glazier, Faison (Primary Sponsors); and Harrison.

Referred to: Judiciary II.

March 28, 2007

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE USE OF THE PUBLIC DUTY DOCTRINE AS AN
AFFIRMATIVE DEFENSE FOR CIVIL ACTIONS UNDER THE STATE TORT
CLAIMS ACT TO THOSE CLAIMS IN WHICH THE INJURIES OF THE
CLAIMANT ARE THE RESULT OF THE ALLEGED NEGLIGENT FAILURE
OF LAW ENFORCEMENT TO PROTECT CLAIMANTS FROM THE
MISCONDUCT OF OTHERS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 31 of Chapter 143 of the General Statutes is amended
by adding a new section to read:

"§ 143-299.1A. Limit use of public duty doctrine as an affirmative defense.

The public duty doctrine is an affirmative defense on the part of the State
department, institution, or agency against which the claim is asserted if and only if the
injury of the claimant is the result of the alleged negligent failure of law enforcement to
protect the claimant from the misconduct of others."

SECTION 2. This act is effective when it becomes law and applies to
judgments entered on or after that date.