

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH70284-LD-8A (12/11)

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

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Sponsors: Representative Glazier.

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Referred to:

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1 A BILL TO BE ENTITLED

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

8 The General Assembly of North Carolina enacts:

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

11 "**§ 143-299.1A. Limit use of public duty doctrine as an affirmative defense.**

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

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