

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 72

SHORT TITLE: Juvenile Indecent Liberties

SPONSOR(S): Representative Decker

FISCAL IMPACT: **Expenditures:** **Increase ()** **Decrease (**
)
 No Impact (X)

BILL SUMMARY: "TO CRIMINALIZE INDECENT LIBERTIES BETWEEN CHILDREN." Adds new G.S. 14-202.2 making it a Class 1 misdemeanor for a person under age 16, for the purpose of arousing or gratifying sexual desire, to (1) willfully take or attempt to take any immoral, improper, or indecent liberties with a child who is at least three years younger than the defendant, or (2) willfully commit or attempt to commit any lewd or lascivious act upon or with the body or any part or member of the body of a child at least three years younger than the defendant.

EFFECTIVE DATE: October 1, 1995

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Branch

FISCAL IMPACT

FY 95-96 FY 96-97 FY 97-98 FY 98-99
FY99-00

EXPENDITURES
NON-RECURRING

RECURRING NO FISCAL IMPACT

ASSUMPTIONS AND METHODOLOGY:

The current indecent liberties statute, G.S. 14-202.1, applies to defendants over the age of sixteen and five years older than the victim, who must be under the age of sixteen. Convictions, under current law, are punishable as Class F felonies.

The proposed legislation adds G.S. 14-202.2, to the current indecent liberties statute. G.S. 14-202.2 applies to defendants under the age of sixteen and at least three years older than the victim. Although the proposed legislation specifies that the conduct would be punishable as a Class 1 misdemeanor, the Administrative Office of the Courts assumes that the intent is for offenders to be treated according to the North Carolina Juvenile Code.

Under present law, a juvenile under the age of 16 who takes indecent liberties with another juvenile could be subject to delinquency adjudication for assault under existing G.S. 14-33. G.S. 14-33(b)(3) specifically addresses assault on a child under the age of 12. Other related, and more serious, sexual offenses that may be applied under current law are first-degree rape and first-degree sexual offense (G.S. 14-27.1, -27.4).

If conduct amounting to indecent liberties is presently being processed under existing laws, such as the assault statute, it seems likely that enacting the proposed legislation would not lead to additional delinquency petitions. Based on interviews with several district attorneys, the Administrative Office of the Courts estimates that most cases involving conduct amounting to indecent liberties are presently being adjudicated under existing laws, specifically, on the basis of misdemeanor assaults. It is possible that a few more juvenile cases may be filed as a result of the proposed legislation, but the Administrative Office of the Courts would not expect the number of cases to be significant. Thus, the Administrative Office of the Courts does not expect the proposed legislation to result in an increase in the number of petitions filed.

SOURCES OF DATA: Administrative Office of the Courts

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Whitney A. Obrig
Jim Mills

APPROVED BY: Tom Covington **TomC**

DATE: April 10, 1995

[FRD#003]



Signed Copy Located in the NCGA Principal Clerk's Offices