

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 383*
Committee Substitute Favorable 4/21/15

Short Title: Clarify Statutory Scheme/Sex Offenses.

(Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO REORGANIZE, RENAME, AND RENUMBER VARIOUS SEXUAL
OFFENSES TO MAKE THEM MORE EASILY DISTINGUISHABLE FROM ONE
ANOTHER AS RECOMMENDED BY THE NORTH CAROLINA COURT OF
APPEALS IN "STATE OF NORTH CAROLINA V. SLADE WESTON HICKS, JR."

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a new
Article to read:

"Article 7B.

"Rape and other Sex Offenses.

SECTION 2. G.S. 14-27.1 is recodified as G.S. 14-27.20 under Article 7B of the
General Statutes as created by Section 1 of this act.

SECTION 3.(a) G.S. 14-27.2 is recodified as G.S. 14-27.21 under Article 7B of
the General Statutes as created by Section 1 of this act.

SECTION 3.(b) G.S. 14-27.2, recodified as G.S. 14-27.21 by subsection (a) of this
section, reads as rewritten:

"§ 14-27.21. First-degree forcible rape.

(a) A person is guilty of ~~rape in the first-degree~~ forcible rape if the person engages in
vaginal ~~intercourse:~~

(1) ~~With a victim who is a child under the age of 13 years and the defendant is
at least 12 years old and is at least four years older than the victim; or~~

(2) ~~With intercourse with another person by force and against the will of the
other person, and~~ does any of the following:

a.(1) Employs or displays a dangerous or deadly weapon or an article
which the other person reasonably believes to be a dangerous or
deadly ~~weapon; or~~ weapon.

b.(2) Inflicts serious personal injury upon the victim or another ~~person; or~~
person.

e.(3) The person commits the offense aided and abetted by one or more
other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1
felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of
or rights of inheritance from any child born as a result of the commission of the rape, nor shall
the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B
of the General Statutes."



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1 **SECTION 4.(a)** G.S. 14-27.3 is recodified as G.S. 14-27.22 under Article 7B of
2 the General Statutes.

3 **SECTION 4.(b)** G.S. 14-27.3, recodified as G.S. 14-27.22 by subsection (a) of this
4 section, reads as rewritten:

5 "**§ 14-27.22. Second-degree forcible rape.**

6 (a) A person is guilty of ~~rape in the second degree~~ second-degree forcible rape if the
7 person engages in vaginal intercourse with another person:

8 (1) By force and against the will of the other person; or

9 (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and
10 the person performing the act knows or should reasonably know the other
11 person is mentally disabled, mentally incapacitated, or physically helpless.

12 (b) Any person who commits the offense defined in this section is guilty of a Class C
13 felony.

14 (c) Upon conviction, a person convicted under this section has no rights to custody of
15 or rights of inheritance from any child conceived during the commission of the rape, nor shall
16 the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B
17 of the General Statutes."

18 **SECTION 5.(a)** G.S. 14-27.2A is recodified as G.S. 14-27.23 under Article 7B of
19 the General Statutes.

20 **SECTION 5.(b)** G.S. 14-27.2A, recodified as G.S. 14-27.23 by subsection (a) of
21 this section, reads as rewritten:

22 "**§ 14-27.23. ~~Rape of a child; adult offender.~~ Statutory rape of a child by an adult.**

23 (a) A person is guilty of ~~rape of a child~~ statutory rape of a child by an adult if the
24 person is at least 18 years of age and engages in vaginal intercourse with a victim who is a
25 child under the age of 13 years.

26 ...

27 (e) The offense under ~~G.S. 14-27.2(a)(1)~~ G.S. 14-27.24 is a lesser included offense of
28 the offense in this section."

29 **SECTION 6.** Article 7B of Chapter 14 of the General Statutes as created by
30 Section 1 of this act is amended by adding a new section to read:

31 "**§ 14-27.24. First-degree statutory rape.**

32 (a) A person is guilty of first-degree statutory rape if the person engages in vaginal
33 intercourse with a victim who is a child under the age of 13 years and the defendant is at least
34 12 years old and is at least four years older than the victim.

35 (b) Any person who commits an offense defined in this section is guilty of a Class B1
36 felony.

37 (c) Upon conviction, a person convicted under this section has no rights to custody of
38 or rights of inheritance from any child born as a result of the commission of the rape, nor shall
39 the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B
40 of the General Statutes."

41 **SECTION 7.(a)** G.S. 14-27.7A is recodified as G.S. 14-27.25 under Article 7B of
42 Chapter 14 of the General Statutes.

43 **SECTION 7.(b)** G.S. 14-27.7A, recodified as G.S. 14-27.25 by subsection (a) of
44 this section, reads as rewritten:

45 "**§ 14-27.25. Statutory rape ~~or sexual offense of person who is 13, 14, or 15 years old.~~**

46 (a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal
47 intercourse ~~or a sexual act~~ with another person who is 13, 14, or 15 years old and the defendant
48 is at least six years older than the person, except when the defendant is lawfully married to the
49 person.

50 (b) A defendant is guilty of a Class C felony if the defendant engages in vaginal
51 intercourse ~~or a sexual act~~ with another person who is 13, 14, or 15 years old and the defendant

1 is more than four but less than six years older than the person, except when the defendant is
2 lawfully married to the person."

3 **SECTION 8.(a)** G.S. 14-27.4 is recodified as G.S. 14-27.26 under Article 7B of
4 Chapter 14 of the General Statutes.

5 **SECTION 8.(b)** G.S. 14-27.4, recodified as G.S. 14-27.26 by subsection (a) of this
6 section, reads as rewritten:

7 "**§ 14-27.26. First-degree forcible sexual offense.**

8 (a) A person is guilty of a ~~sexual offense in the first degree~~ forcible sexual offense if the
9 person engages in a sexual act:

10 (1) ~~With a victim who is a child under the age of 13 years and the defendant is~~
11 ~~at least 12 years old and is at least four years older than the victim; or~~

12 (2) ~~With~~ act with another person by force and against the will of the other
13 person, ~~and~~ and does any of the following:

14 a.(1) Employs or displays a dangerous or deadly weapon or an article
15 which the other person reasonably believes to be a dangerous or
16 deadly ~~weapon; or~~ weapon.

17 b.(2) Inflicts serious personal injury upon the victim or another ~~person;~~
18 ~~or~~ person.

19 e.(3) The person commits the offense aided and abetted by one or more
20 other persons.

21 (b) Any person who commits an offense defined in this section is guilty of a Class B1
22 felony."

23 **SECTION 9.(a)** G.S. 14-27.5 is recodified as G.S. 14-27.27 under Article 7B of
24 Chapter 14 of the General Statutes.

25 **SECTION 9.(b)** G.S. 14-27.5, recodified as G.S. 14-27.27 by subsection (a) of this
26 section, reads as rewritten:

27 "**§ 14-27.27. Second-degree forcible sexual offense.**

28 (a) A person is guilty of a ~~sexual offense in the second degree~~ forcible sexual offense if
29 the person engages in a sexual act with another person:

30 (1) By force and against the will of the other person; or

31 (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and
32 the person performing the act knows or should reasonably know that the
33 other person is mentally disabled, mentally incapacitated, or physically
34 helpless.

35 (b) Any person who commits the offense defined in this section is guilty of a Class
36 C felony."

37 **SECTION 10.(a)** G.S. 14-27.4A is recodified as G.S. 14-27.28 under Article 7B of
38 Chapter 14 of the General Statutes as created by Section 1 of this act.

39 **SECTION 10.(b)** G.S. 14-27.4A, recodified as G.S. 14-27.28 by subsection (a) of
40 this section, reads as rewritten:

41 "**§ 14-27.28. ~~Sexual offense with a child; adult offender.~~ Statutory sexual offense with a**
42 **child by an adult.**

43 (a) A person is guilty of ~~sexual offense with a child~~ statutory sexual offense with a
44 child by an adult if the person is at least 18 years of age and engages in a sexual act with a
45 victim who is a child under the age of 13 years.

46 ...

47 (d) The offense under ~~G.S. 14-27.4(a)(1)~~ G.S. 14-27.29 is a lesser included offense of
48 the offense in this section."

49 **SECTION 11.** Article 7B of Chapter 14 of the General Statutes as created by
50 Section 1 of this act is amended by adding a new section to read:

51 "**§ 14-27.29. First-degree statutory sexual offense.**

1 (a) A person is guilty of first-degree statutory sexual offense if the person engages in a
2 sexual act with a victim who is a child under the age of 13 years and the defendant is at least 12
3 years old and is at least four years older than the victim.

4 (b) Any person who commits an offense defined in this section is guilty of a Class B1
5 felony."

6 **SECTION 12.** Article 7B of Chapter 14 of the General Statutes as created by
7 Section 1 of this act is amended by adding the following new section:

8 **"§ 14-27.30. Statutory sexual offense against a person who is 13, 14, or 15 years old.**

9 (a) A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act
10 with another person who is 13, 14, or 15 years old and the defendant is at least six years older
11 than the person, except when the defendant is lawfully married to the person.

12 (b) A defendant is guilty of a Class C felony if the defendant engages in a sexual act
13 with another person who is 13, 14, or 15 years old and the defendant is more than four but less
14 than six years older than the person, except when the defendant is lawfully married to the
15 person."

16 **SECTION 13.(a)** G.S. 14-27.7(a) is recodified as G.S. 14-27.31 under Article 7B
17 of Chapter 14 of the General Statutes as created by Section 1 of this act.

18 **SECTION 13.(b)** G.S. 14-27.7(a), recodified as G.S. 14-27.31 by subsection (a) of
19 this section, reads as rewritten:

20 **"§ 14-27.31. ~~Intercourse and sexual offenses with certain victims; consent no~~**
21 **defense. Sexual activity by a substitute parent or custodian.**

22 (a) If a defendant who has assumed the position of a parent in the home of a minor
23 victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in
24 the home, or if a person having custody of a victim of any age or a person who is an agent or
25 employee of any person, or institution, whether such institution is private, charitable, or
26 governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual
27 act with such victim, ~~home,~~ the defendant is guilty of a Class E felony.

28 (b) If a person having custody of a victim of any age or a person who is an agent or
29 employee of any person, or institution, whether such institution is private, charitable, or
30 governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual
31 act with such victim, the defendant is guilty of a Class E felony.

32 (c) Consent is not a defense to a charge under this section."

33 **SECTION 14.(a)** G.S. 14-27.7(b) is recodified as G.S. 14-27.32 under Article 7B
34 of Chapter 14 of the General Statutes as created by Section 1 of this act.

35 **SECTION 14.(b)** G.S. 14-27.7(b), recodified as G.S. 14-27.32 by subsection (a) of
36 this section, reads as rewritten:

37 **"§ 14-27.32. Sexual activity with a student.**

38 ~~(b)~~(a) If a defendant, who is a teacher, school administrator, student teacher, school safety
39 officer, or coach, at any age, or who is other school personnel, and who is at least four years
40 older than the victim engages in vaginal intercourse or a sexual act with a victim who is a
41 student, at any time during or after the time the defendant and victim were present together in
42 the same school, but before the victim ceases to be a student, the defendant is guilty of a Class
43 G felony, except when the defendant is lawfully married to the student. The term "same school"
44 means a school at which the student is enrolled and the defendant is employed, assigned, or
45 volunteers.

46 (b) A defendant who is school personnel, other than a teacher, school administrator,
47 student teacher, school safety officer, or coach, and is less than four years older than the victim
48 and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a
49 Class A1 misdemeanor.

50 (c) This ~~subsection~~ section shall apply unless the conduct is covered under some other
51 provision of law providing for greater punishment.

1 (d) Consent is not a defense to a charge under this section.

2 (e) For purposes of this ~~subsection, section,~~ the terms "school", "school personnel", and
3 "student" shall have the same meaning as in G.S. 14-202.4(d). For purposes of this ~~subsection,~~
4 ~~section,~~ the term "school safety officer" shall include a school resource officer or any other
5 person who is regularly present in a school for the purpose of promoting and maintaining safe
6 and orderly schools."

7 **SECTION 15.** G.S. 14-27.5A. is recodified as G.S. 14-27.33 under Article 7B of
8 Chapter 14 of the General Statutes as created by Section 1 of this act. G.S. 14-27.8 through
9 G.S. 14-27.10 are recodified as G.S. 14-27.34 through G.S. 14-27.36 under Article 7B of
10 Chapter 14 of the General Statutes as created by Section 1 of this act.

11 **SECTION 16.** G.S. 14-202.4(d)(1) reads as rewritten:

12 "(d) For purposes of this section, the following definitions apply:

13 (1) "Indecent liberties" means:

- 14 a. Willfully taking or attempting to take any immoral, improper, or
15 indecent liberties with a student for the purpose of arousing or
16 gratifying sexual desire; or
17 b. Willfully committing or attempting to commit any lewd or lascivious
18 act upon or with the body or any part or member of the body of a
19 student.

20 For purposes of this section, the term indecent liberties does not include
21 vaginal intercourse or a sexual act as defined by G.S. ~~14-27.1, 14-27.20.~~"

22 **SECTION 17.** G.S. 14-203(5) reads as rewritten:

23 "(5) Prostitution. – The performance of, offer of, or agreement to perform vaginal
24 intercourse, any sexual act as defined in G.S. ~~14-27.1, 14-27.20,~~ or any
25 sexual contact as defined in G.S. ~~14-27.1, 14-27.20,~~ for the purpose of
26 sexual arousal or gratification for any money or other consideration."

27 **SECTION 18.** G.S. 14-205.2(a) reads as rewritten:

28 "(a) Any person who willfully performs any of the following acts with a person not his
29 or her spouse commits the offense of patronizing a prostitute:

- 30 (1) Engages in vaginal intercourse, any sexual act as defined in G.S. ~~14-27.1,~~
31 ~~14-27.20,~~ or any sexual contact as defined in G.S. ~~14-27.1, 14-27.20,~~ for the
32 purpose of sexual arousal or gratification with a prostitute.
33 (2) Enters or remains in a place of prostitution with intent to engage in vaginal
34 intercourse, any sexual act as defined in G.S. ~~14-27.1, 14-27.20,~~ or any
35 sexual contact as defined in G.S. ~~14-27.1, 14-27.20,~~ for the purpose of
36 sexual arousal or gratification."

37 **SECTION 19.** G.S. 15A-136 reads as rewritten:

38 **"§ 15A-136. Venue for sexual offenses.**

39 If a person is transported by any means, with the intent to violate any of the provisions of
40 Article 7A of Chapter 14 (§ ~~14-27.1, 14-27.20~~ et seq.) of the General Statutes and the intent is
41 followed by actual violation thereof, the defendant may be tried in the county where
42 transportation was offered, solicited, begun, continued or ended."

43 **SECTION 20.** G.S. 50-16.1A(3) reads as rewritten:

44 "(3) "Marital misconduct" means any of the following acts that occur during the
45 marriage and prior to or on the date of separation:

- 46 a. Illicit sexual behavior. For the purpose of this section, illicit sexual
47 behavior means acts of sexual or deviate sexual intercourse, deviate
48 sexual acts, or sexual acts defined in G.S. ~~14-27.1(4), 14-27.20(4),~~
49 voluntarily engaged in by a spouse with someone other than the other
50 spouse;

- 1 b. Involuntary separation of the spouses in consequence of a criminal
2 act committed prior to the proceeding in which alimony is sought;
3 c. Abandonment of the other spouse;
4 d. Malicious turning out-of-doors of the other spouse;
5 e. Cruel or barbarous treatment endangering the life of the other spouse;
6 f. Indignities rendering the condition of the other spouse intolerable
7 and life burdensome;
8 g. Reckless spending of the income of either party, or the destruction,
9 waste, diversion, or concealment of assets;
10 h. Excessive use of alcohol or drugs so as to render the condition of the
11 other spouse intolerable and life burdensome;
12 i. Willful failure to provide necessary subsistence according to one's
13 means and condition so as to render the condition of the other spouse
14 intolerable and life burdensome."

15 **SECTION 21.** G.S. 7B-101(1) reads as rewritten:

- 16 "(1) Abused juveniles. – Any juvenile less than 18 years of age whose parent,
17 guardian, custodian, or caretaker:
18 a. Inflicts or allows to be inflicted upon the juvenile a serious physical
19 injury by other than accidental means;
20 b. Creates or allows to be created a substantial risk of serious physical
21 injury to the juvenile by other than accidental means;
22 c. Uses or allows to be used upon the juvenile cruel or grossly
23 inappropriate procedures or cruel or grossly inappropriate devices to
24 modify behavior;
25 d. Commits, permits, or encourages the commission of a violation of
26 the following laws by, with, or upon the juvenile: first-degree rape,
27 as provided in G.S. ~~14-27.2;~~14-27.21; rape of a child by an adult
28 offender, as provided in G.S. ~~14-27.2A;~~14-27.23; second degree rape
29 as provided in G.S. ~~14-27.3;~~14-27.22; first-degree sexual offense, as
30 provided in G.S. ~~14-27.4;~~14-27.26; sexual offense with a child by an
31 adult offender, as provided in G.S. ~~14-27.4A;~~14-27.28; second
32 degree sexual offense, as provided in G.S. ~~14-27.5;~~14-27.27; sexual
33 act by a custodian, as provided in G.S. ~~14-27.7;~~14-27.31; unlawful
34 sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14;
35 crime against nature, as provided in G.S. 14-177; incest, as provided
36 in G.S. 14-178; preparation of obscene photographs, slides, or
37 motion pictures of the juvenile, as provided in G.S. 14-190.5;
38 employing or permitting the juvenile to assist in a violation of the
39 obscenity laws as provided in G.S. 14-190.6; dissemination of
40 obscene material to the juvenile as provided in G.S. 14-190.7 and
41 G.S. 14-190.8; displaying or disseminating material harmful to the
42 juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and
43 second degree sexual exploitation of the juvenile as provided in
44 G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the
45 juvenile as provided in G.S. 14-205.3(b); and taking indecent
46 liberties with the juvenile, as provided in G.S. 14-202.1;
47 e. Creates or allows to be created serious emotional damage to the
48 juvenile; serious emotional damage is evidenced by a juvenile's
49 severe anxiety, depression, withdrawal, or aggressive behavior
50 toward himself or others;

- 1 f. Encourages, directs, or approves of delinquent acts involving moral
2 turpitude committed by the juvenile; or
3 g. Commits or allows to be committed an offense under G.S. 14-43.11
4 (human trafficking), G.S. 14-43.12 (involuntary servitude), or
5 G.S. 14-43.13 (sexual servitude) against the child."

6 **SECTION 22.** G.S. 7B-401.1(b) reads as rewritten:

7 "(b) Parents. – The juvenile's parent shall be a party unless one of the following applies:

- 8 (1) The parent's rights have been terminated.
9 (2) The parent has relinquished the juvenile for adoption, unless the court orders
10 that the parent be made a party.
11 (3) The parent has been convicted under G.S. ~~14-27.2~~14-27.21 or
12 G.S. ~~14-27.3~~14-27.22 for an offense that resulted in the conception of the
13 juvenile."

14 **SECTION 23.** G.S. 7B-1103(c) reads as rewritten:

15 "(c) No person whose actions resulted in a conviction under G.S. ~~14-27.2~~14-27.2 or
16 G.S. ~~14-27.3~~14-27.22 and the conception of the juvenile may file a petition to terminate the
17 parental rights of another with respect to that juvenile."

18 **SECTION 24.** G.S. 7B-1104(3) reads as rewritten:

19 "(3) The name and address of the parents of the juvenile. If the name or address
20 of one or both parents is unknown to the petitioner or movant, the petitioner
21 or movant shall set forth with particularity the petitioner's or movant's efforts
22 to ascertain the identity or whereabouts of the parent or parents. The
23 information may be contained in an affidavit attached to the petition or
24 motion and incorporated therein by reference. A person whose actions
25 resulted in a conviction under G.S. ~~14-27.2~~14-27.21 or G.S. ~~14-27.3~~14-27.22
26 and the conception of the juvenile need not be named in the petition."

27 **SECTION 25.** G.S. 7B-1602(a) reads as rewritten:

28 "(a) When a juvenile is committed to the Division for placement in a youth development
29 center for an offense that would be first degree murder pursuant to G.S. 14-17, first-degree rape
30 pursuant to G.S. ~~14-27.2~~14-27.21, or first-degree sexual offense pursuant to
31 G.S. ~~14-27.4~~14-27.26 if committed by an adult, jurisdiction shall continue until terminated by
32 order of the court or until the juvenile reaches the age of 21 years, whichever occurs first."

33 **SECTION 26.** G.S. 7B-2509 reads as rewritten:

34 **"§ 7B-2509. Registration of certain delinquent juveniles.**

35 In any case in which a juvenile, who was at least 11 years of age at the time of the offense,
36 is adjudicated delinquent for committing a violation of G.S. ~~14-27.2~~14-27.21 (first-degree
37 rape), G.S. ~~14-27.3~~14-27.22 (second degree rape), G.S. ~~14-27.4~~14-27.4 (first-degree sexual
38 offense), G.S. ~~14-27.5~~14-27.27 (second degree sexual offense), or G.S. 14-27.6 (attempted rape
39 or sexual offense), the judge, upon a finding that the juvenile is a danger to the community,
40 may order that the juvenile register in accordance with Part 4 of Article 27A of Chapter 14 of
41 the General Statutes."

42 **SECTION 27.** G.S. 7B-2513(a)(1) reads as rewritten:

43 "(1) The twenty-first birthday of the juvenile if the juvenile has been committed
44 to the Division for an offense that would be first-degree murder pursuant to
45 G.S. 14-17, first-degree rape pursuant to G.S. ~~14-27.2~~14-27.21, or
46 first-degree sexual offense pursuant to G.S. ~~14-27.4~~14-27.26 if committed
47 by an adult;"

48 **SECTION 28.** G.S. 7B-2514(c)(2) reads as rewritten:

49 "(2) The juvenile's twenty-first birthday if the juvenile has been committed to the
50 Division for an offense that would be first-degree murder pursuant to
51 G.S. 14-17, first-degree rape pursuant to G.S. ~~14-27.2~~14-27.21, or

1 first-degree sexual offense pursuant to G.S. ~~14-27.4~~14-27.26 if committed
2 by an adult."

3 **SECTION 29.** G.S. 7B-2516(c)(1) reads as rewritten:

4 "(1) The juvenile's twenty-first birthday if the juvenile has been committed to the
5 Division for an offense that would be first-degree murder pursuant to
6 G.S. 14-17, first-degree rape pursuant to G.S. ~~14-27.2,14-27.2~~, or
7 first-degree sexual offense pursuant to G.S. ~~14-27.4~~14-27.26 if committed
8 by an adult."

9 **SECTION 30.** G.S. 7B-2600(c) reads as rewritten:

10 "(c) In any case where the court finds the juvenile to be delinquent or undisciplined, the
11 jurisdiction of the court to modify any order or disposition made in the case shall continue (i)
12 during the minority of the juvenile, (ii) until the juvenile reaches the age of 19 years if the
13 juvenile has been adjudicated delinquent and committed to the Division for an offense that
14 would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set
15 forth in G.S. 7B-1602(a), (iii) until the juvenile reaches the age of 21 years if the juvenile has
16 been adjudicated delinquent and committed for an offense that would be first-degree murder
17 pursuant to G.S. 14-17, first-degree rape pursuant to G.S. ~~14-27.2,14-27.2~~, or first-degree
18 sexual offense pursuant to G.S. ~~14-27.4~~14-27.26 if committed by an adult, or (iv) until
19 terminated by order of the court."

20 **SECTION 31.** G.S. 8-53.12(a)(7) reads as rewritten:

21 "(7) Sexual assault. – Any alleged violation of G.S. ~~14-27.2,14-27.21,~~
22 ~~14-27.3,14-27.22,~~ ~~14-27.4,14-27.26,~~ ~~14-27.5,14-27.27,~~ ~~14-27.7,14-27.31,~~
23 ~~14-27.7A,14-27.25,~~ or 14-202.1, whether or not a civil or criminal action
24 arises as a result of the alleged violation."

25 **SECTION 32.** G.S. 14-208.6(5) reads as rewritten:

26 "(5) "Sexually violent offense" means a violation of G.S. ~~14-27.2~~14-27.21 (first
27 degree rape), G.S. ~~14-27.2A~~14-27.23 (rape of a child; adult offender),
28 G.S. ~~14-27.3~~14-27.22 (second degree rape), G.S. ~~14-27.4~~14-27.26 (first
29 degree sexual offense), G.S. ~~14-27.4A~~14-27.28 (sex offense with a child;
30 adult offender), G.S. ~~14-27.5~~14-27.27 (second degree sexual offense),
31 G.S. ~~14-27.5A~~14-27.33 (sexual battery), former G.S. 14-27.6 (attempted
32 rape or sexual offense), G.S. ~~14-27.7~~14-27.31 (intercourse and sexual
33 offense with certain victims), G.S. ~~14-27.7A(a)~~14-27.25(a) (statutory rape or
34 sexual offense of person who is 13-, 14-, or 15-years-old where the
35 defendant is at least six years older), G.S. 14-43.11 (human trafficking) if (i)
36 the offense is committed against a minor who is less than 18 years of age or
37 (ii) the offense is committed against any person with the intent that they be
38 held in sexual servitude, G.S. 14-43.13 (subjecting or maintaining a person
39 for sexual servitude), G.S. 14-178 (incest between near relatives),
40 G.S. 14-190.6 (employing or permitting minor to assist in offenses against
41 public morality and decency), G.S. 14-190.9(a1) (felonious indecent
42 exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor),
43 G.S. 14-190.17 (second degree sexual exploitation of a minor),
44 G.S. 14-190.17A (third degree sexual exploitation of a minor),
45 G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3
46 (Solicitation of child by computer or certain other electronic devices to
47 commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with
48 a student), G.S. 14-205.2(c) or (d) (patronizing a prostitute who is a minor or
49 a mentally disabled person), G.S. 14-205.3(b) (promoting prostitution of a
50 minor or a mentally disabled person), G.S. 14-318.4(a1) (parent or caretaker
51 commit or permit act of prostitution with or by a juvenile), or

1 G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by
2 parent or guardian). The term also includes the following: a solicitation or
3 conspiracy to commit any of these offenses; aiding and abetting any of these
4 offenses."

5 **SECTION 33.** G.S. 14-208.26(a) reads as rewritten:

6 "Part 4. Registration of Certain Juveniles Adjudicated for Committing Certain Offenses.

7 **§ 14-208.26. Registration of certain juveniles adjudicated delinquent for committing**
8 **certain offenses.**

9 "(a) When a juvenile is adjudicated delinquent for a violation of G.S. ~~14-27.2~~14-27.21
10 (first degree rape), G.S. ~~14-27.3~~14-27.22 (second degree rape), G.S. ~~14-27.4~~14-27.26 (first
11 degree sexual offense), G.S. ~~14-27.5~~14-27.27 (second degree sexual offense), or former
12 G.S. 14-27.6 (attempted rape or sexual offense), and the juvenile was at least eleven years of
13 age at the time of the commission of the offense, the court shall consider whether the juvenile is
14 a danger to the community. If the court finds that the juvenile is a danger to the community,
15 then the court shall consider whether the juvenile should be required to register with the county
16 sheriff in accordance with this Part. The determination as to whether the juvenile is a danger to
17 the community and whether the juvenile shall be ordered to register shall be made by the
18 presiding judge at the dispositional hearing. If the judge rules that the juvenile is a danger to the
19 community and that the juvenile shall register, then an order shall be entered requiring the
20 juvenile to register. The court's findings regarding whether the juvenile is a danger to the
21 community and whether the juvenile shall register shall be entered into the court record. No
22 juvenile may be required to register under this Part unless the court first finds that the juvenile
23 is a danger to the community.

24 A juvenile ordered to register under this Part shall register and maintain that registration as
25 provided by this Part."

26 **SECTION 34.** G.S. 48-3-603(a)(9) reads as rewritten:

27 "(9) An individual whose actions resulted in a conviction under
28 G.S. ~~14-27.2~~,14-27.21, G.S. ~~14-27.2A~~,14-27.23, or G.S. ~~14-27.3~~14-27.22
29 and the conception of the minor to be adopted."

30 **SECTION 35.** G.S. 50-13.1(a) reads as rewritten:

31 "(a) Any parent, relative, or other person, agency, organization or institution claiming
32 the right to custody of a minor child may institute an action or proceeding for the custody of
33 such child, as hereinafter provided. Any person whose actions resulted in a conviction under
34 G.S. ~~14-27.2~~,14-27.21, G.S. ~~14-27.2A~~,14-27.23, or G.S. ~~14-27.3~~14-27.22 and the conception of
35 the minor child may not claim the right to custody of that minor child. Unless a contrary intent
36 is clear, the word "custody" shall be deemed to include custody or visitation or both."

37 **SECTION 36.** G.S. 50B-1(a)(3) reads as rewritten:

38 "(3) Committing any act defined in G.S. ~~14-27.2~~14-27.21 through
39 G.S. ~~14-27.7~~,14-27.31."

40 **SECTION 37.** G.S. 90-171.38(b) reads as rewritten:

41 "(b) Any individual, organization, association, corporation, or institution may establish a
42 program for the purpose of training or educating any registered nurse licensed under
43 G.S. 90-171.30, 90-171.32, or 90-171.33 in the skills, procedures, and techniques necessary to
44 conduct examinations for the purpose of collecting evidence from the victims of first-degree
45 rape as defined in G.S. ~~14-27.2~~,14-27.21, second-degree rape as defined in
46 G.S. ~~14-27.3~~,14-27.22, statutory rape as defined in G.S. ~~14-27.7A~~,14-27.25, first-degree sexual
47 offense as defined in G.S. ~~14-27.4~~,14-27.26, second-degree sexual offense as defined in
48 G.S. ~~14-27.5~~14-27.27 or attempted first-degree or second-degree rape or attempted first-degree
49 or second-degree sexual offense. The Board, pursuant to G.S. 90-171.23(b)(14), shall establish,
50 revise, or repeal standards for any such program. Any individual, organization, association,
51 corporation, or institution which desires to establish a program under this subsection shall apply

1 to the Board and submit satisfactory evidence that it will meet the standards prescribed by the
2 Board."

3 **SECTION 38.** G.S. 143B-1200(i)(3) reads as rewritten:

4 "(3) Sexual assault. – Any of the following crimes:

- 5 a. First-degree rape as defined in G.S. ~~14-27.2~~14-27.21.
- 6 b. Second degree rape as defined in G.S. ~~14-27.3~~14-27.22.
- 7 c. First-degree sexual offense as defined in G.S. ~~14-27.4~~14-27.26.
- 8 d. Second degree sexual offense as defined in G.S. ~~14-27.5~~14-27.27.
- 9 e. Statutory rape as defined in G.S. ~~14-27.7A~~14-27.25."

10 **SECTION 39.** G.S. 14-401.16(c) reads as rewritten:

11 "(c) A violation of this section is a Class H felony. However, if a person violates this
12 section with the intent of committing an offense under G.S. ~~14-27.3~~14-27.22 or
13 G.S. ~~14-27.5~~14-27.27, the violation is a Class G felony."

14 **SECTION 40.** G.S. 14-208.40(a)(3) reads as rewritten:

15 "(3) Any offender who is convicted of G.S. ~~14-27.2A~~14-27.23 or
16 G.S. ~~14-27.4A~~14-27.28, who shall be enrolled in the satellite-based
17 monitoring program for the offender's natural life upon termination of the
18 offender's active punishment."

19 **SECTION 41.** G.S. 14-208.40A reads as rewritten:

20 **"§ 14-208.40A. Determination of satellite-based monitoring requirement by court.**

21 (a) When an offender is convicted of a reportable conviction as defined by
22 G.S. 14-208.6(4), during the sentencing phase, the district attorney shall present to the court
23 any evidence that (i) the offender has been classified as a sexually violent predator pursuant to
24 G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated
25 offense, (iv) the conviction offense was a violation of G.S. ~~14-27.2A~~14-27.23 or
26 G.S. ~~14-27.4A~~14-27.28, or (v) the offense involved the physical, mental, or sexual abuse of a
27 minor. The district attorney shall have no discretion to withhold any evidence required to be
28 submitted to the court pursuant to this subsection.

29 The offender shall be allowed to present to the court any evidence that the district attorney's
30 evidence is not correct.

31 (b) After receipt of the evidence from the parties, the court shall determine whether the
32 offender's conviction places the offender in one of the categories described in
33 G.S. 14-208.40(a), and if so, shall make a finding of fact of that determination, specifying
34 whether (i) the offender has been classified as a sexually violent predator pursuant to
35 G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated
36 offense, (iv) the conviction offense was a violation of G.S. ~~14-27.2A~~14-27.23 or
37 G.S. ~~14-27.4A~~14-27.28, or (v) the offense involved the physical, mental, or sexual abuse of a
38 minor.

39 (c) If the court finds that the offender has been classified as a sexually violent predator,
40 is a recidivist, has committed an aggravated offense, or was convicted of
41 G.S. ~~14-27.2A~~14-27.23 or G.S. ~~14-27.4A~~14-27.28, the court shall order the offender to enroll
42 in a satellite-based monitoring program for life.

43 (d) If the court finds that the offender committed an offense that involved the physical,
44 mental, or sexual abuse of a minor, that the offense is not an aggravated offense or a violation
45 of G.S. ~~14-27.2A~~14-27.23 or G.S. ~~14-27.4A~~14-27.28 and the offender is not a recidivist, the
46 court shall order that the Division of Adult Correction do a risk assessment of the offender. The
47 Division of Adult Correction shall have a minimum of 30 days, but not more than 60 days, to
48 complete the risk assessment of the offender and report the results to the court.

49 (e) Upon receipt of a risk assessment from the Division of Adult Correction pursuant to
50 subsection (d) of this section, the court shall determine whether, based on the Division of Adult
51 Correction's risk assessment, the offender requires the highest possible level of supervision and

1 monitoring. If the court determines that the offender does require the highest possible level of
2 supervision and monitoring, the court shall order the offender to enroll in a satellite-based
3 monitoring program for a period of time to be specified by the court."

4 **SECTION 42.** G.S. 14-208.40B(c) reads as rewritten:

5 "(c) At the hearing, the court shall determine if the offender falls into one of the
6 categories described in G.S. 14-208.40(a). The court shall hold the hearing and make findings
7 of fact pursuant to G.S. 14-208.40A.

8 If the court finds that (i) the offender has been classified as a sexually violent predator
9 pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an
10 aggravated offense, or (iv) the conviction offense was a violation of G.S. ~~14-27.2A~~14-27.23 or
11 G.S. ~~14-27.4A~~14-27.4A, the court shall order the offender to enroll in satellite-based
12 monitoring for life.

13 If the court finds that the offender committed an offense that involved the physical, mental,
14 or sexual abuse of a minor, that the offense is not an aggravated offense or a violation of
15 G.S. ~~14-27.2A~~14-27.23 or G.S. ~~14-27.4A~~14-27.28, and the offender is not a recidivist, the
16 court shall order that the Division of Adult Correction do a risk assessment of the offender. The
17 Division of Adult Correction shall have a minimum of 30 days, but not more than 60 days, to
18 complete the risk assessment of the offender and report the results to the court. The Division of
19 Adult Correction may use a risk assessment of the offender done within six months of the date
20 of the hearing.

21 Upon receipt of a risk assessment from the Division of Adult Correction, the court shall
22 determine whether, based on the Division of Adult Correction's risk assessment, the offender
23 requires the highest possible level of supervision and monitoring. If the court determines that
24 the offender does require the highest possible level of supervision and monitoring, the court
25 shall order the offender to enroll in a satellite-based monitoring program for a period of time to
26 be specified by the court."

27 **SECTION 43.** G.S. 15A-145.5(a)(4) reads as rewritten:

28 "(4) Any of the following sex-related or stalking offenses:
29 G.S. ~~14-27.7A(b)~~14-27.25(b), 14-190.7, 14-190.8, 14-190.9, 14-202,
30 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1."

31 **SECTION 44.** G.S. 15A-145.4(5) reads as rewritten:

32 "(5) Any felony offense under the following sex-related or stalking offenses:
33 G.S. ~~14-27.7A(b)~~14-27.25(b), 14-190.7, 14-190.8, 14-202, 14-208.11A,
34 14-208.18, 14-277.3, 14-277.3A, 14-321.1."

35 **SECTION 45.** G.S. 90-210.25B(b) reads as rewritten:

36 "(b) For purposes of this Article, the term "sexual offense against a minor" means a
37 conviction of any of the following offenses: G.S. ~~14-27.4A(a)~~14-27.28(a) (sex offense with a
38 child; adult offender), G.S. ~~14-27.7A~~14-27.25 (statutory rape or sexual offense of person who
39 is 13, 14, or 15 years old where the defendant is at least six years older), G.S. 14-190.16
40 (first-degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation
41 of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18
42 (promoting prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor),
43 G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by
44 computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a)
45 (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or
46 permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing
47 of sexual act upon a juvenile by parent or guardian). The term shall also include a conviction of
48 the following: any attempt, solicitation, or conspiracy to commit any of these offenses or any
49 aiding and abetting any of these offenses. The term shall also include a conviction in another
50 jurisdiction for an offense which if committed in this State has the same or substantially similar
51 elements to an offense against a minor as defined by this section."

1 **SECTION 46.** G.S. 15A-290(c)(1) reads as rewritten:

2 "(1) Any felony offense against a minor, including any violation of
3 G.S. ~~14-27.7~~14-27.31 (Intercourse and sexual offenses with certain victims;
4 consent no defense), G.S. 14-41 (Abduction of children), G.S. 14-43.11
5 (Human trafficking), G.S. 14-43.12 (Involuntary servitude), G.S. 14-43.13
6 (Sexual servitude), G.S. 14-190.16 (First degree sexual exploitation of a
7 minor), G.S. 14-190.17 (Second degree sexual exploitation of a minor),
8 G.S. 14-202.1 (Taking indecent liberties with children), G.S. 14-205.2(c) or
9 (d) (Patronizing a prostitute who is a minor or a mentally disabled person),
10 or G.S. 14-205.3(b) (Promoting prostitution of a minor or a mentally
11 disabled person)."

12 **SECTION 47.** The Revisor of Statutes may correct statutory references as required
13 by this act, throughout the General Statutes. In making the changes authorized by this act, the
14 Revisor may also adjust subject and verb agreement and the placement of conjunctions.

15 **SECTION 48.** This act becomes effective October 1, 2015, and applies to offenses
16 committed on or after that date. Prosecutions for offenses committed before the effective date
17 of this act are not abated or affected by this act and the statutes that would be applicable but for
18 this act remain applicable to those prosecutions.