

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 868
Judiciary II Committee Substitute Adopted 4/24/03

Short Title: Assault in the Presence of a Child.

(Public)

Sponsors:

Referred to:

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE
3 PRESENCE OF A CHILD.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-33(c) is amended by adding a new subdivision to read:

6 "(c) Unless the conduct is covered under some other provision of law providing
7 greater punishment, any person who commits any assault, assault and battery, or affray
8 is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery,
9 or affray, he or she:

10 ...

11 (7) Commits an assault on a minor by committing, in the presence of the
12 minor, an assault with a deadly weapon or an assault that inflicts
13 serious injury on a person with whom the person committing the
14 assault has a personal relationship. The following definitions shall
15 apply in this subdivision:

16 a. "In the presence of a minor" means:

17 1. In the physical presence of the minor; or

18 2. Having knowledge that a child is present and may see or
19 hear the offense.

20 b. "Minor" is any person under the age of 18 years who is residing
21 with or is under the care and supervision of, and who has a
22 personal relationship with, the person assaulted or the person
23 committing the assault.

24 c. "Personal relationship" is as defined in G.S. 50B-1(b)."

25 **SECTION 2.** This act becomes effective December 1, 2003, and applies to
26 offenses committed on or after that date.