

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE PRINCIPAL CLERK

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HOUSE DRH90072-LH-162 (03/18)

Short Title: Minor Can't Be Prosecuted for Prostitution. (Public)

Sponsors: Representatives Glazier, McGrady, and Jordan (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A MINOR SHALL NOT BE PROSECUTED FOR THE
3 OFFENSE OF PROSTITUTION AND IF DETAINED FOR THAT OFFENSE SHALL BE
4 SUBJECT TO TEMPORARY PROTECTIVE CUSTODY AS PROVIDED BY THE
5 STATE JUVENILE LAWS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 27 of Chapter 14 of the General Statutes is amended by
8 adding a new section to read:

9 **"§14-208.1. No prosecution of minor for prostitution; minor engaged in prostitution**
10 **taken into temporary custody as abused juvenile and reported to department**
11 **of social services.**

12 (a) For purposes of this section, the term "minor" has the same definition as
13 G.S. 14-190.13.

14 (b) No minor shall be prosecuted for a violation of this Article.

15 (c) Notwithstanding G.S. 14-208, if it is determined after a reasonable detention for
16 investigative purposes that a person suspected of or charged with a violation of this Article is a
17 minor, that person shall be immune from prosecution under this Article and instead shall be
18 subject to the temporary protective custody provision of G.S. 7B-1900, 7B-1901, and 7B-1905.
19 Pursuant to the provisions of G.S. 7B-301, a law enforcement officer who takes a minor into
20 custody under this section shall immediately report an allegation of a violation of G.S. 14-43.11
21 and G.S. 14-43.13 to the director of the department of social services in the county where the
22 minor resides or is found, as appropriate, which shall commence an initial investigation into
23 child abuse or child neglect within 24 hours pursuant to G.S. 7B-301 and G.S. 7B-302."

24 **SECTION 2.** G.S. 7B-101(1) reads as rewritten:

25 **"§ 7B-101. Definitions.**

26 As used in this Subchapter, unless the context clearly requires otherwise, the following
27 words have the listed meanings:

- 28 (1) Abused juveniles. – Any juvenile less than 18 years of age whose parent,
29 guardian, custodian, or caretaker:
- 30 a. Inflicts or allows to be inflicted upon the juvenile a serious physical
31 injury by other than accidental means;
 - 32 b. Creates or allows to be created a substantial risk of serious physical
33 injury to the juvenile by other than accidental means;
 - 34 c. Uses or allows to be used upon the juvenile cruel or grossly
35 inappropriate procedures or cruel or grossly inappropriate devices to
36 modify behavior;



- 1 d. Commits, permits, or encourages the commission of a violation of
- 2 the following laws by, with, or upon the juvenile: first-degree rape,
- 3 as provided in G.S. 14-27.2; rape of a child by an adult offender, as
- 4 provided in G.S. 14-27.2A; second degree rape as provided in
- 5 G.S. 14-27.3; first-degree sexual offense, as provided in
- 6 G.S. 14-27.4; sexual offense with a child by an adult offender, as
- 7 provided in G.S. 14-27.4A; second degree sexual offense, as
- 8 provided in G.S. 14-27.5; sexual act by a custodian, as provided in
- 9 G.S. 14-27.7; unlawful sale, surrender, or purchase of a minor, as
- 10 provided in G.S. 14-43.14; crime against nature, as provided in
- 11 G.S. 14-177; incest, as provided in G.S. 14-178; preparation of
- 12 obscene photographs, slides, or motion pictures of the juvenile, as
- 13 provided in G.S. 14-190.5; employing or permitting the juvenile to
- 14 assist in a violation of the obscenity laws as provided in
- 15 G.S. 14-190.6; dissemination of obscene material to the juvenile as
- 16 provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or
- 17 disseminating material harmful to the juvenile as provided in
- 18 G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual
- 19 exploitation of the juvenile as provided in G.S. 14-190.16 and
- 20 G.S. 14-190.17; promoting the prostitution of the juvenile as
- 21 provided in G.S. 14-190.18; and taking indecent liberties with the
- 22 juvenile, as provided in G.S. 14-202.1;
- 23 e. Creates or allows to be created serious emotional damage to the
- 24 juvenile; serious emotional damage is evidenced by a juvenile's
- 25 severe anxiety, depression, withdrawal, or aggressive behavior
- 26 toward himself or others;~~or~~
- 27 f. Encourages, directs, or approves of delinquent acts involving moral
- 28 turpitude committed by the ~~juvenile~~;juvenile;
- 29 g. Commits or allows to be committed an offense under G.S. 14-43.11
- 30 (human trafficking), G.S. 14-43.12 (involuntary servitude), or
- 31 G.S. 14-43.13 (sexual servitude against the child).
- 32
- 33 **SECTION 3.** This act becomes effective October 1, 2013.