

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 748
Committee Substitute Favorable 4/26/23

Short Title: Felony Child Abuse/Expand Scope.

(Public)

Sponsors:

Referred to:

April 19, 2023

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IT IS FELONY CHILD ABUSE FOR ANY PERSON PROVIDING CARE TO OR SUPERVISION OF A CHILD LESS THAN SIXTEEN YEARS OF AGE TO COMMIT OR ALLOW THE COMMISSION OF A SEXUAL ACT UPON THE CHILD, TO PROVIDE THAT IT IS FELONY CHILD ABUSE FOR ANY PERSON PROVIDING CARE TO OR SUPERVISION OF A CHILD LESS THAN SIXTEEN YEARS OF AGE TO INTENTIONALLY AND ROUTINELY INFLICT PHYSICAL INJURY ON THAT CHILD, AND TO MAKE A TECHNICAL CHANGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-318.4 reads as rewritten:

"§ 14-318.4. **Child abuse a felony.**

(a) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious physical injury upon or to the child or who intentionally commits an assault upon the child which results in any serious physical injury to the child is guilty of a Class D felony, except as otherwise provided in subsection (a3) of this section.

(a1) ~~Any A parent or any other person providing care to or supervision of a child less than 16 years of age, or any other person providing care to or supervision of the child, age~~ who commits, permits, or encourages any act of prostitution with or by the child is guilty of child abuse and shall be punished as a Class D felon.

(a2) ~~Any A parent or legal guardian of any other person providing care to or supervision of a child less than 16 years of age who commits or allows the commission of any sexual act upon the child is guilty of a Class D felony.~~

(a3) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious bodily injury to the child or who intentionally commits an assault upon the child which results in any serious bodily injury to the child, or which results in permanent or protracted loss or impairment of any mental or emotional function of the child, is guilty of a Class B2 felony.

(a4) ~~A parent or any other person providing care to or supervision of a child less than 16 years of age who, for the purpose of causing fear, emotional injury, or deriving sexual gratification, intentionally and routinely (i) inflicts physical injury on that child and (ii) deprives that child of necessary food, clothing, shelter, or proper physical care is guilty of a Class B2 felony.~~

(a4)(a5) A parent or any other person providing care to or supervision of a child less than 16 years of age whose willful act or grossly negligent omission in the care of the child shows a



1 reckless disregard for human life is guilty of a Class E felony if the act or omission results in
2 serious bodily injury to the child.

3 ~~(a5)(a7)~~ A parent or any other person providing care to or supervision of a child less than
4 16 years of age whose willful act or grossly negligent omission in the care of the child shows a
5 reckless disregard for human life is guilty of a Class G felony if the act or omission results in
6 serious physical injury to the child.

7 ~~(a6)~~ ~~For purposes of this section, a "grossly negligent omission" in providing care to or~~
8 ~~supervision of a child includes the failure to report a child as missing to law enforcement as~~
9 ~~provided in G.S. 14-318.5(b).~~

10 (b) The felony of child abuse is an offense additional to other civil and criminal
11 provisions and is not intended to repeal or preclude any other sanctions or remedies.

12 (c) Abandonment of an infant less than seven days of age pursuant to G.S. 14-322.3 may
13 be treated as a mitigating factor in sentencing for a conviction under this section involving that
14 infant.

15 (d) The following definitions apply in this section:

16 (1) Grossly negligent omission. – In the context of providing care to or
17 supervision of a child, this term includes the failure to report a child as missing
18 to law enforcement as provided in G.S. 14-318.5(b).

19 (2) Serious bodily injury. – Bodily injury that creates a substantial risk of death
20 or that causes serious permanent disfigurement, coma, a permanent or
21 protracted condition that causes extreme pain, or permanent or protracted loss
22 or impairment of the function of any bodily member or organ, or that results
23 in prolonged hospitalization.

24 ~~(2)~~(3) Serious physical injury. – Physical injury that causes great pain and suffering.
25 The term includes serious mental injury."

26 **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses
27 committed on or after that date.