



HOUSE BILL 113: Protect Our Students Act

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-44

Date:

Prepared by: Susan Sitze
Committee Counsel

SUMMARY: *S.L. 2015-44 increases the criminal penalty for the commission of certain sex offenses committed against a student by a person who is school personnel and establishes a procedure for institutions of higher education to obtain a list of students and employees at the institution who are registered as sex offenders.*

This act became effective December 1, 2015.

CURRENT LAW:

For purposes of Sections 2 and 3 of the act, "school personnel" includes:

- Any employee of a local board of education whether full-time or part-time.
- Any independent contractor or employee of an independent contractor of a local board of education, if the independent contractor carries out duties customarily performed by school personnel.
- Substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians.
- Any person who volunteers at a school or a school-sponsored activity.

For purposes of Section 4 of the act, "institution of higher education" means any postsecondary public or private educational institution, including any trade or professional institution, college or university. Persons required to register as a sex offender must state whether they are a student or employee, or expect to become a student or employee within a year, of any institution of higher education.

BILL ANALYSIS:

Section 1 provides that the act is known as the "Protect Our Students Act".

Section 2 of the act increases the penalty for a defendant who engages in vaginal intercourse or a sexual act with a student, when the defendant is school personnel (not a teacher, school administrator, student teacher, school safety officer, or coach) and is less than four years older than the student, from a Class A1 misdemeanor to a Class I felony.

Section 3 of the act increases the penalty for a defendant who takes indecent liberties with a student, when the defendant is school personnel (not a teacher, school administrator, student teacher, school safety officer, or coach) and is less than four years older than the student, from a Class A1 misdemeanor to a Class I felony. This section also clarifies that the term "school personnel", as used in both Section 2 and Section 3 of this act, includes persons employed by a nonpublic, charter, or regional school.

Section 4 of the act allows an institution of higher education to obtain, from the Sheriff of the county in which the institution is located, a report of all the persons on the sex offender registry who have stated that they are a student or employee, or expect to become a student or employee of that institution.

O. Walker Reagan
Director



Research Division
(919) 733-2578

House Bill 113

Page 2

EFFECTIVE DATE: This act becomes effective December 1, 2015. Sections 2 and 3 of this act apply to offenses committed on or after that date.