



HOUSE BILL 383: Clarify Statutory Scheme/Sex Offenses

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-181

Date:

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Staff Attorney

SUMMARY: *S.L. 2015-181 reorganizes, renames, and renumbers various sexual offenses to make them more easily distinguishable from one another, as recommended by the North Carolina Court of Appeals in a published opinion. The act also clarifies that to be guilty of statutory rape or statutory sexual offense with a person who is 15 years of age or younger, the defendant must be at least 12 years old.*

This act became effective December 1, 2015, and applies to offenses committed on or after that date.

CURRENT LAW: In February 2015, as part of its opinion in *State of North Carolina v. Slade Weston Hicks, Jr.*, the North Carolina Court of Appeals stated the following:

"Given the frequency with which these errors arise, we strongly urge the General Assembly to consider reorganizing, renaming, and renumbering the various sexual offenses to make them more easily distinguishable from one another. Currently, there is no uniformity in how the various offenses are referenced, and efforts to distinguish the offenses only lead to more confusion. For example, because "first degree sexual offense" encompasses two different offenses, a violation of N.C. Gen.Stat. § 14-27.4(a)(1) is often referred to as "first degree sexual offense with a child" or "first degree statutory sexual offense" to distinguish the offense from "first degree sexual offense by force" under N.C. Gen.Stat. § 14-27.4(a)(2). "First degree sexual offense with a child," in turn, is easily confused with "statutory sexual offense" which could be a reference to a violation of either N.C. Gen.Stat. § 14-27.4A (officially titled "[s]exual offense with a child; adult offender") or N.C. Gen.Stat. § 14-27.7A (2013) (officially titled "[s]tatutory rape or sexual offense of person who is 13, 14, or 15 years old"). Further adding to the confusion is the similarity in the statute numbers of N.C. Gen.Stat. § 14-27.4(a)(1) and N.C. Gen.Stat. § 14-27.4A. We do not foresee an end to this confusion until the General Assembly amends the statutory scheme for sexual offenses."

BILL ANALYSIS: This act reorganizes, renames, and renumbers various sexual offenses to make them more easily distinguishable from one another.

Sections 1 through 15 recodify statutes currently in Article 7A of Chapter 14 of the General Statutes to a new Article 7B, assigning new statute numbers and separating differing conduct into separate statutes.

- **Sections 7.(b) and 12** of the act provides that to be guilty of the offenses of "Statutory rape of person who is 15 years of age or younger" (new G.S. 14-27.25) and "Statutory sexual offense with a person who is 15 years of age or younger" (new G.S. 14-27.30), the defendant must be at least 12 years old.

Sections 16 through 46 would make corresponding changes to other statutes to reference the new statute numbers.

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EFFECTIVE DATE: This act became effective December 1, 2015, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.