



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# HOUSE BILL 383: Clarify Statutory Scheme/Sex Offenses

2015-2016 General Assembly

<b>Committee:</b>	House Judiciary II	<b>Date:</b>	April 21, 2015
<b>Introduced by:</b>	Reps. Glazier, Stam, Jordan, Faircloth	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** House Bill 383 would reorganize, rename, and renumber various sexual offenses to make them more easily distinguishable from one another as recommended by the North Carolina Court of Appeals in "State of North Carolina v. Slade Weston Hicks, Jr."

[As introduced, this bill was identical to S651, as introduced by Sen. Stein, which is currently in Rules and Operations of the Senate.]

**CURRENT LAW:** In February 2015, the North Carolina Court of Appeals issued an opinion in State of North Carolina v. Slade Weston Hicks, Jr. As part of that opinion the Court 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:** House Bill 383 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 with new statute numbers and separating differing conduct into separate statutes.

**Sections 16 through 46** made corresponding changes to other statutes to reflect new statute numbers.

**EFFECTIVE DATE:** This act becomes effective October 1, 2015.

O. Walker Reagan  
Director



Research Division  
(919) 733-2578

\* H 3 8 3 - S M S A - 3 3 E 1 - V 5 \*