



HOUSE BILL 383: Clarify Statutory Scheme/Sex Offenses

2015-2016 General Assembly

Committee:	Senate Judiciary II	Date:	July 15, 2015
Introduced by:	Reps. Glazier, Stam, Jordan, Faircloth	Prepared by:	Janice Paul
Analysis of:	PCS to Second Edition H383-CSSA-77		Committee Counsel Susan Sitze Staff Attorney

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 a published opinion. The Proposed Committee Substitute (PCS) would (1) provide 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, and (2) make various technical and conforming changes to the bill.*

[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, 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: House Bill 383 would reorganize, rename, and renumber various sexual offenses to make them more easily distinguishable from one another.

Sections 1 through 15 would 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 PCS would provide 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.

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

O. Walker Reagan
Director



Research Division
(919) 733-2578

* H 3 8 3 - S M T J - 9 8 C S S A - 7 7 - V 2 *