



HOUSE BILL 393: Modernizing Sexual Assault Laws.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 26, 2019
Introduced by:	Reps. Beasley, Adams, Adcock, Boles	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H393-CSSA-18		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 393 would (i) clarify the definition of caretaker used in the juvenile code, (ii) prohibit the knowing distribution of a beverage that contains any substance that could be injurious to a person's health, and (iii) amend the definition of "mentally incapacitated" used in Article 7B of Chapter 14 of the General Statutes (Rape and Other Sex Offenses.)*

BILL ANALYSIS:

Section 1 would amend the definition of "caretaker" as it is used in the juvenile code to include any adult entrusted with the juvenile's care (previously only included adult relatives.)

Section 2 would amend G.S. 14-401.11 Distribution of Certain Food Prohibited to include the distribution of beverages that could be injurious to a person's health as well as food.

Section 3 would amend the definition of "mentally incapacitated" as it applies to rape and other sex offenses to apply to a victim who is rendered incapable by any act. Current law requires that the act be committed upon the victim or be the result of a poisonous or controlled substance provided to the victim without their knowledge or consent.

Section 4 provides that prosecutions for offenses committed before the effective date are not affected by this act.

EFFECTIVE DATE: This act would become effective December 1, 2019, and applies to offenses committed on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578