



SENATE BILL 199: Child Sex Abuse/Strengthen Laws.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	July 22, 2019
Introduced by:	Sens. Britt, Harrington, Chaudhuri	Prepared by:	Tawanda N. Foster
Analysis of:	Fifth Edition		Staff Attorney

OVERVIEW: *Senate Bill 199 does the following:*

- *Increases prosecutorial options when there are delayed reports of juveniles who are victims of violent offenses, sexual offenses, or child abuse.*
- *Expands the duty to report child abuse.*
- *Protects children from online predators.*

[As introduced, this bill was identical to H596, as introduced by Reps. Riddell, Faircloth, Torbett, B. Turner, which is currently in House Judiciary.]

CURRENT LAW:

G. S. 7B-301 requires every person who knows or has cause to suspect that a juvenile is abused, neglected, dependent, or has died as the result of maltreatment to social services. Failure to report the case of a juvenile under this statute is a Class 1 misdemeanor.

G. S. 15-1 establishes the statute of limitations for most misdemeanors as two years, with the exception of malicious misdemeanors. There is no statute of limitations for malicious misdemeanors.

G. S. 14-202.5 bans the use of commercial social networking Web sites by registered sex offenders.

- In 2017 this statute was found to be unconstitutional by the United States Supreme Court, holding that while protecting children from sex crimes is a legitimate governmental interest, the statute impermissibly restricts lawful speech in violation of the First Amendment. *See, Packingham v. North Carolina, 582 U.S. ___ (2017).*

G.S. 14-202.5A limits the civil liability of commercial networking sites when they comply with current law or make reasonable efforts to prevent registered sex offenders from accessing its site.

BILL ANALYSIS:

PART I. TITLE

Part 1 names this act, "The Sexual Assault Fast Reporting and Enforcement (Safe Child) Act of 2019."

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 199

Page 2

PART II. EXPAND DUTY TO REPORT CRIMES AGAINST JUVENILES

Part 2 adds a new section to Article 39 (Protection of Minors) of Chapter 14 of the General Statutes to require any adult who knows or should have reasonably known a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse to immediately report the case of that juvenile to the appropriate local law enforcement agency in the county where the juvenile resides or is found. The report may be made in person or by telephone.

- The report must include the following information if it is known to the reporter:
 - the name, address, and age of the juvenile;
 - the name and address of the juvenile's parent, guardian, custodian, or caretaker;
 - the name, address, and age of the person who committed the offense against the juvenile;
 - the location where the offense was committed;
 - the names and ages of other juveniles present or in danger;
 - the present whereabouts of the juvenile if not at the home address;
 - the nature and extent of any injury or condition resulting from the abuse or offense; and
 - any other information which the person making the report believes might be helpful in establishing the need for law enforcement involvement.
 - The person making the report must also give their name, address, and telephone number.
- This section also makes the failure to report that a juvenile was the victim of a violent offense, sexual offense, or misdemeanor child abuse a Class 1 misdemeanor.
- A person who makes a report in good faith is immune from any civil or criminal liability that might otherwise be incurred or imposed for that action provided that person was acting in good faith.

PART III. EXPANDING THE STATUTE OF LIMITATIONS FOR MISDEMEANOR CRIMES INVOLVING ABUSE AGAINST CHILDREN

Part 3 extends the statute of limitations to 10 years for the following misdemeanor offenses:

- Failure to report abuse, neglect, dependency or death due to maltreatment.
- Sexual battery.
- Indecent liberties between children.
- Misdemeanor child abuse.
- Failure to report crimes against juveniles.

PART IV. PROTECTING CHILDREN ONLINE FROM HIGH-RISK SEX OFFENDERS

Part 4 defines the terms "high-risk sex offender" and "commercial social networking web site." Also, this Part also makes it unlawful for a high-risk sex offender to do any of the following online:

- To communicate with a person that the offender believes is under 16 years of age.
- To contact a person that the offender believes is under 16 years of age.
- To pose falsely as a person under 16 years of age with the intent to commit an unlawful sex act with a person the offender believes is under 16 years of age.

Senate Bill 199

Page 3

- To use a Web site to gather information about a person that the offender believes is under 16 years of age.
- To use a commercial social networking Web site in violation of a policy posted in a manner reasonably likely to come to the attention of users, prohibiting convicted sex offenders from using the site.

This Part also provides a commercial social networking website that complies with the current law on prescreening registered sex offenders or makes other reasonable efforts to prevent a high-risk sex offender from using its Web site to endanger children will not be held civilly liable for damages arising out of the sex offender's communication on that site.

EFFECTIVE DATE: Parts I, II, III, and IV of this act become effective December 1, 2019, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.