



SENATE BILL 199: Child Sex Abuse/Strengthen Laws.

2019-2020 General Assembly

Committee:

Introduced by: Sens. Britt, Harrington, Chaudhuri
Analysis of: Conference Committee Substitute
(S199-CCSTV-5)

Date:

October 31, 2019

Prepared by:

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Staff Attorney

OVERVIEW: *The Proposed Conference Committee Substitute protects children from sexual abuse and strengthens and modernizes sexual assault laws.*

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

BILL ANALYSIS:

PART I. EXPAND DUTY TO REPORT CRIMES AGAINST JUVENILES

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

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

PART IV. EXTEND CIVIL STATUTE OF LIMITATIONS AND REQUIRE TRAINING

Parts I-IV were formerly in Senate Bill 199 and House Bill 37 and 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.
- Extends the statute of limitations for a civil action for child sexual abuse so that a plaintiff has until age twenty-eight to commence an action; and
- Requires training related to child sexual abuse and sex trafficking for school personnel.

PART V. RIGHT TO REVOKE CONSENT

- Creates a new definition for "against the will of the other person" to allow persons to revoke consent in a manner that would cause a reasonable person to believe consent is revoked during intercourse or a sex act.

PART VI. MODERNIZING SEXUAL ASSAULT LAWS

Part VI was formerly H393

- Clarifies the definition of the term "caretaker" used in the juvenile code.

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- Amends the current law to prohibit the knowing distribution of a beverage that contains a substance that could be injurious to a person's health.
- Amends the definition for the term "mentally incapacitated" used in Article 7B of Chapter 14

PART VII. SEX OFFENDER VICTIM RIGHTS

- Allows victims to appear and be heard by the court regarding a request for termination of the sex offender registration requirement.
- If the victim is present and wishes to be heard, the court shall grant the victim an opportunity to be reasonably heard, through an oral statement, submission of a written statement, or submission of an audio or video statement."

PART VIII. SEX OFFENDER RESIDENTIAL RESTRICTIONS

- For the purposes of sex offender residential restrictions—clarifies the term "school" includes any construction project designated for use as a public school if the governing body has notified the sheriff or sheriffs with jurisdiction within 1,000 feet of the construction project of the construction of the public school.

PART IX. SEVERABILITY CLAUSE/SAVINGS CLAUSE/EFFECTIVE DATE

EFFECTIVE DATE: Parts I, II, III, V, VI, VII, and VIII of this act become effective December 1, 2019, and apply to offenses committed on or after that date. Part IV of this act becomes effective December 1, 2019, and applies to civil actions commenced on or after that date. The remainder of this act is effective when it becomes law.