



# HOUSE BILL 748: Felony Child Abuse/Expand Scope.

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

2023-2024 General Assembly

<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 26, 2023
<b>Introduced by:</b>	Reps. D. Hall, Potts, Riddell, Crutchfield	<b>Prepared by:</b>	Anna Parsons
<b>Analysis of:</b>	PCS to First Edition H748-CSCK-15		Susan Sitze Staff Attorneys

**OVERVIEW:** *The Proposed Committee Substitute (PCS) to House Bill 748 would do all the following:*

- *Make it a Class D felony for a person caring for or supervising a child to commit or allow to be committed a sexual act on the child.*
- *Create a Class B2 felony offense for routinely inflicting physical injury on or depriving a child of necessary food, clothing, shelter, or physical care.*
- *Make technical changes.*

**CURRENT LAW:** G.S. 14-318.4 describes the law on felony child abuse. Currently, it is a felony offense for a parent or other person providing care to or supervision of a child less than 16 years of age to do the following:

- Intentionally inflict serious physical injury or intentionally commit an assault which results in serious physical injury to the child. (Class D felony)
- Commit, permit, or encourage prostitution with or by the child. (Class D felony)
- Intentionally inflict serious bodily injury or intentionally commit an assault which results in serious bodily injury to the child or results in permanent loss or impairment of any mental or emotional function. (Class B2 felony)
- Willfully act or commit a grossly negligent omission in caring for the child which shows a reckless disregard for human life and results in serious bodily injury to the child. (Class E felony)
- Willfully act or commit a grossly negligent omission in caring for the child which shows a reckless disregard for human life and results in serious physical injury to the child. (Class G felony)

Additionally, G.S. 14-318.4(a2) currently makes it a Class D felony for any parent or legal guardian of a child less than 16 years of age to commit or allow to be committed any sexual act on the child.

**BILL ANALYSIS:** The PCS to House Bill 748 would do the following:

- Modify G.S. 14-318.4(a2) so that, in addition to a parent or legal guardian, *any person providing care to or supervision of* a child less than 16 years of age, who commits or allows to be committed a sexual act on the child is guilty of a Class D felony.
- Create a new Class B2 felony offense for any parent, or other person providing care to or supervision of a child less than 16 years of age, who, for the purpose of causing fear, emotional injury, or deriving sexual gratification, intentionally and routinely does either of the following:

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- Inflicts physical injury on the child.
- Deprives the child of necessary food, clothing, shelter, or proper physical care.
- Make technical changes.

**EFFECTIVE DATE:** This act would become effective December 1, 2023, and would apply to offenses committed on or after that date.

**BACKGROUND:** While "physical injury" is not defined in G.S. 14-318.4, the term is statutorily defined in G.S. 14-34.7(c) to include cuts, scrapes, bruises, or other physical injury which does not constitute serious injury.