



# HOUSE BILL 83: Revise Laws Governing Minors.

2025-2026 General Assembly

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<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 11, 2025
<b>Introduced by:</b>	Rep. Torbett	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to First Edition H83-CSSA-3		Staff Attorney

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 83 would do the following:*

- *Amend the offense of disseminating obscenity to minors to include dissemination to any minor if the offender is at least 4 years older than the minor.*
- *Requires the sentencing court to consider whether a defendant should be ordered to register as a sex offender if convicted of disseminating obscenity to minors, disseminating harmful material to minors, or exhibiting harmful performances to minors.*
- *Create new offenses of habitual indecent exposure and aggravated habitual indecent exposure and require sex offender registration for those offenses.*

## CURRENT LAW:

G.S. 14-190.1 provides that material is obscene if it meets all of the following criteria:

- The material depicts or describes sexual conduct in a patently offensive way.
- The average person applying contemporary community standards would find the material taken as a whole appeals to the prurient interest in sex.
- The material lacks serious literary, artistic, political, or scientific value.
- The material as used is not protected or privileged under the U.S. Constitution or the North Carolina Constitution.

G.S. 14-190.13 provides that material or a performance is harmful to minors if it meets all of the following criteria:

- It depicts sexually explicit nudity or sexual activity.
- The average adult person applying contemporary community standards would find that it has a predominant tendency to appeal to a prurient interest of minors in sex.
- The average adult person would find that the depiction of sexually explicit nudity or sexual activity in the material or performance is patently offensive to prevailing standards in the adult community concerning what is suitable for minors.
- The material or performance lacks serious literary, artistic, political, or scientific value for minors.

G.S. 14-190.9 currently provides for the following indecent exposure offenses:

- Indecent exposure – Class 2 misdemeanor

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# House 83 PCS

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- Indecent exposure if defendant is 18 or older, victim is a minor, and the exposure is for sexual purposes – Class H felony
- Indecent exposure on private premises to anyone other than consenting adult – Class 2 misdemeanor
- Indecent exposure if defendant is 18 or older, victim is a minor and exposure occurs in a private residence where minor is a resident, but defendant is not a resident – Class 2 misdemeanor
- Indecent exposure by person in a private place with intent to be seen by person in public place – Class 2 misdemeanor

## **BILL ANALYSIS:**

**Section 1** of the PCS would amend G.S. 14-190.7 (Dissemination to minors under the age of 16 years) to provide that disseminating obscenity to a minor of any age is a Class H felony if the offender is at least 4 years older than the minor. This section would also require the sentencing court to consider whether the person is a danger to the community and whether they should be required to register as a sex offender.

**Section 2** would amend G.S. 14-190.8 (Dissemination to minors under the age of 13 years) to require the sentencing court to consider whether the person is a danger to the community and whether they should be required to register as a sex offender.

**Section 3** would amend G.S. 14-190.15 (Disseminating harmful material to minors; exhibiting harmful performances to minors) to require the sentencing court to consider whether the person is a danger to the community and whether they should be required to register as a sex offender.

**Section 4** would amend G.S. 14-190.9 (Indecent exposure) to add two new offenses as follows:

- Habitual indecent exposure – Class F felony
  - Applies if person is currently charged with an indecent exposure offense **other than** G.S. 14-190.9(a1) [indecent exposure if defendant is 18 or older, victim is a minor, and the exposure is for sexual purposes] and the person has 2 or more prior convictions for any indecent exposure offense.
- Aggravated habitual indecent exposure – Class E felony
  - Applies if person is currently charged with a violation of G.S. 14-190.9(a1) [indecent exposure if defendant is 18 or older, victim is a minor, and the exposure is for sexual purposes] and the person has 2 or more prior convictions

**Section 5** would amend the definition of "reportable conviction" in G.S. 14-208.6 to include convictions for violations of G.S. 14-190.7, 14-190.8, and 14-190.15 if the sentencing court orders the person to register a sex offender.

**Section 6** would amend the definition of "sexually violent offense" in G.S. 14-208.6 to include the new habitual indecent exposure offenses created in Section 4 of this act, which would require persons convicted of those offenses to register as a sex offender.

**Section 7** would provide that offenses committed prior to the effective date of the act would not be affected by this act.

**EFFECTIVE DATE:** This act would become effective December 1, 2025, and apply to offenses committed on or after that date.