

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1214

Short Title: Sexual Assault.

(Public)

Sponsors: Representative Cox.

Referred to: Judiciary III.

April 12, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO CREATE THE CRIME OF SEXUAL ASSAULT AND TO PROVIDE
3 FOR SEX OFFENDER REGISTRATION FOR A SECOND OR SUBSEQUENT
4 CONVICTION OF THAT OFFENSE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 14 of the General Statutes is amended by adding a
7 new section to read:

8 "**§ 14-33.3. Sexual assault.**

9 (a) It shall be unlawful for any person to commit an assault or an assault and
10 battery in a sexual manner.

11 (b) For purposes of this section, it is not necessary that physical injury occur as a
12 result of the assault.

13 (c) 'Sexual manner' shall include touching another person in a sexual area,
14 touching another person in a sexual area with any object, or touching another person in
15 a sexual area with any covered or uncovered body part. The term shall not include the
16 touching of sexual areas for accepted medical purposes and in accordance with accepted
17 medical standards.

18 (d) 'Sexual area' shall include the vaginal, penile, anal, or breast areas of the
19 body.

20 (e) Any person who commits the offense defined in this section is guilty of a
21 Class H felony.

22 (f) A first conviction for violation of this section shall not be a 'reportable
23 conviction' as defined in G.S. 14-208.6(4). A second or subsequent conviction for
24 violation of this section shall be a 'reportable conviction' as defined in G.S. 14-
25 208.6(4).'"

26 **SECTION 2.** G.S. 14-208.6(5) reads as rewritten:

27 "(5) 'Sexually violent offense' means a violation of G.S. 14-27.2 (first
28 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first

1 degree sexual offense), G.S. 14-27.5 (second degree sexual offense),
2 G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7
3 (intercourse and sexual offense with certain victims), G.S. 14-178
4 (incest between near relatives), G.S. 14-190.6 (employing or
5 permitting minor to assist in offenses against public morality and
6 decency), G.S. 14-190.16 (first degree sexual exploitation of a minor),
7 G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S.
8 14-190.17A (third degree sexual exploitation of a minor), G.S.
9 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19
10 (participating in prostitution of a minor), or G.S. 14-202.1 (taking
11 indecent liberties with ~~children~~ children), or a second or subsequent
12 violation of G.S. 14-33.3 (sexual assault). The term also includes the
13 following: a solicitation or conspiracy to commit any of these offenses;
14 aiding and abetting any of these offenses."

15 **SECTION 3.** This act becomes effective December 1, 2001, and applies to
16 offenses committed on or after that date.