

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**HOUSE BILL 93
Committee Substitute Favorable 3/28/01**

Short Title: Expand Child Abuse Definition.

(Public)

Sponsors:

Referred to:

February 12, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO EXPAND THE DEFINITION OF CHILD ABUSE TO INCLUDE
3 CASES WHERE A CARETAKER OR OTHER PERSON PERSISTENTLY
4 FABRICATES OR MISREPRESENTS MEDICAL ILLNESS IN THE CHILD IN
5 ORDER TO OBTAIN OTHERWISE UNNECESSARY MEDICAL CARE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7B-101(1) reads as rewritten:

8 "(1) Abused juveniles. – Any juvenile less than 18 years of age whose
9 parent, guardian, custodian, or caretaker:

- 10 a. Inflicts or allows to be inflicted upon the juvenile a serious
11 physical injury by other than accidental means;
12 b. Creates or allows to be created a substantial risk of serious
13 physical injury to the juvenile by other than accidental means;
14 c. Uses or allows to be used upon the juvenile cruel or grossly
15 inappropriate procedures or cruel or grossly inappropriate
16 devices to modify behavior;
17 d. Commits, permits, or encourages the commission of a violation
18 of the following laws by, with, or upon the juvenile: first-degree
19 rape, as provided in G.S. 14-27.2; second degree rape as
20 provided in G.S. 14-27.3; first-degree sexual offense, as
21 provided in G.S. 14-27.4; second degree sexual offense, as
22 provided in G.S. 14-27.5; sexual act by a custodian, as provided
23 in G.S. 14-27.7; crime against nature, as provided in G.S.
24 14-177; incest, as provided in G.S. 14-178 and G.S. 14-179;
25 preparation of obscene photographs, slides, or motion pictures
26 of the juvenile, as provided in G.S. 14-190.5; employing or
27 permitting the juvenile to assist in a violation of the obscenity
28 laws as provided in G.S. 14-190.6; dissemination of obscene
29 material to the juvenile as provided in G.S. 14-190.7 and G.S.

1 14-190.8; displaying or disseminating material harmful to the
2 juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first
3 and second degree sexual exploitation of the juvenile as
4 provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the
5 prostitution of the juvenile as provided in G.S. 14-190.18; and
6 taking indecent liberties with the juvenile, as provided in G.S.
7 14-202.1, regardless of the age of the parties;

8 e. Creates or allows to be created serious emotional damage to the
9 juvenile; serious emotional damage is evidenced by a juvenile's
10 severe anxiety, depression, withdrawal, or aggressive behavior
11 toward himself or others; or

12 f. Encourages, directs, or approves of delinquent acts involving
13 moral turpitude committed by the ~~juvenile~~. juvenile; or

14 g. Persistently fabricates or misrepresents medical illness in the
15 juvenile, either by producing or simulating the illness or both,
16 in order to obtain otherwise unnecessary medical care."

17 **SECTION 2.** G.S. 14-318.4 is amended by adding a new subsection to read:

18 "(a4) A parent, guardian, custodian, or caretaker of a child less than 16 years of age
19 who persistently and intentionally fabricates or misrepresents medical illness in the
20 child, either by producing or simulating the illness or both, in order to obtain otherwise
21 unnecessary medical care is guilty of a Class E felony."

22 **SECTION 3.** This act becomes effective December 1, 2001, and applies to
23 actions that take place after that date.