

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 113

Short Title: Protect Our Students Act. (Public)

Sponsors: Representatives Hastings, Presnell, R. Turner, and Bishop (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary II, if favorable, Finance.

February 27, 2015

A BILL TO BE ENTITLED

AN ACT TO PROTECT NORTH CAROLINA'S STUDENTS BY INCREASING THE
CRIMINAL PENALTY FOR THE COMMISSION OF CERTAIN SEX OFFENSES
COMMITTED AGAINST A STUDENT BY A PERSON WHO IS SCHOOL
PERSONNEL AND TO ESTABLISH A PROCEDURE FOR INSTITUTIONS OF
HIGHER EDUCATION TO OBTAIN A LIST OF STUDENTS AND EMPLOYEES AT
THE INSTITUTION WHO ARE REGISTERED AS SEX OFFENDERS.

The General Assembly of North Carolina enacts:

SECTION 1. This act may be cited as the "Protect Our Students Act".

SECTION 2. G.S. 14-27.7(b) reads as rewritten:

"(b) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student. The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers. A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the victim and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a ~~Class A1 misdemeanor.~~ Class I felony. This subsection shall apply unless the conduct is covered under some other provision of law providing for greater punishment. Consent is not a defense to a charge under this section. For purposes of this subsection, the terms "school", "school personnel", and "student" shall have the same meaning as in G.S. 14-202.4(d). For purposes of this subsection, the term "school safety officer" shall include a school resource officer or any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools."

SECTION 3. G.S. 14-202.4(a) reads as rewritten:

"(a) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel and is at least four years older than the victim, takes indecent liberties with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school but before the victim ceases to be a student, the defendant is guilty of a ~~Class I felony.~~ Class H felony, unless the conduct is covered under some other provision of law providing for greater punishment. A



1 person is not guilty of taking indecent liberties with a student if the person is lawfully married
2 to the student."

3 **SECTION 4.** G.S. 14-202.4(b) reads as rewritten:

4 "(b) If a defendant, who is school personnel, other than a teacher, school administrator,
5 student teacher, school safety officer, or coach, and who is less than four years older than the
6 victim, takes indecent liberties with a student as provided in subsection (a) of this section, the
7 defendant is guilty of a ~~Class A1 misdemeanor~~ Class I felony."

8 **SECTION 5.** G.S. 14-208.15 is amended by adding a new subsection to read:

9 "(c) Upon request of an institution of higher education, the Sheriff of the county in
10 which the educational institution is located shall provide a report containing the registry
11 information for any registrant who has stated that they are a student or employee, or expect to
12 become a student or employee, of that institution of higher education. The Department of
13 Public Safety shall provide each sheriff with the ability to generate the report from the
14 statewide registry. The report shall be provided electronically without charge. The institution of
15 higher education may receive a written report upon payment of reasonable duplicating costs
16 and mailing costs."

17 **SECTION 6.** This act becomes effective December 1, 2015. Sections 2 through 4
18 of this act apply to offenses committed on or after that date.