

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 916
SENATE BILL 165

AN ACT ENTITLED THE CHILD PROTECTION ACT OF 1983.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-318.4 is amended by rewriting the last line of subsection (a) to read: "is guilty of child abuse and shall be punished as a Class I felon." and by adding new subsections (a1) and (a2) to read:

"(a1) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of the child, who commits, permits, or encourages any act of prostitution with or by the juvenile is guilty of child abuse and shall be punished as a Class I felon.

(a2) Any parent or legal guardian of a child less than 16 years of age who commits or allows the commission of any sexual act upon a juvenile is guilty of a Class I felony."

Sec. 2. G.S. 14-190.6 is amended by inserting the following language between "under this Article" and "and": "other than G.S. 14-190.12".

Sec. 3. Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-190.12. Sexual performance by child.—(a) The use of a child in a sexual performance or the promotion of such a performance by a child shall be punished as a Class I felony. A person is guilty of the use of a child in a sexual performance if, knowing the character and content of the performance, he employs, authorizes, or induces a child whom he knows or reasonably should know is less than 16 years of age to engage in such performance. The parent, legal guardian, or custodian of a child less than 16 years of age is guilty of the use of a child in a sexual performance if he consents to the child's participation in such performance. A person is guilty of the promotion of a sexual performance by a child if, knowing the character and content of the performance, he produces, directs, or promotes such performance by a child who he knows or reasonably should know is less than 16 years of age.

For purposes of this section, promotion includes manufacture, delivery, or dissemination. A sexual performance is any play, motion picture, photograph, dance, or other visual presentation exhibited before an audience which includes sexual intercourse, buggery, bestiality, masturbation, sadomasochism, or lewd and lascivious exhibition of the genitals by a child less than 16 years of age.

(b) In addition to any other penalty imposed by law, a person found guilty of violating subsection (a) may be remanded by the court to a State authorized psychiatric facility to receive treatment and counseling for at least 90 days, to be served as a concurrent portion of any imposed sentence."

Sec. 4. This act shall become effective October 1, 1983, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 22nd day of July, 1983.