

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SESSION LAW 2015-44
HOUSE BILL 113

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 reads as rewritten:

"§ 14-202.4. Taking indecent liberties with a student.

...

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

...

(d) For purposes of this section, the following definitions apply:

...

(3) "School personnel" means any person included in the definition contained in G.S. 115C-332(a)(2), including those employed by a nonpublic, charter, or regional school, and any person who volunteers at a school or a school-sponsored activity.

...."

SECTION 4. G.S. 14-208.15 is amended by adding a new subsection to read:

"(c) Upon request of an institution of higher education, the Sheriff of the county in which the educational institution is located shall provide a report containing the registry



information for any registrant who has stated that the registrant is a student or employee, or expects to become a student or employee, of that institution of higher education. The Department of Public Safety shall provide each sheriff with the ability to generate the report from the statewide registry. The report shall be provided electronically without charge. The institution of higher education may receive a written report upon payment of reasonable duplicating costs and mailing costs."

SECTION 5. This act becomes effective December 1, 2015. Sections 2 and 3 of this act apply to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 28th day of May, 2015.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 10:30 a.m. this 2nd day of June, 2015