

April 12, 2001

H 1260. PARENTAL RIGHTS & CHILD PROTECTION ACT. TO PROVIDE THAT IT IS UNLAWFUL TO DISSEMINATE CERTAIN MATERIALS TO A MINOR WITHOUT WRITTEN PARENTAL CONSENT AND TO PROVIDE THAT CRIMINAL AND CIVIL PENALTIES MAY BE IMPOSED FOR THOSE VIOLATIONS. Adds new GS 14-202.15 and –202.16 making it unlawful for any person to disseminate to a minor, without written permission of the minor's parent, any material that the person knows or reasonably should know recommends, condones, or advocates engaging in sexual acts, unnatural sexual acts, alternate lifestyles, any other form of sexual activity outside the bonds of matrimony, or a violation of any provision of Chapter 14 of the General Statutes. A person who willfully violates the provision is guilty of a Class I felony. ("Person" includes a person, group, association, agency, business, institution, governmental unit or entity.) In addition, a minor's parent or legal guardian may file a civil action alleging violation of the section and, if the violation is proved by clear and convincing evidence, may recover triple damages, attorneys' fees, and court costs. The parent or guardian also may apply to the court for a temporary injunction to prevent further improper dissemination and shall not be liable in any manner for failure to prevail at trial.

Rewrites GS 14-190.15 (disseminating harmful material to minors; exhibiting harmful performances to minors), to provide that being a public library is an affirmative defense under the section only if the library provides a suitable separate section or designated area for minors devoid of materials harmful to minors and makes reasonable efforts to restrict harmful materials from minors according to an appropriate library card system, shelving system, or other means. Adds to the section provisions allowing a minor's parent or guardian to file a civil action against a person who violates the section, comparable to the civil action described above. Effective Dec. 1, 2001, and applies to offenses committed on or after that date.

Intro. by Davis.

Ref. to Judiciary I	GS 14
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