GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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HOUSE BILL 926
Committee Substitute Favorable 4/29/03

Short Title: Assault in the Presence of Child. (Public)

Sponsors:

Referred to:

April 8, 2003

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE PRESENCE OF A CHILD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-33(c) is amended by adding a new subdivision to read:

"(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

…

(7) Commits an assault on a minor by committing, in the presence of the minor, an assault with a deadly weapon or an assault that inflicts serious injury on a person with whom the person committing the assault has a personal relationship. The following definitions shall apply in this subdivision:

a. "In the presence of a minor" means:

1. In the physical presence of the minor; or

2. Having knowledge that a child is present and may see or hear the offense.

b. "Minor" is any person under the age of 18 years who is residing with or is under the care and supervision of, and who has a personal relationship with, the person assaulted or the person committing the assault.

c. "Personal relationship" is as defined in G.S. 50B-1(b)."

SECTION 2. This act becomes effective December 1, 2003, and applies to offenses committed on or after that date.