

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

D

HOUSE DRH50819-LHz-290A (5/7)

Short Title: Amend Child Abuse/Child Fatality Task Force. (Public)

---

Sponsors: Representatives Weiss and Clary (Primary Sponsors).

---

Referred to:

---

A BILL TO BE ENTITLED

1  
2 AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISDEMEANOR  
3 CHILD ABUSE AND TO AMEND THE CRIMINAL OFFENSE OF FELONY  
4 CHILD ABUSE AS RECOMMENDED BY THE CHILD FATALITY TASK  
5 FORCE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-318.2 reads as rewritten:

8 "**§ 14-318.2. Child abuse a Class 1 misdemeanor.**

9 (a) Any parent of a child less than 16 years of age, or any other person providing  
10 care to or supervision of such child, who inflicts physical injury, or who allows physical  
11 injury to be inflicted, or who creates or allows to be created a substantial risk of  
12 physical injury, upon or to such child by other than accidental means is guilty of the  
13 ~~Class 1~~Class A1 misdemeanor of child abuse.

14 (b) The ~~Class 1~~Class A1 misdemeanor of child abuse is an offense additional to  
15 other civil and criminal provisions and is not intended to repeal or preclude any other  
16 sanctions or remedies.

17 (c) A parent who abandons an infant less than seven days of age pursuant to  
18 G.S. 14-322.3 shall not be prosecuted under this section for any acts or omissions  
19 related to the care of that infant."

20 **SECTION 2.** G.S. 14-318.4 reads as rewritten:

21 "**§ 14-318.4. Child abuse a felony.**

22 (a) A parent or any other person providing care to or supervision of a child less  
23 than 16 years of age who intentionally inflicts any serious physical injury upon or to the  
24 child or who intentionally commits an assault upon the child which results in any  
25 serious physical injury to the child is guilty of a Class E felony, except as otherwise  
26 provided in subsection (a3) of this section.

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

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

8 (a3) A parent or any other person providing care to or supervision of a child less  
9 than 16 years of age who intentionally inflicts any serious bodily injury to the child or  
10 who intentionally commits an assault upon the child which results in any serious bodily  
11 injury to the child, or which results in permanent or protracted loss or impairment of any  
12 mental or emotional function of the child, is guilty of a Class C felony. ~~"Serious bodily  
13 injury" is defined as bodily injury that creates a substantial risk of death, or that causes  
14 serious permanent disfigurement, coma, a permanent or protracted condition that causes  
15 extreme pain, or permanent or protracted loss or impairment of the function of any  
16 bodily member or organ, or that results in prolonged hospitalization.~~

17 (a4) A parent or any other person providing care to or supervision of a child  
18 whose willful act or omission in the care of the child is so gross, wanton, and culpable  
19 as to show reckless disregard for human life is guilty of a Class E felony if the act or  
20 omission results in serious bodily injury to the child.

21 (a5) A parent or any other person providing care to or supervision of a child  
22 whose willful act or omission in the care of the child is so gross, wanton, and culpable  
23 as to show reckless disregard for human life is guilty of a Class G felony if the act or  
24 omission results in serious physical injury to the child.

25 (b) The felony of child abuse is an offense additional to other civil and criminal  
26 provisions and is not intended to repeal or preclude any other sanctions or remedies.

27 (c) Abandonment of an infant less than seven days of age pursuant to  
28 G.S. 14-322.3 may be treated as a mitigating factor in sentencing for a conviction under  
29 this section involving that infant.

30 (d) The following definitions apply in this section:

31 (1) Serious bodily injury. – Bodily injury that creates a substantial risk of  
32 death or that causes serious permanent disfigurement, coma, a  
33 permanent or protracted condition that causes extreme pain, or  
34 permanent or protracted loss or impairment of the function of any  
35 bodily member or organ, or that results in prolonged hospitalization.

36 (2) Serious physical injury. – Physical injury that causes great pain and  
37 suffering. The term includes serious mental injury."

38 **SECTION 2.** This act becomes effective December 1, 2008, and applies to  
39 offenses committed on or after that date. Prosecutions for offenses committed before  
40 the effective date of this act are not abated or affected by this act, and the statutes that  
41 would be applicable but for this act remain applicable to those prosecutions.