

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 763

Short Title: Teacher/Student/No Sex Acts.

(Public)

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Sponsors: Representatives Mitchell; and Setzer.

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Referred to: Judiciary III.

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March 31, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL FOR A SCHOOL TEACHER OR ADMINISTRATOR TO ENGAGE IN SEXUAL ACTS WITH A STUDENT.

The General Assembly of North Carolina enacts:

Section 1. Article 26 of Chapter 14 of the General Statutes is amended by adding a new section to read:

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

(a) A person is guilty of taking indecent liberties with a student if the person is employed as a teacher or administrator and the person engages in any of the following activities with a student who is enrolled at the school to which the teacher or administrator is assigned:

(1) Willfully takes or attempts to take any immoral, improper, or indecent liberties with a student who is 16, 17, or 18 years old for the purpose of arousing or gratifying sexual desire; or

(2) Willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of a student of who is 16, 17, or 18 years old.

(b) Unless the conduct is covered under some other provision of law providing for greater punishment, taking indecent liberties with a student is punishable as a Class I felony.

1       (c)    Consent is not a defense to a charge under this section.

2       (d)    For purposes of this section, the term indecent liberties does not include  
3 vaginal intercourse or a sexual act as defined by G.S. 14-27.1."

4            Section 2. G.S. 14-27.7 reads as rewritten:

5 **"§ 14-27.7. Intercourse and sexual offenses with certain victims; consent no defense.**

6       (a)    If a defendant who has assumed the position of a parent in the home of a minor  
7 victim engages in vaginal intercourse or a sexual act with a victim who is a minor  
8 residing in the home, or if a person having custody of a victim of any age or a person who  
9 is an agent or employee of any person, or institution, whether such institution is private,  
10 charitable, or governmental, having custody of a victim of any age engages in vaginal  
11 intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony.  
12 Consent is not a defense to a charge under this section.

13       (b)    If a defendant is employed as a teacher or administrator in the school of a  
14 victim who is 16, 17, or 18 years old and engages in vaginal intercourse or a sexual act  
15 with a victim who is 16, 17, or 18 years old attending classes at the school to which the  
16 teacher or administrator is assigned, the defendant is guilty of a Class G felony, unless  
17 the conduct is covered under some other provision of law providing for greater  
18 punishment. Consent is not a defense to a charge under this section."

19            Section 3. This act becomes effective December 1, 1999, and applies to  
20 offenses committed on or after that date.