

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1315

Short Title: Study Rapist Parental Rights.

(Public)

Sponsors: Representative Morris.

Referred to: Rules, Calendar, and Operations of the House.

April 12, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY THE PARENTAL RIGHTS OF PERSONS WHO CONCEIVE A CHILD
4 AS A RESULT OF A RAPE AND HOW THOSE RIGHTS MAY BE
5 TERMINATED.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Legislative Research Commission is authorized to study
8 issues relating to the parental rights of persons who impregnate another person during
9 the commission of rape.

10 **SECTION 2.** The study shall include the following issues:

- 11 (1) Whether the parental rights of the rapist can be terminated as a matter
12 of law upon conviction of the crime of rape of the mother.
13 (2) Whether rape should be grounds for termination of parental rights
14 prior to the birth of a child.
15 (3) Whether the parental rights of the rapist can be denied, as a matter of
16 law, when the conception of the child was as a result of the rape.
17 (4) Whether willingness to consent to adoption or voluntary release of
18 parental rights can be excluded as a condition of a plea bargain
19 agreement on a rape charge.

20 **SECTION 3.** The Commission shall report its findings and
21 recommendations, including any legislative proposals, to the 2002 Regular Session of
22 the 2001 General Assembly.

23 **SECTION 4.** There is appropriated from the General Fund to the Legislative
24 Research Commission the sum of twenty-five thousand dollars (\$25,000) for the
25 2001-2002 fiscal year to conduct the study authorized by this act.

26 **SECTION 5.** This act becomes effective July 1, 2001.