

March 31, 1999

H 763. TEACHER/STUDENT/NO SEX ACTS. TO MAKE IT UNLAWFUL FOR A SCHOOL TEACHER OR ADMINISTRATOR TO ENGAGE IN SEXUAL ACTS WITH A STUDENT. Adds GS 14-202.4 to make it a Class I felony for a teacher or administrator to take indecent liberties with a student who is enrolled at the school to which the teacher or administrator is assigned by (a) willfully taking immoral, improper or indecent liberties with student who is 16, 17, or 18 years old for purpose of arousing or gratifying sexual desire, or (2) commit lewd or lascivious act with or upon such student. Does not apply if conduct is covered under some other law providing for greater punishment. Provides that consent is not a defense. Does not include vaginal intercourse or other specified sex acts [that invoke other statutes with greater punishment].

Amends GS 14-27.7 (vaginal intercourse or sexual act with minor by one in loco parentis) to make such acts a Class G felony if defendant is employed as teacher or administrator in school of victim who is 16, 17, or 18 years old unless act is covered by another law providing greater punishment. Provides that consent is not a defense.

Effective Dec. 1, 1999; applies to offenses committed on or after that date.

Intro. by Mitchell.

Ref. to Judiciary III

GS 14

April 19, 1999

H 763. TEACHER/STUDENT/NO SEX ACTS. Intro. 3/31/1999. House committee substitute expands 1st edition's prohibition of indecent liberties and sexual acts as follows. (1) Offender may be any present or former school personnel as defined by GS 115C-332(a)(2) (formerly limited to teacher or administrator). (2) Forbidden sexual conduct may occur when victim (student or former student) is of any age (formerly, occurred only if victim was age 16-18 at time of sexual misconduct). (3) The forbidden sexual conduct may occur during or after the time when victim is present in the same school with the school personnel (the offender). Makes exception for sexual activity if personnel and student are married at the time.