

April 12, 2001

H 1276. CLOSE INCEST LOOPHOLE TO PROTECT MINORS. TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS. Rewrites GS 14-178 (incest between certain near relatives) and GS 14-179 (incest between uncle and niece and nephew and aunt) to make the sections applicable only if both parties are 18 or older and to provide that conduct described in the sections that is committed against a minor shall be prosecuted under other provisions of applicable law. Effective Dec. 1, 2001, and applies to offenses committed on or after that date.

Intro. by Nesbitt.

Ref. to Judiciary I	GS 14
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April 19, 2001

H 1276. CLOSE INCEST LOOPHOLE TO PROTECT MINORS. Intro. 4/12/01. House committee substitute makes the following changes to 1st edition. The bill adds provisions to laws governing intercourse between certain family members, providing that the provisions apply only if the parties are at least 18 years old (committee substitute lowers this to 16 years) and that conduct covered under the section committed against a minor (committee substitute adds "under 16 years old") is punishable as provided elsewhere in law.

June 28, 2001

H 1276. CLOSE INCEST LOOPHOLE TO PROTECT MINORS. Intro. 4/12/01. Senate committee substitute makes the following changes to 2nd edition. Amends GS 14-178 and GS 14-179 to make incest between certain relatives (1) a Class B1 felony for the older party if one party is under the age of 13 and the other party is at least four years older, (2) a Class B felony if one party is 13, 14, or 15 years old and the other party is at least six years older, and (3) a Class C felony for the older party if one party is 13, 14, or 15 years old and the other party is more than four but less than six years older. Amends GS 14-178 to make a violation a Class F felony for both parties if both are 16 years old or older or the parties are less than four years apart in age and the act of carnal intercourse was consensual. Amends GS 14-179 to make a violation a Class 1 misdemeanor for both parties if both are 16 years old or older or the parties are less than four years apart in age and the act of carnal intercourse was consensual.

August 27, 2002

H 1276. CLOSE INCEST LOOPHOLE TO PROTECT MINORS. Intro. 4/12/01. Senate committee substitute makes the following changes to 3rd edition. Repeals GS 14-179 (incest between uncle and niece, and nephew and aunt) and adds carnal intercourse between a person and an uncle, aunt, nephew, or niece to GS 14-178. Replaces punishment in previous version with the following. A person is guilty of a Class B1 felony if either (a) the person commits incest against a child under the age of 13 and the person is at least 12 years old and at least four years older than the child when the incest occurred, or (b) the person commits incest against a child who is 13, 14, or 15 years old and the person is at least six years older than the child when the incest occurred. A person is guilty of a Class C felony if the person commits incest against a child who is 13, 14, or 15 and the person is more than four but less than six years older than the child when the incest occurred. All other cases of incest are Class F felonies. Clarifies that a child under the age of 16 is not liable under this section if the other person is at least four years older when the incest occurred. Changes effective date to Dec. 1, 2002 (was, Dec. 1, 2001).

August 28, 2002

H 1276. CLOSE INCEST LOOPHOLE TO PROTECT MINORS. Intro. 4/12/01. Senate amendment makes technical, clarifying change to 4th edition to make it clear that the act of intercourse must be with persons who are related to the defendant in one of the relationships specified in the bill.

September 24, 2002

SL 2002-119 (H 1276). CLOSE INCEST LOOPHOLE TO PROTECT MINORS. AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS BY EQUALIZING PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS. Summarized in *Daily Bulletin* 4/12/01, 4/19/01, 6/28/01, 8/27/02, and 8/28/02. Enacted September 23, 2002. Effective December 1, 2002.