

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 383\*  
Committee Substitute Favorable 4/21/15  
PROPOSED SENATE COMMITTEE SUBSTITUTE H383-PCS30404-SA-77

Short Title: Clarify Statutory Scheme/Sex Offenses.

(Public)

Sponsors:

Referred to:

March 30, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO REORGANIZE, RENAME, AND RENUMBER VARIOUS SEXUAL  
3 OFFENSES TO MAKE THEM MORE EASILY DISTINGUISHABLE FROM ONE  
4 ANOTHER AS RECOMMENDED BY THE NORTH CAROLINA COURT OF  
5 APPEALS IN "STATE OF NORTH CAROLINA V. SLADE WESTON HICKS, JR.,"  
6 AND TO MAKE OTHER TECHNICAL CHANGES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 14 of the General Statutes is amended by adding a new  
9 Article to read:

10 "Article 7B.

11 "Rape and Other Sex Offenses.

12 **SECTION 2.** G.S. 14-27.1 is recodified as G.S. 14-27.20 under Article 7B of the  
13 General Statutes as created by Section 1 of this act.

14 **SECTION 3.(a)** G.S. 14-27.2 is recodified as G.S. 14-27.21 under Article 7B of  
15 the General Statutes as created by Section 1 of this act.

16 **SECTION 3.(b)** G.S. 14-27.2, recodified as G.S. 14-27.21 by subsection (a) of this  
17 section, reads as rewritten:

18 "**§ 14-27.21. First-degree forcible rape.**

19 (a) A person is guilty of ~~rape in the first-degree forcible rape~~ if the person engages in  
20 vaginal intercourse:

21 (1) ~~With a victim who is a child under the age of 13 years and the defendant is~~  
22 ~~at least 12 years old and is at least four years older than the victim; or~~

23 (2) ~~With intercourse with another person by force and against the will of the~~  
24 ~~other person, and; and does any of the following:~~

25 a-(1) Employs or displays a dangerous or deadly weapon or an article  
26 which the other person reasonably believes to be a dangerous or  
27 deadly ~~weapon; or weapon.~~

28 b-(2) Inflicts serious personal injury upon the victim or another ~~person; or~~  
29 ~~person.~~

30 e-(3) The person commits the offense aided and abetted by one or more  
31 other persons.

32 (b) Any person who commits an offense defined in this section is guilty of a Class B1  
33 felony.

34 (c) Upon conviction, a person convicted under this section has no rights to custody of  
35 or rights of inheritance from any child born as a result of the commission of the rape, nor shall



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1 the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B  
2 of the General Statutes."

3 **SECTION 4.(a)** G.S. 14-27.3 is recodified as G.S. 14-27.22 under Article 7B of  
4 the General Statutes.

5 **SECTION 4.(b)** G.S. 14-27.3, recodified as G.S. 14-27.22 by subsection (a) of this  
6 section, reads as rewritten:

7 "**§ 14-27.22. Second-degree forcible rape.**

8 (a) A person is guilty of ~~rape in the second degree~~ second-degree forcible rape if the  
9 person engages in vaginal intercourse with another person:

10 (1) By force and against the will of the other person; or

11 (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and  
12 the person performing the act knows or should reasonably know the other  
13 person is mentally disabled, mentally incapacitated, or physically helpless.

14 (b) Any person who commits the offense defined in this section is guilty of a Class C  
15 felony.

16 (c) Upon conviction, a person convicted under this section has no rights to custody of  
17 or rights of inheritance from any child conceived during the commission of the rape, nor shall  
18 the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B  
19 of the General Statutes."

20 **SECTION 5.(a)** G.S. 14-27.2A is recodified as G.S. 14-27.23 under Article 7B of  
21 the General Statutes.

22 **SECTION 5.(b)** G.S. 14-27.2A, recodified as G.S. 14-27.23 by subsection (a) of  
23 this section, reads as rewritten:

24 "**§ 14-27.23. Rape of a child; adult offender. Statutory rape of a child by an adult.**

25 (a) A person is guilty of ~~rape of a child~~ statutory rape of a child by an adult if the  
26 person is at least 18 years of age and engages in vaginal intercourse with a victim who is a  
27 child under the age of 13 years.

28 ...

29 (e) The offense under ~~G.S. 14-27.2(a)(1)~~ G.S. 14-27.24 is a lesser included offense of  
30 the offense in this section."

31 **SECTION 6.** Article 7B of Chapter 14 of the General Statutes, as created by  
32 Section 1 of this act, is amended by adding a new section to read:

33 "**§ 14-27.24. First-degree statutory rape.**

34 (a) A person is guilty of first-degree statutory rape if the person engages in vaginal  
35 intercourse with a victim who is a child under the age of 13 years and the defendant is at least  
36 12 years old and is at least four years older than the victim.

37 (b) Any person who commits an offense defined in this section is guilty of a Class B1  
38 felony.

39 (c) Upon conviction, a person convicted under this section has no rights to custody of  
40 or rights of inheritance from any child born as a result of the commission of the rape, nor shall  
41 the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B  
42 of the General Statutes."

43 **SECTION 7.(a)** G.S. 14-27.7A is recodified as G.S. 14-27.25 under Article 7B of  
44 Chapter 14 of the General Statutes.

45 **SECTION 7.(b)** G.S. 14-27.7A, as amended by S.L. 2015-62 and recodified as  
46 G.S. 14-27.25 by subsection (a) of this section, reads as rewritten:

47 "**§ 14-27.25. Statutory rape or sexual offense of person who is 15 years of age or younger.**

48 (a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal  
49 intercourse ~~or a sexual act~~ with another person who is 15 years of age or younger and the  
50 defendant is at least 12 years old and at least six years older than the person, except when the  
51 defendant is lawfully married to the person.

1 (b) Unless the conduct is covered under some other provision of law providing greater  
2 punishment, a defendant is guilty of a Class C felony if the defendant engages in vaginal  
3 intercourse ~~or a sexual act~~ with another person who is 15 years of age or younger and the  
4 defendant is at least 12 years old and more than four but less than six years older than the  
5 person, except when the defendant is lawfully married to the person."

6 **SECTION 8.(a)** G.S. 14-27.4 is recodified as G.S. 14-27.26 under Article 7B of  
7 Chapter 14 of the General Statutes.

8 **SECTION 8.(b)** G.S. 14-27.4, recodified as G.S. 14-27.26 by subsection (a) of this  
9 section, reads as rewritten:

10 "**§ 14-27.26. First-degree forcible sexual offense.**

11 (a) A person is guilty of a ~~sexual offense in the first degree~~ forcible sexual offense if the  
12 person engages in a sexual ~~act~~:

13 (1) ~~With a victim who is a child under the age of 13 years and the defendant is~~  
14 ~~at least 12 years old and is at least four years older than the victim; or~~

15 (2) ~~With act with~~ another person by force and against the will of the other  
16 person, ~~and~~ and does any of the following:

17 a-(1) Employs or displays a dangerous or deadly weapon or an article  
18 which the other person reasonably believes to be a dangerous or  
19 deadly ~~weapon; or~~ weapon.

20 b-(2) Inflicts serious personal injury upon the victim or another ~~person;~~  
21 ~~or~~ person.

22 e-(3) The person commits the offense aided and abetted by one or more  
23 other persons.

24 (b) Any person who commits an offense defined in this section is guilty of a Class B1  
25 felony."

26 **SECTION 9.(a)** G.S. 14-27.5 is recodified as G.S. 14-27.27 under Article 7B of  
27 Chapter 14 of the General Statutes.

28 **SECTION 9.(b)** G.S. 14-27.5, recodified as G.S. 14-27.27 by subsection (a) of this  
29 section, reads as rewritten:

30 "**§ 14-27.27. Second-degree forcible sexual offense.**

31 (a) A person is guilty of a ~~sexual offense in the second degree~~ forcible sexual offense if  
32 the person engages in a sexual act with another person:

33 (1) By force and against the will of the other person; or

34 (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and  
35 the person performing the act knows or should reasonably know that the  
36 other person is mentally disabled, mentally incapacitated, or physically  
37 helpless.

38 (b) Any person who commits the offense defined in this section is guilty of a Class C  
39 felony."

40 **SECTION 10.(a)** G.S. 14-27.4A is recodified as G.S. 14-27.28 under Article 7B of  
41 Chapter 14 of the General Statutes as created by Section 1 of this act.

42 **SECTION 10.(b)** G.S. 14-27.4A, recodified as G.S. 14-27.28 by subsection (a) of  
43 this section, reads as rewritten:

44 "**§ 14-27.28. ~~Sexual offense with a child; adult offender.~~ Statutory sexual offense with a**  
45 **child by an adult.**

46 (a) A person is guilty of ~~sexual offense with a child~~ statutory sexual offense with a  
47 child by an adult if the person is at least 18 years of age and engages in a sexual act with a  
48 victim who is a child under the age of 13 years.

49 ...

50 (d) The offense under ~~G.S. 14-27.4(a)(1)~~ G.S. 14-27.29 is a lesser included offense of  
51 the offense in this section."

1           **SECTION 11.** Article 7B of Chapter 14 of the General Statutes, as created by  
2 Section 1 of this act, is amended by adding a new section to read:

3 **"§ 14-27.29. First-degree statutory sexual offense.**

4           (a) A person is guilty of first-degree statutory sexual offense if the person engages in a  
5 sexual act with a victim who is a child under the age of 13 years and the defendant is at least 12  
6 years old and is at least four years older than the victim.

7           (b) Any person who commits an offense defined in this section is guilty of a Class B1  
8 felony."

9           **SECTION 12.** Article 7B of Chapter 14 of the General Statutes, as created by  
10 Section 1 of this act, is amended by adding the following new section:

11 **"§ 14-27.30. Statutory sexual offense with a person who is 15 years of age or younger.**

12           (a) A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act  
13 with another person who is 15 years of age or younger and the defendant is at least 12 years old  
14 and at least six years older than the person, except when the defendant is lawfully married to  
15 the person.

16           (b) Unless the conduct is covered under some other provision of law providing greater  
17 punishment, a defendant is guilty of a Class C felony if the defendant engages in a sexual act  
18 with another person who is 15 years of age or younger and the defendant is at least 12 years old  
19 and more than four but less than six years older than the person, except when the defendant is  
20 lawfully married to the person."

21           **SECTION 13.(a)** G.S. 14-27.7(a) is recodified as G.S. 14-27.31 under Article 7B  
22 of Chapter 14 of the General Statutes as created by Section 1 of this act.

23           **SECTION 13.(b)** G.S. 14-27.7(a), recodified as G.S. 14-27.31 by subsection (a) of  
24 this section, reads as rewritten:

25 **"§ 14-27.31. ~~Intercourse and sexual offenses with certain victims; consent no~~**  
26 **defense. Sexual activity by a substitute parent or custodian.**

27           (a) ~~If a defendant who has assumed the position of a parent in the home of a minor~~  
28 ~~victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in~~  
29 ~~the home, or if a person having custody of a victim of any age or a person who is an agent or~~  
30 ~~employee of any person, or institution, whether such institution is private, charitable, or~~  
31 ~~governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual~~  
32 ~~act with such victim, home, the defendant is guilty of a Class E felony.~~

33           (b) If a person having custody of a victim of any age or a person who is an agent or  
34 employee of any person, or institution, whether such institution is private, charitable, or  
35 governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual  
36 act with such victim, the defendant is guilty of a Class E felony.

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

38           **SECTION 14.(a)** G.S. 14-27.7(b) is recodified as G.S. 14-27.32 under Article 7B  
39 of Chapter 14 of the General Statutes as created by Section 1 of this act.

40           **SECTION 14.(b)** G.S. 14-27.7(b), recodified as G.S. 14-27.32 by subsection (a) of  
41 this section, reads as rewritten:

42 **"§ 14-27.32. Sexual activity with a student.**

43           ~~(b)~~(a) If a defendant, who is a teacher, school administrator, student teacher, school safety  
44 officer, or coach, at any age, or who is other school personnel, and who is at least four years  
45 older than the victim engages in vaginal intercourse or a sexual act with a victim who is a  
46 student, at any time during or after the time the defendant and victim were present together in  
47 the same school, but before the victim ceases to be a student, the defendant is guilty of a Class  
48 G felony, except when the defendant is lawfully married to the student. The term "same school"  
49 means a school at which the student is enrolled and the defendant is employed, assigned, or  
50 volunteers.

1       **(b)** A defendant who is school personnel, other than a teacher, school administrator,  
2 student teacher, school safety officer, or coach, and is less than four years older than the victim  
3 and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a  
4 Class A1 misdemeanor.

5       **(c)** This ~~subsection-section~~ shall apply unless the conduct is covered under some other  
6 provision of law providing for greater punishment.

7       **(d)** Consent is not a defense to a charge under this section.

8       **(e)** For purposes of this ~~subsection-section~~, the terms "school", "school personnel", and  
9 "student" shall have the same meaning as in G.S. 14-202.4(d). For purposes of this ~~subsection-~~  
10 ~~section~~, the term "school safety officer" shall include a school resource officer or any other  
11 person who is regularly present in a school for the purpose of promoting and maintaining safe  
12 and orderly schools."

13       **SECTION 15.** G.S. 14-27.5A is recodified as G.S. 14-27.33 under Article 7B of  
14 Chapter 14 of the General Statutes as created by Section 1 of this act. G.S. 14-27.8 through  
15 G.S. 14-27.10 are recodified as G.S. 14-27.34 through G.S. 14-27.36 under Article 7B of  
16 Chapter 14 of the General Statutes as created by Section 1 of this act.

17       **SECTION 16.** G.S. 14-202.4(d)(1) reads as rewritten:

18       "(d) For purposes of this section, the following definitions apply:

19       (1) "Indecent liberties" means:

- 20           a. Willfully taking or attempting to take any immoral, improper, or  
21           indecent liberties with a student for the purpose of arousing or  
22           gratifying sexual desire; or  
23           b. Willfully committing or attempting to commit any lewd or lascivious  
24           act upon or with the body or any part or member of the body of a  
25           student.

26       For purposes of this section, the term indecent liberties does not include  
27 vaginal intercourse or a sexual act as defined by  
28 ~~G.S. 14-27.1~~G.S. 14-27.20."

29       **SECTION 17.** G.S. 14-203(5) reads as rewritten:

30       "(5) Prostitution. – The performance of, offer of, or agreement to perform vaginal  
31 intercourse, any sexual act as defined in ~~G.S. 14-27.1~~G.S. 14-27.20, or any  
32 sexual contact as defined in ~~G.S. 14-27.1~~G.S. 14-27.20, for the purpose of  
33 sexual arousal or gratification for any money or other consideration."

34       **SECTION 18.** G.S. 14-205.2(a) reads as rewritten:

35       "(a) Any person who willfully performs any of the following acts with a person not his  
36 or her spouse commits the offense of patronizing a prostitute:

- 37       (1) Engages in vaginal intercourse, any sexual act as defined in  
38 ~~G.S. 14-27.1~~G.S. 14-27.20, or any sexual contact as defined in  
39 ~~G.S. 14-27.1~~G.S. 14-27.20, for the purpose of sexual arousal or  
40 gratification with a prostitute.  
41       (2) Enters or remains in a place of prostitution with intent to engage in vaginal  
42 intercourse, any sexual act as defined in ~~G.S. 14-27.1~~G.S. 14-27.20, or any  
43 sexual contact as defined in ~~G.S. 14-27.1~~G.S. 14-27.20, for the purpose of  
44 sexual arousal or gratification."

45       **SECTION 19.** G.S. 15A-136 reads as rewritten:

46       "**§ 15A-136. Venue for sexual offenses.**

47       If a person is transported by any means, with the intent to violate any of the provisions of  
48 Article 7A of Chapter 14 (~~§ 14-27.1~~§ 14-27.20 et seq.) of the General Statutes and the intent is  
49 followed by actual violation thereof, the defendant may be tried in the county where  
50 transportation was offered, solicited, begun, continued or ended."

51       **SECTION 20.** G.S. 50-16.1A(3) reads as rewritten:

- 1           "(3) "Marital misconduct" means any of the following acts that occur during the  
2 marriage and prior to or on the date of separation:  
3           a. Illicit sexual behavior. For the purpose of this section, illicit sexual  
4 behavior means acts of sexual or deviate sexual intercourse, deviate  
5 sexual acts, or sexual acts defined in  
6 ~~G.S. 14-27.1(4), G.S. 14-27.20(4)~~, voluntarily engaged in by a spouse  
7 with someone other than the other spouse;  
8           b. Involuntary separation of the spouses in consequence of a criminal  
9 act committed prior to the proceeding in which alimony is sought;  
10          c. Abandonment of the other spouse;  
11          d. Malicious turning out-of-doors of the other spouse;  
12          e. Cruel or barbarous treatment endangering the life of the other spouse;  
13          f. Indignities rendering the condition of the other spouse intolerable  
14 and life burdensome;  
15          g. Reckless spending of the income of either party, or the destruction,  
16 waste, diversion, or concealment of assets;  
17          h. Excessive use of alcohol or drugs so as to render the condition of the  
18 other spouse intolerable and life burdensome;  
19          i. Willful failure to provide necessary subsistence according to one's  
20 means and condition so as to render the condition of the other spouse  
21 intolerable and life burdensome."

22 **SECTION 21.** G.S. 7B-101(1) reads as rewritten:

- 23 "(1) Abused juveniles. – Any juvenile less than 18 years of age whose parent,  
24 guardian, custodian, or caretaker:  
25          a. Inflicts or allows to be inflicted upon the juvenile a serious physical  
26 injury by other than accidental means;  
27          b. Creates or allows to be created a substantial risk of serious physical  
28 injury to the juvenile by other than accidental means;  
29          c. Uses or allows to be used upon the juvenile cruel or grossly  
30 inappropriate procedures or cruel or grossly inappropriate devices to  
31 modify behavior;  
32          d. Commits, permits, or encourages the commission of a violation of  
33 the following laws by, with, or upon the juvenile: ~~first degree rape,~~  
34 ~~as provided in G.S. 14-27.2; rape of a child by an adult offender, as~~  
35 ~~provided in G.S. 14-27.2A; second degree rape as provided in~~  
36 ~~G.S. 14-27.3; first degree sexual offense, as provided in~~  
37 ~~G.S. 14-27.4; sexual offense with a child by an adult offender, as~~  
38 ~~provided in G.S. 14-27.4A; second degree sexual offense, as~~  
39 ~~provided in G.S. 14-27.5; sexual act by a custodian, as provided in~~  
40 ~~G.S. 14-27.7; first-degree forcible rape, as provided in G.S. 14-27.21;~~  
41 ~~second-degree forcible rape as provided in G.S. 14-27.22; statutory~~  
42 ~~rape of a child by an adult as provided in G.S. 14-27.23; first-degree~~  
43 ~~statutory rape as provided in G.S. 14-27.24; first-degree forcible sex~~  
44 ~~offense as provided in G.S. 14-27.26; second-degree forcible sex~~  
45 ~~offense as provided in G.S. 14-27.27; statutory sexual offense with a~~  
46 ~~child by an adult as provided in G.S. 14-27.28; first-degree statutory~~  
47 ~~sexual offense as provided in G.S. 14-27.29; sexual activity by a~~  
48 ~~substitute parent or custodian as provided in G.S. 14-27.31; sexual~~  
49 ~~activity with a student as provided in G.S. 14-27.32; unlawful sale,~~  
50 ~~surrender, or purchase of a minor, as provided in G.S. 14-43.14;~~  
51 ~~crime against nature, as provided in G.S. 14-177; incest, as provided~~

1 in G.S. 14-178; preparation of obscene photographs, slides, or  
 2 motion pictures of the juvenile, as provided in G.S. 14-190.5;  
 3 employing or permitting the juvenile to assist in a violation of the  
 4 obscenity laws as provided in G.S. 14-190.6; dissemination of  
 5 obscene material to the juvenile as provided in G.S. 14-190.7 and  
 6 G.S. 14-190.8; displaying or disseminating material harmful to the  
 7 juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and  
 8 second degree sexual exploitation of the juvenile as provided in  
 9 G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the  
 10 juvenile as provided in G.S. 14-205.3(b); and taking indecent  
 11 liberties with the juvenile, as provided in G.S. 14-202.1;

- 12 e. Creates or allows to be created serious emotional damage to the  
 13 juvenile; serious emotional damage is evidenced by a juvenile's  
 14 severe anxiety, depression, withdrawal, or aggressive behavior  
 15 toward himself or others;
- 16 f. Encourages, directs, or approves of delinquent acts involving moral  
 17 turpitude committed by the juvenile; or
- 18 g. Commits or allows to be committed an offense under G.S. 14-43.11  
 19 (human trafficking), G.S. 14-43.12 (involuntary servitude), or  
 20 G.S. 14-43.13 (sexual servitude) against the child."

21 **SECTION 22.** G.S. 7B-401.1(b) reads as rewritten:

22 "(b) Parents. – The juvenile's parent shall be a party unless one of the following applies:

- 23 (1) The parent's rights have been terminated.  
 24 (2) The parent has relinquished the juvenile for adoption, unless the court orders  
 25 that the parent be made a party.  
 26 (3) The parent has been convicted under ~~G.S. 14-27.2~~ or ~~G.S. 14-27.3~~  
 27 G.S. 14-27.21, G.S. 14-27.22, or G.S. 14-27.24 for an offense that resulted  
 28 in the conception of the juvenile."

29 **SECTION 23.** G.S. 7B-1103(c) reads as rewritten:

30 "(c) No person whose actions resulted in a conviction under ~~G.S. 14-27.2~~ or  
 31 ~~G.S. 14-27.3~~ G.S. 14-27.21, G.S. 14-27.22, or G.S. 14-27.24 and the conception of the juvenile  
 32 may file a petition to terminate the parental rights of another with respect to that juvenile."

33 **SECTION 24.** G.S. 7B-1104(3) reads as rewritten:

34 "(3) The name and address of the parents of the juvenile. If the name or address  
 35 of one or both parents is unknown to the petitioner or movant, the petitioner  
 36 or movant shall set forth with particularity the petitioner's or movant's efforts  
 37 to ascertain the identity or whereabouts of the parent or parents. The  
 38 information may be contained in an affidavit attached to the petition or  
 39 motion and incorporated therein by reference. A person whose actions  
 40 resulted in a conviction under ~~G.S. 14-27.2~~ or ~~G.S. 14-27.3~~ G.S. 14-27.21,  
 41 G.S. 14-27.22, or G.S. 14-27.24 and the conception of the juvenile need not  
 42 be named in the petition."

43 **SECTION 25.** G.S. 7B-1602(a) reads as rewritten:

44 "(a) When a juvenile is committed to the Division for placement in a youth development  
 45 center for an offense that would be first degree murder pursuant to G.S. 14-17, first-degree  
 46 forcible rape pursuant to ~~G.S. 14-27.2~~, G.S. 14-27.21, first-degree statutory rape pursuant to  
 47 G.S. 14-27.24, or first-degree forcible sexual offense pursuant to ~~G.S. 14-27.4~~ G.S. 14-27.26, or  
 48 first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult,  
 49 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the  
 50 age of 21 years, whichever occurs first."

51 **SECTION 26.** G.S. 7B-2509 reads as rewritten:

1 **"§ 7B-2509. Registration of certain delinquent juveniles.**

2 In any case in which a juvenile, who was at least 11 years of age at the time of the offense,  
3 is adjudicated delinquent for committing a violation of ~~G.S. 14-27.2 (first-degree rape),~~  
4 ~~G.S. 14-27.3 (second-degree rape), G.S. 14-27.4 (first-degree sexual offense), G.S. 14-27.5~~  
5 ~~(second-degree sexual offense), or G.S. 14-27.6 (attempted rape or sexual offense),~~  
6 G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22 (second-degree forcible rape),  
7 G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.26 (first-degree forcible sexual offense),  
8 G.S. 14-27.27 (second-degree forcible sexual offense), or G.S. 14-27.29 (first-degree statutory  
9 sexual offense), the judge, upon a finding that the juvenile is a danger to the community, may  
10 order that the juvenile register in accordance with Part 4 of Article 27A of Chapter 14 of the  
11 General Statutes."

12 **SECTION 27.** G.S. 7B-2513(a)(1) reads as rewritten:

13 "(1) The twenty-first birthday of the juvenile if the juvenile has been committed  
14 to the Division for an offense that would be first-degree murder pursuant to  
15 G.S. 14-17, first-degree forcible rape pursuant to  
16 ~~G.S. 14-27.2, G.S. 14-27.21, first-degree statutory rape pursuant to~~  
17 ~~G.S. 14-27.24,~~ or first-degree forcible sexual offense pursuant to  
18 ~~G.S. 14-27.4 G.S. 14-27.26, or first-degree statutory sexual offense pursuant~~  
19 to G.S. 14-27.29 if committed by an adult;"

20 **SECTION 28.** G.S. 7B-2514(c)(2) reads as rewritten:

21 "(2) The juvenile's twenty-first birthday if the juvenile has been committed to the  
22 Division for an offense that would be first-degree murder pursuant to  
23 G.S. 14-17, first-degree forcible rape pursuant to  
24 ~~G.S. 14-27.2, G.S. 14-27.21, first-degree statutory rape pursuant to~~  
25 ~~G.S. 14-27.24,~~ or first-degree forcible sexual offense pursuant to  
26 ~~G.S. 14-27.4 G.S. 14-27.26, or first-degree statutory sexual offense pursuant~~  
27 to G.S. 14-27.29 if committed by an adult."

28 **SECTION 29.** G.S. 7B-2516(c)(1) reads as rewritten:

29 "(1) The juvenile's twenty-first birthday if the juvenile has been committed to the  
30 Division for an offense that would be first-degree murder pursuant to  
31 G.S. 14-17, first-degree forcible rape pursuant to  
32 ~~G.S. 14-27.2, G.S. 14-27.21, first-degree statutory rape pursuant to~~  
33 ~~G.S. 14-27.24,~~ or first-degree forcible sexual offense pursuant to  
34 ~~G.S. 14-27.4 G.S. 14-27.26, or first-degree statutory sexual offense pursuant~~  
35 to G.S. 14-27.29 if committed by an adult."

36 **SECTION 30.** G.S. 7B-2600(c) reads as rewritten:

37 "(c) In any case where the court finds the juvenile to be delinquent or undisciplined, the  
38 jurisdiction of the court to modify any order or disposition made in the case shall continue (i)  
39 during the minority of the juvenile, (ii) until the juvenile reaches the age of 19 years if the  
40 juvenile has been adjudicated delinquent and committed to the Division for an offense that  
41 would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set  
42 forth in G.S. 7B-1602(a), (iii) until the juvenile reaches the age of 21 years if the juvenile has  
43 been adjudicated delinquent and committed for an offense that would be first-degree murder  
44 pursuant to G.S. 14-17, first-degree forcible rape pursuant to ~~G.S. 14-27.2, G.S. 14-27.21,~~  
45 first-degree statutory rape pursuant to G.S. 14-27.24, ~~or first-degree forcible sexual offense~~  
46 pursuant to G.S. 14-27.4 G.S. 14-27.26, or first-degree statutory sexual offense pursuant to  
47 G.S. 14-27.29 if committed by an adult, or (iv) until terminated by order of the court."

48 **SECTION 31.** G.S. 8-53.12(a)(7) reads as rewritten:

49 "(7) Sexual assault. – Any alleged violation of ~~G.S. 14-27.2, 14-27.3, 14-27.4,~~  
50 ~~14-27.5, 14-27.7, 14-27.7A, G.S. 14-27.21, 14-27.22, 14-27.24, 14-27.25,~~  
51 14-27.26, 14-27.27, 14-27.29, 14-27.30, 14-27.31, 14-27.32, or 14-202.1,



1 whether or not a civil or criminal action arises as a result of the alleged  
2 violation."

3 **SECTION 32.** G.S. 14-208.6(5) reads as rewritten:

4 "(5) "Sexually violent offense" means a violation of ~~G.S. 14-27.2 (first degree~~  
5 ~~rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second~~  
6 ~~degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex~~  
7 ~~offense with a child; adult offender), G.S. 14-27.5 (second degree sexual~~  
8 ~~offense), G.S. 14-27.5A (sexual battery), former G.S. 14-27.6 (attempted~~  
9 ~~rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with~~  
10 ~~certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person~~  
11 ~~who is 13, 14, or 15 years old where the defendant is at least six years~~  
12 ~~older), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22~~  
13 ~~(second-degree forcible rape), G.S. 14-27.23 (statutory rape of a child by an~~  
14 ~~adult), G.S. 14-27.25(a) (statutory rape of a person who is 15 years of age or~~  
15 ~~younger where the defendant is at least six years older), G.S. 14-27.26~~  
16 ~~(first-degree forcible sexual offense), G.S. 14-27.27 (second-degree forcible~~  
17 ~~sexual offense), G.S. 14-27.28 (statutory sexual offense with a child by an~~  
18 ~~adult), G.S. 14-27.29 (first-degree statutory sexual offense),~~  
19 ~~G.S. 14-27.30(a) (statutory sexual offense with a person who is 15 years of~~  
20 ~~age or younger where the defendant is at least six years older), G.S. 14-27.31~~  
21 ~~(sexual activity by a substitute parent or custodian), G.S. 14-27.32 (sexual~~  
22 ~~activity with a student), G.S. 14-27.33 (sexual battery), G.S. 14-43.11~~  
23 ~~(human trafficking) if (i) the offense is committed against a minor who is~~  
24 ~~less than 18 years of age or (ii) the offense is committed against any person~~  
25 ~~with the intent that they be held in sexual servitude, G.S. 14-43.13~~  
26 ~~(subjecting or maintaining a person for sexual servitude), G.S. 14-178~~  
27 ~~(incest between near relatives), G.S. 14-190.6 (employing or permitting~~  
28 ~~minor to assist in offenses against public morality and decency),~~  
29 ~~G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first~~  
30 ~~degree sexual exploitation of a minor), G.S. 14-190.17 (second degree~~  
31 ~~sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual~~  
32 ~~exploitation of a minor), G.S. 14-202.1 (taking indecent liberties with~~  
33 ~~children), G.S. 14-202.3 (Solicitation of child by computer or certain other~~  
34 ~~electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking~~  
35 ~~indecent liberties with a student), G.S. 14-205.2(c) or (d) (patronizing a~~  
36 ~~prostitute who is a minor or a mentally disabled person), G.S. 14-205.3(b)~~  
37 ~~(promoting prostitution of a minor or a mentally disabled person),~~  
38 ~~G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution~~  
39 ~~with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of~~  
40 ~~sexual act upon a juvenile by parent or guardian). The term also includes the~~  
41 ~~following: a solicitation or conspiracy to commit any of these offenses;~~  
42 ~~aiding and abetting any of these offenses."~~

43 **SECTION 33.** G.S. 14-208.26(a) reads as rewritten:

44 "Part 4. Registration of Certain Juveniles Adjudicated for Committing Certain Offenses.

45 **"§ 14-208.26. Registration of certain juveniles adjudicated delinquent for committing**  
46 **certain offenses.**

47 "(a) When a juvenile is adjudicated delinquent for a violation of ~~G.S. 14-27.2 (first~~  
48 ~~degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense),~~  
49 ~~G.S. 14-27.5 (second degree sexual offense), or former G.S. 14-27.6 (attempted rape or sexual~~  
50 ~~offense), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22 (second-degree forcible~~  
51 ~~rape), G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.26 (first-degree forcible sexual~~

1 offense), G.S. 14-27.27 (second-degree forcible sexual offense), or G.S. 14-27.29 (first-degree  
2 statutory sexual offense), and the juvenile was at least eleven years of age at the time of the  
3 commission of the offense, the court shall consider whether the juvenile is a danger to the  
4 community. If the court finds that the juvenile is a danger to the community, then the court  
5 shall consider whether the juvenile should be required to register with the county sheriff in  
6 accordance with this Part. The determination as to whether the juvenile is a danger to the  
7 community and whether the juvenile shall be ordered to register shall be made by the presiding  
8 judge at the dispositional hearing. If the judge rules that the juvenile is a danger to the  
9 community and that the juvenile shall register, then an order shall be entered requiring the  
10 juvenile to register. The court's findings regarding whether the juvenile is a danger to the  
11 community and whether the juvenile shall register shall be entered into the court record. No  
12 juvenile may be required to register under this Part unless the court first finds that the juvenile  
13 is a danger to the community.

14 A juvenile ordered to register under this Part shall register and maintain that registration as  
15 provided by this Part."

16 **SECTION 34.** G.S. 48-3-603(a)(9) reads as rewritten:

17 "(9) An individual whose actions resulted in a conviction under ~~G.S. 14-27.2,~~  
18 ~~G.S. 14-27.2A,~~ or ~~G.S. 14-27.3~~ G.S. 14-27.21, G.S. 14-27.22, G.S. 14-27.23,  
19 or G.S. 14-27.24 and the conception of the minor to be adopted."

20 **SECTION 35.** G.S. 50-13.1(a) reads as rewritten:

21 "(a) Any parent, relative, or other person, agency, organization or institution claiming  
22 the right to custody of a minor child may institute an action or proceeding for the custody of  
23 such child, as hereinafter provided. Any person whose actions resulted in a conviction under  
24 ~~G.S. 14-27.2, G.S. 14-27.2A, or G.S. 14-27.3~~ G.S. 14-27.21, G.S. 14-27.22, G.S. 14-27.23, or  
25 G.S. 14-27.24 and the conception of the minor child may not claim the right to custody of that  
26 minor child. Unless a contrary intent is clear, the word "custody" shall be deemed to include  
27 custody or visitation or both."

28 **SECTION 36.** G.S. 50B-1(a)(3) reads as rewritten:

29 "(3) Committing any act defined in ~~G.S. 14-27.2~~ G.S. 14-27.21 through  
30 ~~G.S. 14-27.7~~ G.S. 14-27.33."

31 **SECTION 37.** G.S. 90-171.38(b) reads as rewritten:

32 "(b) Any individual, organization, association, corporation, or institution may establish a  
33 program for the purpose of training or educating any registered nurse licensed under  
34 G.S. 90-171.30, 90-171.32, or 90-171.33 in the skills, procedures, and techniques necessary to  
35 conduct examinations for the purpose of collecting evidence from the victims of ~~first-degree~~  
36 ~~rape as defined in G.S. 14-27.2, second-degree rape as defined in G.S. 14-27.3, statutory rape~~  
37 ~~as defined in G.S. 14-27.7A, first-degree sexual offense as defined in G.S. 14-27.4,~~  
38 ~~second-degree sexual offense as defined in G.S. 14-27.5 or attempted first-degree or~~  
39 ~~second-degree rape or attempted first-degree or second-degree sexual offense. first-degree~~  
40 forcible rape as defined in G.S. 14-27.21, second-degree forcible rape as defined in  
41 G.S. 14-27.22, statutory rape of a child by an adult as defined in G.S. 14-27.23, first-degree  
42 statutory rape as defined in G.S. 14-27.24, statutory rape of a person who is 15 years of age or  
43 younger as defined in G.S. 14-27.25, first-degree forcible sexual offense as defined in  
44 G.S. 14-27.26, second-degree forcible sexual offense as defined in G.S. 14-27.27, statutory  
45 sexual offense with a child by an adult as defined in G.S. 14-27.28, first-degree statutory sexual  
46 offense as defined in G.S. 14-27.29, statutory sexual offense with a person who is 15 years of  
47 age or younger as defined in G.S. 14-27.30, attempted first-degree or second-degree forcible  
48 rape, attempted first-degree statutory rape, attempted first-degree or second-degree forcible  
49 sexual offense, or attempted first-degree statutory sexual offense. The Board, pursuant to  
50 G.S. 90-171.23(b)(14), shall establish, revise, or repeal standards for any such program. Any  
51 individual, organization, association, corporation, or institution which desires to establish a

1 program under this subsection shall apply to the Board and submit satisfactory evidence that it  
2 will meet the standards prescribed by the Board."

3 **SECTION 38.** G.S. 143B-1200(i)(3) reads as rewritten:

4 "(3) Sexual assault. – Any of the following crimes:

5 a. ~~First degree rape as defined in G.S. 14-27.2.~~

6 b. ~~Second degree rape as defined in G.S. 14-27.3.~~

7 c. ~~First degree sexual offense as defined in G.S. 14-27.4.~~

8 d. ~~Second degree sexual offense as defined in G.S. 14-27.5.~~

9 e. ~~Statutory rape as defined in G.S. 14-27.7A.~~

10 a. First-degree forcible rape as defined in G.S. 14-27.21.

11 b. Second-degree forcible rape as defined in G.S. 14-27.22.

12 c. First-degree statutory rape as defined in G.S. 14-27.24.

13 d. Statutory rape of a person who is 15 years of age or younger as  
14 defined in G.S. 14-27.25.

15 e. First-degree forcible sexual offense as defined in G.S. 14-27.26.

16 f. Second-degree forcible sexual offense as defined in G.S. 14-27.27.

17 g. First-degree statutory sexual offense as defined in G.S. 14-27.29.

18 h. Statutory sexual offense with a person who is 15 years of age or  
19 younger as defined in G.S. 14-27.30."

20 **SECTION 39.** G.S. 14-401.16(c) reads as rewritten:

21 "(c) A violation of this section is a Class H felony. However, if a person violates this  
22 section with the intent of committing an offense under ~~G.S. 14-27.3~~G.S. 14-27.22 or  
23 ~~G.S. 14-27.5, G.S. 14-27.27,~~ the violation is a Class G felony."

24 **SECTION 40.** G.S. 14-208.40(a)(3) reads as rewritten:

25 "(3) Any offender who is convicted of ~~G.S. 14-27.2~~G.S. 14-27.23 or  
26 ~~G.S. 14-27.4A, G.S. 14-27.28,~~ who shall be enrolled in the satellite-based  
27 monitoring program for the offender's natural life upon termination of the  
28 offender's active punishment."

29 **SECTION 41.** G.S. 14-208.40A reads as rewritten:

30 **"§ 14-208.40A. Determination of satellite-based monitoring requirement by court.**

31 (a) When an offender is convicted of a reportable conviction as defined by  
32 G.S. 14-208.6(4), during the sentencing phase, the district attorney shall present to the court  
33 any evidence that (i) the offender has been classified as a sexually violent predator pursuant to  
34 G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated  
35 offense, (iv) the conviction offense was a violation of ~~G.S. 14-27.2~~G.S. 14-27.23 or  
36 ~~G.S. 14-27.4A, G.S. 14-27.28,~~ or (v) the offense involved the physical, mental, or sexual abuse  
37 of a minor. The district attorney shall have no discretion to withhold any evidence required to  
38 be submitted to the court pursuant to this subsection.

39 The offender shall be allowed to present to the court any evidence that the district attorney's  
40 evidence is not correct.

41 (b) After receipt of the evidence from the parties, the court shall determine whether the  
42 offender's conviction places the offender in one of the categories described in  
43 G.S. 14-208.40(a), and if so, shall make a finding of fact of that determination, specifying  
44 whether (i) the offender has been classified as a sexually violent predator pursuant to  
45 G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated  
46 offense, (iv) the conviction offense was a violation of ~~G.S. 14-27.2~~G.S. 14-27.23 or  
47 ~~G.S. 14-27.4A, G.S. 14-27.28,~~ or (v) the offense involved the physical, mental, or sexual abuse  
48 of a minor.

49 (c) If the court finds that the offender has been classified as a sexually violent predator,  
50 is a recidivist, has committed an aggravated offense, or was convicted of

1 ~~G.S. 14-27.2A~~G.S. 14-27.23 or ~~G.S. 14-27.4A~~G.S. 14-27.28, the court shall order the offender  
2 to enroll in a satellite-based monitoring program for life.

3 (d) If the court finds that the offender committed an offense that involved the physical,  
4 mental, or sexual abuse of a minor, that the offense is not an aggravated offense or a violation  
5 of ~~G.S. 14-27.2A~~G.S. 14-27.23 or ~~G.S. 14-27.4A~~G.S. 14-27.28 and the offender is not a  
6 recidivist, the court shall order that the Division of Adult Correction do a risk assessment of the  
7 offender. The Division of Adult Correction shall have a minimum of 30 days, but not more than  
8 60 days, to complete the risk assessment of the offender and report the results to the court.

9 (e) Upon receipt of a risk assessment from the Division of Adult Correction pursuant to  
10 subsection (d) of this section, the court shall determine whether, based on the Division of Adult  
11 Correction's risk assessment, the offender requires the highest possible level of supervision and  
12 monitoring. If the court determines that the offender does require the highest possible level of  
13 supervision and monitoring, the court shall order the offender to enroll in a satellite-based  
14 monitoring program for a period of time to be specified by the court."

15 **SECTION 42.** G.S. 14-208.40B(c) reads as rewritten:

16 "(c) At the hearing, the court shall determine if the offender falls into one of the  
17 categories described in G.S. 14-208.40(a). The court shall hold the hearing and make findings  
18 of fact pursuant to G.S. 14-208.40A.

19 If the court finds that (i) the offender has been classified as a sexually violent predator  
20 pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an  
21 aggravated offense, or (iv) the conviction offense was a violation of  
22 ~~G.S. 14-27.2A~~G.S. 14-27.23 or ~~G.S. 14-27.4A~~G.S. 14-27.4A, the court shall order the offender  
23 to enroll in satellite-based monitoring for life.

24 If the court finds that the offender committed an offense that involved the physical, mental,  
25 or sexual abuse of a minor, that the offense is not an aggravated offense or a violation of  
26 ~~G.S. 14-27.2A~~G.S. 14-27.23 or ~~G.S. 14-27.4A~~G.S. 14-27.28, and the offender is not a  
27 recidivist, the court shall order that the Division of Adult Correction do a risk assessment of the  
28 offender. The Division of Adult Correction shall have a minimum of 30 days, but not more than  
29 60 days, to complete the risk assessment of the offender and report the results to the court. The  
30 Division of Adult Correction may use a risk assessment of the offender done within six months  
31 of the date of the hearing.

32 Upon receipt of a risk assessment from the Division of Adult Correction, the court shall  
33 determine whether, based on the Division of Adult Correction's risk assessment, the offender  
34 requires the highest possible level of supervision and monitoring. If the court determines that  
35 the offender does require the highest possible level of supervision and monitoring, the court  
36 shall order the offender to enroll in a satellite-based monitoring program for a period of time to  
37 be specified by the court."

38 **SECTION 43.** G.S. 15A-145.5(a)(4) reads as rewritten:

39 "(4) Any of the following sex-related or stalking offenses:  
40 ~~G.S. 14-27.7A(b)~~G.S. 14-27.25(b), 14-27.30(b), 14-190.7, 14-190.8,  
41 14-190.9, 14-202, 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1."

42 **SECTION 44.** G.S. 15A-145.4(5) reads as rewritten:

43 "(5) Any felony offense under the following sex-related or stalking offenses:  
44 ~~G.S. 14-27.7A(b)~~G.S. 14-27.25(b), 14-27.30(b), 14-190.7, 14-190.8,  
45 14-202, 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1."

46 **SECTION 45.** G.S. 90-210.25B(b) reads as rewritten:

47 "(b) For purposes of this Article, the term "sexual offense against a minor" means a  
48 conviction of any of the following offenses: ~~G.S. 14-27.4A(a) (sex offense with a child; adult  
49 offender), G.S. 14-27.7A (statutory rape or sexual offense of person who is 13, 14, or 15 years  
50 old where the defendant is at least six years older),~~G.S. 14-27.23 (statutory rape of a child by  
51 an adult), G.S. 14-27.25(a) (statutory rape of a person who is 15 years of age or younger where

1 the defendant is at least six years older), G.S. 14-27.28 (statutory sexual offense with a child by  
2 an adult), G.S. 14-27.30 (statutory sexual offense with a person who is 15 years of age or  
3 younger where the defendant is at least six years older), G.S. 14-190.16 (first-degree sexual  
4 exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor),  
5 G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting  
6 prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), G.S. 14-202.1  
7 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by computer or  
8 certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking  
9 indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act  
10 of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual  
11 act upon a juvenile by parent or guardian). The term shall also include a conviction of the  
12 following: any attempt, solicitation, or conspiracy to commit any of these offenses or any  
13 aiding and abetting any of these offenses. The term shall also include a conviction in another  
14 jurisdiction for an offense which if committed in this State has the same or substantially similar  
15 elements to an offense against a minor as defined by this section."

16 **SECTION 46.** G.S. 15A-290(c)(1) reads as rewritten:

17 "(1) Any felony offense against a minor, including any violation of ~~G.S. 14-27.7~~  
18 ~~(Intercourse and sexual offenses with certain victims; consent no defense),~~  
19 G.S. 14-27.31 (Sexual activity by a substitute parent or custodian),  
20 G.S. 14-27.32 (Sexual activity with a student), G.S. 14-41 (Abduction of  
21 children), G.S. 14-43.11 (Human trafficking), G.S. 14-43.12 (Involuntary  
22 servitude), G.S. 14-43.13 (Sexual servitude), G.S. 14-190.16 (First degree  
23 sexual exploitation of a minor), G.S. 14-190.17 (Second degree sexual  
24 exploitation of a minor), G.S. 14-202.1 (Taking indecent liberties with  
25 children), G.S. 14-205.2(c) or (d) (Patronizing a prostitute who is a minor or  
26 a mentally disabled person), or G.S. 14-205.3(b) (Promoting prostitution of a  
27 minor or a mentally disabled person)."

28 **SECTION 47.** The Revisor of Statutes may correct statutory references, as  
29 required by this act, throughout the General Statutes. In making the changes authorized by this  
30 act, the Revisor may also adjust the order of lists of multiple statutes to maintain statutory  
31 order, correct terms, make conforming changes to catch lines and references to catch lines, and  
32 adjust subject and verb agreement and the placement of conjunctions.

33 **SECTION 48.** This act becomes effective December 1, 2015, and applies to  
34 offenses committed on or after that date. Prosecutions for offenses committed before the  
35 effective date of this act are not abated or affected by this act, and the statutes that would be  
36 applicable but for this act remain applicable to those prosecutions.