

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 107
Feb 14, 2017
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH20006-MQ-27A* (02/10)

Short Title: Common Sense Compromise to Repeal HB 2. (Public)

Sponsors: Representative Jackson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A COMMON SENSE COMPROMISE TO REPEAL HOUSE BILL 2
AND REQUIRE ENHANCED CRIMINAL PENALTIES AND PROVIDE NOTICE FOR
ADOPTION OF CERTAIN NONDISCRIMINATION ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 2016-99 and S.L. 2016-3 are repealed.

SECTION 2. Article 21 of Chapter 160A of the General Statutes is amended by
adding a new section to read:

"§ 160A-499.5. Nondiscrimination ordinances.

(a) A local government shall provide at least 30 days' notice to the General Assembly, and to the public, before the adoption of any nondiscrimination ordinance extending any protections beyond those already afforded by State law. The notice required by this section shall be given in the same manner as provided by G.S. 120-29.5.

(b) The provisions of this section apply to counties."

SECTION 3. Article 81B of Chapter 15A of the General Statutes is amended by
adding a new section to read:

"§ 15A-1340.16E. Enhanced sentence if defendant committed certain felony offenses in a public changing facility or a changing facility in a place of public accommodations.

(a) The following definitions apply in this section:

(1) Changing facility. – A facility designed or designated to be used by a person in various states of undress. The term may include, but is not limited to, a restroom, locker room, changing room, or shower room.

(2) Place of public accommodations. – As defined in G.S. 168A-3(8).

(b) If a person is convicted of any of the felonies set out in subdivisions (1) through (8) of this subsection and it is found as provided in this section that the felony was committed in a public changing facility or in a changing facility in a place of public accommodations, then the person shall have the minimum term of imprisonment to which the person is sentenced for that felony increased by six months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by six months as specified in G.S. 15A-1340.17. An enhanced penalty may be imposed pursuant to this section on a person convicted of any of the following offenses:

(1) G.S. 14-27.22 (Second degree forcible rape).

(2) G.S. 14-27.27 (Second degree forcible sexual offense).

(3) G.S. 14-190.9(a1) (Indecent exposure for purpose of arousing sexual desire).



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- 1 (4) G.S. 14-202(d), (e), or (f) (Secretly peeping into room occupied by another
2 person).
- 3 (5) G.S. 14-202(g) or (h) (Secretly peeping into room occupied by another person),
4 if the person convicted knows or has reason to know that the photographic
5 image possessed or any other image being disseminated was taken in a public
6 changing facility or changing facility in a place of public accommodations.
- 7 (6) G.S. 14-202.1 (Taking indecent liberties with children).
- 8 (7) G.S. 14-202.4 (Taking indecent liberties with a student).
- 9 (8) G.S. 14-277.3A (Felony stalking offense), if the person is convicted of either a
10 Class H or Class F felony.

11 (c) An indictment or information for the felony shall allege in that indictment or
12 information or in a separate indictment or information the facts set out in subsection (b) of this
13 section. The pleading is sufficient if it alleges that the defendant committed the felony in a public
14 changing facility or in a changing facility in a place of public accommodations. One pleading is
15 sufficient for all felonies that are tried at a single trial.

16 (d) The State shall prove the issue set out in subsection (b) of this section beyond a
17 reasonable doubt during the same trial in which the defendant is tried for the felony unless the
18 defendant pleads guilty or no contest to that issue. If the defendant pleads guilty or no contest to
19 the felony but pleads not guilty to the issue set out in subsection (b) of this section, then a jury
20 shall be impaneled to determine that issue."

21 **SECTION 4.** Article 8 of Chapter 14 of the General Statutes is amended by adding a
22 new section to read:

23 "§ 14-32.5. Assault in a changing facility.

24 (a) The following definitions apply in this section:

25 (1) Changing facility. – As defined in G.S. 15A-1340.16E.

26 (2) Place of public accommodations. – As defined in G.S. 168A-3(8).

27 (b) Unless the conduct is covered under some other provision of law providing greater
28 punishment, any person who commits an assault in a public changing facility or in a changing
29 facility in a place of public accommodations is guilty of a Class A1 misdemeanor."

30 **SECTION 5.(a)** Sections 3 and 4 of this act become effective December 1, 2017, and
31 apply to offenses committed on or after that date.

32 **SECTION 5.(b)** The remainder of this act is effective when it becomes law.