

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40004-ML-34

Short Title: Revise Laws Governing Minors.

(Public)

Sponsors: Representative Torbett.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PUNISHMENT FOR COMMITTING THE OFFENSE OF DISSEMINATING HARMFUL MATERIAL TO MINORS OR EXHIBITING HARMFUL PERFORMANCES TO MINORS; TO ESTABLISH THE OFFENSE OF HABITUAL INDECENT EXPOSURE; TO ADD THE OFFENSES OF DISSEMINATING HARMFUL MATERIAL TO MINORS AND EXHIBITING HARMFUL PERFORMANCES TO MINORS TO THE LIST OF CRIMINAL CONVICTIONS THAT MAY REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM; AND TO PROHIBIT TRANSPORTATION NETWORK COMPANIES FROM PROVIDING SERVICE TO UNEMANCIPATED MINORS WITHOUT FIRST OBTAINING CONSENT FROM THE MINOR'S PARENT OR LEGAL GUARDIAN.

The General Assembly of North Carolina enacts:

PART I. INCREASE PUNISHMENT FOR COMMITTING THE OFFENSES OF DISSEMINATING HARMFUL MATERIAL TO MINORS AND EXHIBITING HARMFUL PERFORMANCES TO MINORS; ESTABLISH THE OFFENSE OF HABITUAL INDECENT EXPOSURE; AND ALLOW THE COURT TO CONSIDER WHETHER AN INDIVIDUAL WHO COMMITS THE OFFENSES OF DISSEMINATING HARMFUL MATERIAL TO MINORS OR EXHIBITING HARMFUL PERFORMANCES TO MINORS SHOULD REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM

SECTION 1.1. G.S. 14-190.7 reads as rewritten:

"§ 14-190.7. Dissemination to minors under the age of 16 years.

(a) Offense and Punishment. – Every person 18 years of age or older who knowingly disseminates to any minor under the age of 16 years any material which ~~he~~ the person knows or reasonably should know to be obscene within the meaning of G.S. 14-190.1 ~~shall be~~ is guilty of a Class ~~H~~ G felony.

(b) Registration. – When a person is convicted of a violation of this section, the sentencing court shall consider whether the person is a danger to the community and whether requiring the person to register as a sex offender pursuant to Article 27A of this Chapter would further the purposes of that Article as stated in G.S. 14-208.5. If the sentencing court rules that the person is a danger to the community and that the person shall register, then an order shall be entered requiring the person to register."

SECTION 1.2. G.S. 14-190.8 reads as rewritten:

"§ 14-190.8. Dissemination to minors under the age of 13 years.



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1 (a) Offense and Punishment. – Every person 18 years of age or older who knowingly
2 disseminates to any minor under the age of 13 years any material which ~~he~~the person knows or
3 reasonably should know to be obscene within the meaning of G.S. 14-190.1 ~~shall be punished as~~
4 is guilty of a Class G felon-F felony.

5 (b) Registration. – When a person is convicted of a violation of this section, the
6 sentencing court shall consider whether the person is a danger to the community and whether
7 requiring the person to register as a sex offender pursuant to Article 27A of this Chapter would
8 further the purposes of that Article as stated in G.S. 14-208.5. If the sentencing court rules that
9 the person is a danger to the community and that the person shall register, then an order shall be
10 entered requiring the person to register."

11 **SECTION 1.3.** G.S. 14-190.15 reads as rewritten:

12 "**§ 14-190.15. Disseminating harmful material to minors; exhibiting harmful performances**
13 **to minors.**

14 (a) Disseminating Harmful Material. – A person commits the offense of disseminating
15 harmful material to minors if, with or without consideration and knowing the character or content
16 of the material, ~~he~~the person does either of the following:

17 (1) Sells, furnishes, presents, or distributes to a minor material that is harmful to
18 ~~minors; or~~minors.

19 (2) Allows a minor to review or peruse material that is harmful to minors.

20 (b) Exhibiting Harmful Performance. – A person commits the offense of exhibiting a
21 harmful performance to a minor if, with or without consideration and knowing the character or
22 content of the performance, ~~he~~the person allows a minor to view a live performance that is
23 harmful to minors.

24 ...

25 (d) Punishment. – Violation of this section is a Class ~~1~~misdemeanor-H felony.

26 (e) Registration. – When a person is convicted of a violation of this section, the
27 sentencing court shall consider whether the person is a danger to the community and whether
28 requiring the person to register as a sex offender pursuant to Article 27A of this Chapter would
29 further the purposes of that Article as stated in G.S. 14-208.5. If the sentencing court rules that
30 the person is a danger to the community and that the person shall register, then an order shall be
31 entered requiring the person to register."

32 **SECTION 1.4.** G.S. 14-190.9 reads as rewritten:

33 "**§ 14-190.9. Indecent exposure.**

34 (a) Unless the conduct is punishable ~~under subsection (a1) of this section,~~by another law
35 providing greater punishment, any person who shall willfully expose the private parts of his or
36 her person in any public place and in the presence of any other person or persons, except for
37 those places designated for a public purpose where the same sex exposure is incidental to a
38 permitted activity, or aids or abets in any such act, or who procures another to perform such act;
39 or any person, who as owner, manager, lessee, director, promoter or agent, or in any other
40 capacity knowingly hires, leases or permits the land, building, or premises of which ~~he~~the person
41 is owner, lessee or tenant, or over which ~~he~~the person has control, to be used for purposes of any
42 such act, ~~shall be~~is guilty of a Class 2 misdemeanor.

43 (a1) Unless the conduct is ~~prohibited~~punishable by another law providing greater
44 punishment, any person at least 18 years of age who shall willfully expose the private parts of
45 his or her person in any public place in the presence of a minor as defined in G.S. 14-190.13 for
46 the purpose of arousing or gratifying sexual desire ~~shall be~~is guilty of a Class H felony. An
47 offense committed under this subsection shall not be considered to be a lesser included offense
48 under G.S. 14-202.1.

49 (a2) Unless the conduct is ~~prohibited~~punishable by another law providing greater
50 punishment, any person who shall willfully expose the private parts of his or her person in the
51 presence of anyone other than a consenting adult on the private premises of another or so near

1 thereto as to be seen from such private premises for the purpose of arousing or gratifying sexual
2 desire is guilty of a Class 2 misdemeanor.

3 (a4) Unless the conduct is punishable by another law providing greater punishment, any
4 person at least 18 years of age who shall willfully expose the private parts of his or her person in
5 a private residence of which they are not a resident and in the presence of a minor as defined in
6 G.S. 14-190.13 who is a resident of that private residence ~~shall be~~ is guilty of a Class 2
7 misdemeanor.

8 (a5) Unless the conduct is ~~prohibited~~ punishable by another law providing greater
9 punishment, any person located in a private place who shall willfully expose the private parts of
10 his or her person with the knowing intent to be seen by a person in a public place ~~shall be~~ is guilty
11 of a Class 2 misdemeanor.

12 (a6) Unless the conduct is punishable by another law providing greater punishment, any
13 person who violates this section, and has two or more prior convictions under this section,
14 commits the offense of habitual indecent exposure and is guilty of a Class H felony.

15"

16 **SECTION 1.5.** G.S. 14-208.6(4) is amended by adding two new sub-subdivisions to
17 read:

18 "g. A final conviction for a violation of G.S. 14-190.7, 14-190.8, or
19 14-190.15, only if the court sentencing the individual issues an order
20 pursuant to the applicable provision of G.S. 14-190.7, 14-190.8, or
21 14-190.15, requiring the individual to register.

22 h. A final conviction for a violation of G.S. 14-190.9(a6)."

23
24 **PART II. PROHIBIT TRANSPORTATION NETWORK COMPANIES FROM**
25 **PROVIDING SERVICE TO UNEMANCIPATED MINORS WITHOUT FIRST**
26 **OBTAINING CONSENT FROM THE MINOR'S PARENT OR LEGAL GUARDIAN**

27 **SECTION 2.1.** G.S. 20-280.5 reads as rewritten:

28 "**§ 20-280.5. Safety requirements.**

29 ...

30 (a1) A TNC driver shall not accept a ride request from an unemancipated minor without
31 first obtaining consent from that minor child's parent or legal guardian. The transportation
32 network company shall ensure that the company's online-enabled application or platform
33 provides a reliable method for confirming a parent's or guardian's consent. For purposes of this
34 subsection, the term "unemancipated minor" is as defined in G.S. 90-21.6.

35"

36 **SECTION 2.2.** Article 52 of Chapter 14 of the General Statutes is amended by
37 adding a new section to read:

38 "**§ 14-401.28. Failure to confirm parental consent prior to providing TNC service to an**
39 **unemancipated minor.**

40 It shall be unlawful for a TNC driver to provide TNC service, as those terms are defined in
41 G.S. 20-280.1, to an unemancipated minor, as that term is defined in G.S. 90-21.6, without first
42 obtaining consent from that minor child's parent or legal guardian, as required by
43 G.S. 20-280.5(a1). A violation of this section shall be an infraction and shall be punishable by a
44 fine of two hundred fifty dollars (\$250.00)."

45
46 **PART III. SAVINGS CLAUSE AND EFFECTIVE DATE**

47 **SECTION 3.1.** Prosecutions for offenses committed before the effective date of this
48 act are not abated or affected by this act, and the statutes that would be applicable but for this act
49 remain applicable to those prosecutions.

1 **SECTION 3.2.** Section 2.1 of this act becomes effective December 1, 2025, and
2 applies to ride requests received on or after that date. The remainder of this act becomes effective
3 December 1, 2025, and applies to offenses committed on or after that date.