

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 214*

Short Title: Rape/Abolish Spousal Defense.

(Public)

Sponsors: Representatives Holt; Alexander, Balmer, Barnes, Barnhill, Berry, Bowie, Bowman, Braswell, Cole, Colton, Cummings, Diamont, Dickson, Dockham, Easterling, Esposito, Gardner, Gist, Gottovi, Hackney, Howard, Jack Hunt, Judy Hunt, Jarrell, Jeffus, Kennedy, Kuczmariski, Lemmond, Luebke, Lutz, McAllister, McLawhorn, Michaux, B. Miller, Moore, C. Preston, J. Preston, Redwine, Richardson, Russell, Stamey, Stewart, Wainwright, C. Wilson, and P. Wilson.

Referred to: Judiciary I.

February 19, 1993

A BILL TO BE ENTITLED

AN ACT TO ABOLISH THE SPOUSAL DEFENSE TO A PROSECUTION FOR RAPE OR SEXUAL OFFENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-27.8 reads as rewritten:

"§ 14-27.8. ~~Defense~~ **No defense that victim is spouse of person committing act.**

A person may ~~not~~ be prosecuted under this Article ~~if whether or not~~ the victim is the person's legal spouse at the time of the commission of the alleged rape or sexual offense ~~unless the parties are living separate and apart.~~"

Sec. 2. This act is effective upon ratification. Prosecutions for offenses occurring before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.