

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1065

Short Title: Parental Rights & Child Protect. Act.

(Public)

Sponsors: Representatives Davis; Aldridge, Buchanan, Decker, Sexton, and Starnes.

Referred to: Human Resources, if favorable, Judiciary I.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IT IS UNLAWFUL TO DISSEMINATE CERTAIN MATERIALS TO A MINOR WITHOUT WRITTEN PARENTAL CONSENT AND TO PROVIDE THAT CRIMINAL AND CIVIL PENALTIES MAY BE IMPOSED FOR SUCH VIOLATIONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 26B.

"Parental Rights and Child Protection.

"§ 14-202.15. Definitions.

The following definitions apply in this Article:

(1) Material. – The term includes any type of literature, pamphlet, book, magazine, audio or visual tape recording, or other information in any form.

(2) Person. – The term includes a person, group, association, agency, business, institution, governmental unit, or entity.

"§ 14-202.16. Unlawful dissemination of certain materials to a minor.

(a) It is unlawful for any person to disseminate to a minor without first obtaining the written permission of the minor's parent any material that the person knows, or

1 reasonably should know, suggests, recommends, condones, or advocates, explicitly or
2 implicitly, engaging in any of the following: sexual acts, unnatural sexual acts, alternate
3 lifestyles, any other form of sexual activity outside the bonds of matrimony between a
4 lawfully married man and woman, or a violation of any provision of Chapter 14 of the
5 General Statutes. A person who willfully violates this subsection is guilty of a Class I
6 felony and is also civilly liable as provided by this section.

7 (b) The parent of a minor may file a civil action against a person who violates
8 subsection (a) of this section. If the parent proves the violation, then, in addition to any
9 other remedies in law, the parent shall be awarded triple damages. The parent shall also
10 be awarded attorney fees and court costs.

11 (c) The parent of a minor, who alleges a violation of subsection (a) of this section
12 in a civil action, upon proper verification of pleadings or by affidavit, sufficient to show
13 unto the court the nature of the material and its dissemination, may apply to the court for
14 a temporary injunction to prevent further improper dissemination and shall not be liable
15 for any damages in law or equity, or any other manner, for failure to prevail at trial."

16 Section 2. This act becomes effective December 1, 1997, and applies to
17 offenses committed on or after that date.