

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 472  
Second Edition Engrossed 4/5/05  
House Committee Substitute Favorable 5/31/05

Short Title: Child Exploitation Prevention Act.

(Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO  
MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE  
PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX  
ACTS, TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO  
REGISTER AS SEX OFFENDERS, AND TO AUTHORIZE THE STATE  
BUREAU OF INVESTIGATION TO INVESTIGATE CERTAIN CRIMES  
COMMITTED BY USE OF A COMPUTER.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-202.3 reads as rewritten:

**"§ 14-202.3. Solicitation of child by computer to commit an unlawful sex act.**

(a) Offense. – A person is guilty of solicitation of a child by a computer if the person is 16 years of age or older and the person knowingly, with the intent to commit an unlawful sex act, entices, advises, coerces, orders, or commands, by means of a computer, a child who is less than 16 years of age and at least 3 years younger than the defendant, or a person the defendant believes to be a child who is less than 16 years of age and who the defendant believes to be at least 3 years younger than the defendant, to meet with the defendant or any other person for the purpose of committing an unlawful sex act. Consent is not a defense to a charge under this section.

(b) Jurisdiction. – The offense is committed in the State for purposes of determining jurisdiction, if the transmission that constitutes the offense either originates in the State or is received in the State.

(c) Punishment. – A violation of this section is a Class ~~I~~H felony."

**SECTION 2.** G.S. 14-208.6(5) reads as rewritten:

"(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7

1 (intercourse and sexual offense with certain victims), G.S. 14-178  
2 (incest between near relatives), G.S. 14-190.6 (employing or  
3 permitting minor to assist in offenses against public morality and  
4 decency), G.S. 14-190.16 (first degree sexual exploitation of a minor),  
5 G.S. 14-190.17 (second degree sexual exploitation of a minor),  
6 G.S. 14-190.17A (third degree sexual exploitation of a minor),  
7 G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19  
8 (participating in the prostitution of a minor), ~~G.S. 14-202.1~~ (taking  
9 indecent liberties with children), or G.S. 14-202.3 (Solicitation of child  
10 by computer to commit an unlawful sex act). The term also includes  
11 the following: a solicitation or conspiracy to commit any of these  
12 offenses; aiding and abetting any of these offenses."

13 **SECTION 3.** G.S. 114-15 is amended by adding a new subsection to read:

14 "(b1) The State Bureau of Investigation is further authorized, upon request of the  
15 Governor or Attorney General, to investigate the solicitation, commission, or attempted  
16 commission, by means of a computer, computer network, computer system, electronic  
17 mail service provider, or the Internet, of the crimes defined in the following statutes:

- 18 (1) G.S. 14-190.6;
- 19 (2) G.S. 14-190.7;
- 20 (3) G.S. 14-190.8;
- 21 (4) G.S. 14-190.14;
- 22 (5) G.S. 14-190.15;
- 23 (6) G.S. 14-190.16;
- 24 (7) G.S. 14-190.17;
- 25 (8) G.S. 14-190.17A;
- 26 (9) G.S. 14-190.18;
- 27 (10) G.S. 14-190.19;
- 28 (11) G.S. 14-202.3;

29 Upon determining the location of the criminal violation, the State Bureau of  
30 Investigation shall promptly notify the sheriff and local law enforcement of its  
31 investigation."

32 **SECTION 4.** This act becomes effective December 1, 2005, and applies to  
33 offenses committed on or after that date.