

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 221

Short Title: Increase Penalties for Human Trafficking. (Public)

Sponsors: Representatives Hamilton, Davis, Mobley, and Carney (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee B, if favorable, Appropriations.

March 6, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE OFFENSES OF HUMAN
3 TRAFFICKING AND CERTAIN OTHER RELATED CRIMES AND TO REQUIRE
4 THAT A PERSON CONVICTED OF CERTAIN OFFENSES OF HUMAN
5 TRAFFICKING, INVOLUNTARY SERVITUDE, SEXUAL SERVITUDE, OR THE
6 UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR MUST REGISTER
7 UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION
8 PROGRAM.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 14-43.11(b) reads as rewritten:

11 "(b) A person who violates this section is guilty of a ~~Class F~~ Class E felony if the victim
12 of the offense is an adult. A person who violates this section is guilty of a Class C felony if the
13 victim of the offense is a minor."

14 **SECTION 2.** G.S. 14-43.12(b) reads as rewritten:

15 "(b) A person who violates this section is guilty of a ~~Class F~~ Class E felony if the victim
16 of the offense is an adult. A person who violates this section is guilty of a Class C felony if the
17 victim of the offense is a minor."

18 **SECTION 3.** G.S. 14-43.13(b) reads as rewritten:

19 "(b) A person who violates this section is guilty of a ~~Class F~~ Class E felony if the victim
20 of the offense is an adult. A person who violates this section is guilty of a Class C felony if the
21 victim of the offense is a minor."

22 **SECTION 4.** G.S. 14-43.14(b) reads as rewritten:

23 "(b) A person who violates this section is guilty of a ~~Class F~~ Class E felony and shall pay
24 a minimum fine of five thousand dollars (\$5,000). For each subsequent violation, a person is
25 guilty of a Class F felony and shall pay a minimum fine of ten thousand dollars (\$10,000)."

26 **SECTION 5.** G.S. 14-43.13(e) is repealed.

27 **SECTION 6.** G.S. 14-208.6(5) reads as rewritten:

28 "(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree
29 rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second
30 degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex
31 offense with a child; adult offender), G.S. 14-27.5 (second degree sexual
32 offense), G.S. 14-27.5A (sexual battery), former G.S. 14-27.6 (attempted
33 rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with
34 certain victims), G.S. 14-27.7A(a)(statutory rape or sexual offense of person
35 who is 13-, 14-, or 15-years-old where the defendant is at least six years



1 older), G.S. 14-43.11 (human trafficking) if (i) the offense is committed
2 against a minor who is less than 18 years of age or (ii) the offense is
3 committed against an adult with the intent that the person be held in sexual
4 servitude, G.S. 14-43.13 (subjecting or maintaining a person for sexual
5 servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6
6 (employing or permitting minor to assist in offenses against public morality
7 and decency), G.S. 14-190.9(a1)(felonious indecent exposure),
8 G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17
9 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third
10 degree sexual exploitation of a minor), G.S. 14-190.18 (promoting
11 prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a
12 minor), G.S. 14-202.1 (taking indecent liberties with children),
13 G.S. 14-202.3 (Solicitation of child by computer or certain other electronic
14 devices to commit an unlawful sex act), G.S. 14-202.4(a)(taking indecent
15 liberties with a student), G.S. 14-318.4(a1)(parent or caretaker commit or
16 permit act of prostitution with or by a juvenile), or
17 G.S. 14-318.4(a2)(commission or allowing of sexual act upon a juvenile by
18 parent or guardian). The term also includes the following: a solicitation or
19 conspiracy to commit any of these offenses; aiding and abetting any of these
20 offenses."

21 **SECTION 7.** G.S. 14-208.6(1m) reads as rewritten:

22 "(1m) "Offense against a minor" means any of the following offenses if the offense
23 is committed against a minor, and the person committing the offense is not
24 the minor's parent: G.S. 14-39 (kidnapping), G.S. 14-41 (abduction of
25 children), and G.S. 14-43.3 (felonious restraint). The term also includes the
26 following if the person convicted of the following is not the minor's parent: a
27 solicitation or conspiracy to commit any of these offenses; aiding and
28 abetting any of these offenses. The term also includes an offense under
29 G.S. 14-43.14 (sale, surrender, or purchase of a minor) that is committed by
30 any person without regard as to whether the person is the minor's parent."

31 **SECTION 8.** This act becomes effective December 1, 2013, and applies to
32 offenses committed on or after that date.