

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS25158-LH-9 (11/17)

Short Title: Sex Offense With Student/Charter Schools. (Public)

Sponsors: Senators J. Jackson, Tillman, and Soucek (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT FOR PURPOSES OF THE CRIMES OF "TAKING
3 INDECENT LIBERTIES WITH A STUDENT" AND "INTERCOURSE AND SEXUAL
4 OFFENSES WITH A STUDENT," THE DEFINITION OF "SCHOOL PERSONNEL"
5 INCLUDES EMPLOYEES OF CHARTER SCHOOLS AND NONPUBLIC SCHOOLS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-202.4(d) reads as rewritten:

8 "(d) For purposes of this section, the following definitions apply:

9 (1) "Indecent liberties" means:

- 10 a. Willfully taking or attempting to take any immoral, improper, or
11 indecent liberties with a student for the purpose of arousing or
12 gratifying sexual desire; or
13 b. Willfully committing or attempting to commit any lewd or lascivious
14 act upon or with the body or any part or member of the body of a
15 student.

16 For purposes of this section, the term indecent liberties does not include
17 vaginal intercourse or a sexual act as defined by G.S. 14-27.1.

18 (1a) "Same school" means a school at which (i) the student is enrolled or is
19 present for a school-sponsored or school-related activity and (ii) the school
20 personnel is employed, volunteers, or is present for a school-sponsored or
21 school-related activity.

22 (2) "School" means any public school, charter school, or nonpublic school under
23 Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes.

24 (3) "School personnel" means any ~~person included in the definition contained in~~
25 ~~G.S. 115C-332(a)(2), and any person who volunteers at a school or a~~
26 ~~school-sponsored activity of the following:~~

27 a. Any person included in the definition contained in
28 G.S. 115C-332(a)(2).

29 b. Any person employed by a charter school or any independent
30 contractor or employee of an independent contractor of a charter
31 school, if the independent contractor carries out duties customarily
32 performed by school personnel, who has significant access to
33 students. "School personnel" as described by this sub-subdivision
34 also includes substitute teachers, driver training teachers, bus drivers,
35 clerical staff, and custodians.



1 c. Any person employed by a nonpublic school under Parts 1 and 2 of
2 Article 39 of Chapter 115C of the General Statutes or any
3 independent contractor or employee of an independent contractor of
4 a nonpublic school, if the independent contractor carries out duties
5 customarily performed by school personnel, who has significant
6 access to students. "School personnel" as described by this
7 sub-subdivision also includes substitute teachers, driver training
8 teachers, bus drivers, clerical staff, and custodians.

9 d. Any person who volunteers at a school or a school sponsored
10 activity.

11 (3a) "School safety officer" means any other person who is regularly present in a
12 school for the purpose of promoting and maintaining safe and orderly
13 schools and includes a school resource officer.

14 (4) "Student" means a person enrolled in kindergarten, or in grade one through
15 grade 12 in any school."

16 **SECTION 2.** This act becomes effective December 1, 2015, and applies to
17 offenses committed on or after that date.