

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 742

Judiciary II Committee Substitute Adopted 4/15/99

Short Title: Teacher/Student/No Sex Acts.

(Public)

Sponsors:

Referred to:

April 5, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL FOR A SCHOOL TEACHER OR ADMINISTRATOR TO ENGAGE IN SEXUAL ACTS WITH A STUDENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-27.7 reads as rewritten:

"§ 14-27.7. Intercourse and sexual offenses with certain victims; consent no defense.

(a) If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, or if a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony. Consent is not a defense to a charge under this section.

(b) If a defendant who is employed as a teacher or administrator in the school of a victim who is 16 or 17 years old engages in vaginal intercourse or a sexual act with that victim who is 16 or 17 years old attending classes at the school to which the teacher or administrator is assigned, the defendant is guilty of a Class H felony, unless the conduct is covered under some other provision of law providing for greater punishment. Consent is not a defense to a charge under this section."

1 Section 2. This act becomes effective December 1, 1999, and applies to
2 offenses committed on or after that date.