GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 260* Judiciary III Committee Substitute Adopted 5/2/89

Short Title: Sexual Harassment Misdemeanor.

(Public)

Sponsors:

23

Referred to:

February 23, 1989

| 1 | A BILL TO BE ENTITLED |
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| 2 | AN ACT TO PROHIBIT SEXUAL HARASSMENT IN THE RENTAL OF |
| 3 | RESIDENTIAL PROPERTY. |
| 4 | The General Assembly of North Carolina enacts: |
| 5 | Section 1. Chapter 14 of the General Statutes is amended by adding a new |
| 6 | Section to read: |
| 7 | " <u>§ 14-395.1. Sexual harassment.</u> |
| 8 | (a) Offense. If any lessor of residential real property or the agent of any lessor of |
| 9 | residential real property shall harass on the basis of sex any lessee or prospective lessee |
| 10 | of the property, he shall be guilty of a misdemeanor. A term of imprisonment may be |
| 11 | suspended on condition that the offender be ordered to perform community service |
| 12 | consistent with the nature and seriousness of the harassing conduct. |
| 13 | (b) Definitions. For purposes of this section, |
| 14 | (1) 'Harass on the basis of sex' means unsolicited overt sexual advances or |
| 15 | request for sexual favors when (i) submission to such conduct is made |
| 16 | either explicitly or implicitly a term of the execution or continuation of |
| 17 | the lease agreement, (ii) submission to or rejection of such conduct by |
| 18 | an individual is used to determine whether normal privileges under the |
| 19 | lease are provided, or (iii) such conduct has the purpose of |
| 20 | unreasonably creating an intimidating, hostile, or offensive living |
| 21 | environment for the lessee; |
| 22 | (2) 'Lessee' means a person who enters into a residential rental agreement |

with the lessor and all other persons residing in the lessee's rental unit;

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- 1(3)'Prospective lessee' means a person seeking to enter into a residential2rental agreement with a lessor.
- 3 Sec. 2. This act shall become effective October 1, 1989, and shall apply to 4 acts committed on and after that date.