

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 926

Short Title: Assault in the Presence of Child. (Public)

Sponsors: Representatives Dickson; B. Allen, Earle, England, Farmer-Butterfield, Glazier, Goforth, Insko, Jeffus, Lewis, Lucas, Parmon, Rapp, Weiss, and Yongue.

Referred to: Judiciary III.

April 8, 2003

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE PRESENCE OF A CHILD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-33(c) is amended by adding a new subdivision to read:

"(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

...

(7) Commits an assault with a deadly weapon or an assault that inflicts serious injury on a person with whom he or she has a personal relationship in the presence of a minor who is residing with or in the custody of the person assaulted. The following definitions shall apply in this subdivision:

a. "In the presence of a minor" means:

1. In the physical presence of the minor; or

2. Having knowledge that a child is present and may see or hear the offense.

b. "Minor" is as defined in G.S. 48A-2.

c. "Personal relationship" is as defined in G.S. 50B-1(b)."

SECTION 2. This act becomes effective December 1, 2003, and applies to offenses committed on or after that date.