

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1860*
Judiciary II (Criminal) Committee Substitute Adopted 6/9/08

Short Title: Amend Child Abuse/Child Fatality Task Force.

(Public)

Sponsors:

Referred to:

May 22, 2008

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISDEMEANOR
CHILD ABUSE AND TO AMEND THE CRIMINAL OFFENSE OF FELONY
CHILD ABUSE AS RECOMMENDED BY THE CHILD FATALITY TASK
FORCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-318.2 reads as rewritten:

"§ 14-318.2. **Child abuse a Class 1 misdemeanor.**

(a) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts physical injury, or who allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury, upon or to such child by other than accidental means is guilty of the ~~Class 1~~ Class A1 misdemeanor of child abuse.

(b) The ~~Class 1~~ Class A1 misdemeanor of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies.

(c) A parent who abandons an infant less than seven days of age pursuant to G.S. 14-322.3 shall not be prosecuted under this section for any acts or omissions related to the care of that infant."

SECTION 2. G.S. 14-318.4 reads as rewritten:

"§ 14-318.4. **Child abuse a felony.**

(a) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious physical injury upon or to the child or who intentionally commits an assault upon the child which results in any serious physical injury to the child is guilty of a Class E felony, except as otherwise provided in subsection (a3) of this section.

(a1) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of the child, who commits, permits, or encourages any act of

1 prostitution with or by the ~~juvenile~~ child is guilty of child abuse and shall be punished
2 as a Class E felon.

3 (a2) Any parent or legal guardian of a child less than 16 years of age who commits
4 or allows the commission of any sexual act upon a ~~juvenile~~ the child is guilty of a Class
5 E felony.

6 (a3) A parent or any other person providing care to or supervision of a child less
7 than 16 years of age who intentionally inflicts any serious bodily injury to the child or
8 who intentionally commits an assault upon the child which results in any serious bodily
9 injury to the child, or which results in permanent or protracted loss or impairment of any
10 mental or emotional function of the child, is guilty of a Class C felony. "~~Serious bodily
11 injury~~" is defined as ~~bodily injury that creates a substantial risk of death, or that causes
12 serious permanent disfigurement, coma, a permanent or protracted condition that causes
13 extreme pain, or permanent or protracted loss or impairment of the function of any
14 bodily member or organ, or that results in prolonged hospitalization.~~

15 (a4) A parent or any other person providing care to or supervision of a child less
16 than 16 years of age whose willful act or omission in the care of the child is so gross,
17 wanton, and culpable as to show reckless disregard for human life is guilty of a Class E
18 felony if the act or omission results in serious bodily injury to the child.

19 (a5) A parent or any other person providing care to or supervision of a child less
20 than 16 years of age whose willful act or omission in the care of the child is so gross,
21 wanton, and culpable as to show reckless disregard for human life is guilty of a Class G
22 felony if the act or omission results in serious physical injury to the child.

23 (b) The felony of child abuse is an offense additional to other civil and criminal
24 provisions and is not intended to repeal or preclude any other sanctions or remedies.

25 (c) Abandonment of an infant less than seven days of age pursuant to
26 G.S. 14-322.3 may be treated as a mitigating factor in sentencing for a conviction under
27 this section involving that infant.

28 (d) The following definitions apply in this section:

29 (1) Serious bodily injury. – Bodily injury that creates a substantial risk of
30 death or that causes serious permanent disfigurement, coma, a
31 permanent or protracted condition that causes extreme pain, or
32 permanent or protracted loss or impairment of the function of any
33 bodily member or organ, or that results in prolonged hospitalization.

34 (2) Serious physical injury. – Physical injury that causes great pain and
35 suffering. The term includes serious mental injury."

36 **SECTION 2.** This act becomes effective December 1, 2008, and applies to
37 offenses committed on or after that date. Prosecutions for offenses committed before
38 the effective date of this act are not abated or affected by this act, and the statutes that
39 would be applicable but for this act remain applicable to those prosecutions.