

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 142

Short Title: Protect Our Students Act.-AB (Public)

Sponsors: Representatives Torbett, K. Baker, Johnson, and Kidwell (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Judiciary 2, if favorable, Rules, Calendar, and
Operations of the House

February 20, 2023

A BILL TO BE ENTITLED

AN ACT TO MODIFY PENALTIES AND DEFINITIONS FOR CERTAIN SEX OFFENSES
AGAINST STUDENTS, TO INCREASE THE PENALTIES FOR THE FAILURE OF
SCHOOL ADMINISTRATORS TO REPORT CERTAIN MISCONDUCT TO THE STATE
BOARD OF EDUCATION, AND TO REQUIRE PUBLIC SCHOOL UNITS TO SHOW
STUDENTS IN GRADES SIX THROUGH TWELVE A VIDEO PRODUCED BY THE
CENTER FOR SAFER SCHOOLS CONTAINING AGE-APPROPRIATE
INFORMATION ABOUT SEXUAL ABUSE, AS RECOMMENDED BY THE
DEPARTMENT OF PUBLIC INSTRUCTION.

The General Assembly of North Carolina enacts:

**PART I. MODIFY PENALTIES AND DEFINITIONS FOR CERTAIN SEX OFFENSES
AGAINST STUDENTS**

SECTION 1.(a) G.S. 14-27.32 reads as rewritten:

"§ 14-27.32. Sexual activity with a student.

(a) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student. The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers.

(b) A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the victim and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a Class ~~F~~G felony.

(c) This section shall apply unless the conduct is covered under some other provision of law providing for greater punishment.

(d) Consent is not a defense to a charge under this section.

(e) For purposes of this section, the terms "school", "school personnel", and "student" shall have the same meaning as in G.S. 14-202.4(d). For purposes of this section, the term "school safety officer" shall include a school resource officer or any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools. following definitions apply:



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- 1 (1) School. – As defined in G.S. 14-202.4(d)(2).
 2 (2) School personnel. – As defined in G.S. 14-202.4(d)(3).
 3 (3) School safety officer. – A school resource officer or any other person who is
 4 regularly present in a school for the purpose of promoting and maintaining
 5 safe and orderly schools.
 6 (4) Student. – A person enrolled in kindergarten, or in grade one through grade
 7 12 in any school within six months of any violation of this section."

8 **SECTION 1.(b)** G.S. 14-202.4 reads as rewritten:

9 **"§ 14-202.4. Taking indecent liberties with a student.**

10 (a) If a defendant, who is a teacher, school administrator, student teacher, school safety
 11 officer, or coach, at any age, or who is other school personnel and is at least four years older than
 12 the victim, takes indecent liberties with a victim who is a student, at any time during or after the
 13 time the defendant and victim were present together in the same school but before the victim
 14 ceases to be a student, the defendant is guilty of a Class ~~I~~G felony, unless the conduct is covered
 15 under some other provision of law providing for greater punishment. A person is not guilty of
 16 taking indecent liberties with a student if the person is lawfully married to the student.

17 (b) If a defendant, who is school personnel, other than a teacher, school administrator,
 18 student teacher, school safety officer, or coach, and who is less than four years older than the
 19 victim, takes indecent liberties with a student as provided in subsection (a) of this section, the
 20 defendant is guilty of a Class ~~I~~G felony.

21 (c) Consent is not a defense to a charge under this section.

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

- 23 (1) ~~"Indecent liberties" means:~~Indecent liberties. – Means any of the following:
 24 a. Willfully taking or attempting to take any immoral, improper, or
 25 indecent liberties with a student for the purpose of arousing or
 26 gratifying sexual ~~desire;~~ or desire.
 27 b. Willfully committing or attempting to commit any lewd or lascivious
 28 act upon or with the body or any part or member of the body of a
 29 student.

30 For purposes of this section, the term indecent liberties does not include
 31 vaginal intercourse or a sexual ~~act as defined by G.S. 14-27.20.~~act.

- 32 (1a) ~~"Same school" means a~~Same school. – A school at which (i) the student is
 33 enrolled or is present for a school-sponsored or school-related activity and (ii)
 34 the school personnel is employed, volunteers, or is present for a
 35 school-sponsored or school-related activity.
 36 (2) ~~"School" means any~~School. – Any public school, charter school, or nonpublic
 37 school under Parts 1 and 2 of Article 39 of Chapter 115C of the General
 38 Statutes.
 39 (3) ~~"School personnel" means any~~School personnel. – Any person included in
 40 the definition contained in G.S. 115C-332(a)(2), including those employed by
 41 a nonpublic, charter, or regional school, and any person who volunteers at a
 42 school or a school-sponsored activity.
 43 (3a) ~~"School safety officer" means any~~School safety officer. – Any other person
 44 who is regularly present in a school for the purpose of promoting and
 45 maintaining safe and orderly schools and includes a school resource officer.
 46 (3b) Sexual act. – As defined in G.S. 14-27.20.
 47 (4) ~~"Student" means a~~Student. – A person enrolled in kindergarten, or in grade
 48 one through grade 12 in any ~~school~~school within six months of any violation
 49 of this section."

50 **SECTION 1.(c)** This section becomes effective December 1, 2023, and applies to
 51 offenses committed on or after that date.

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2 **PART II. INCREASE PENALTIES FOR FAILING TO REPORT MISCONDUCT**
3 **TOWARD CHILDREN**

4 **SECTION 2.(a)** Article 22 of Chapter 115C of the General Statutes is amended by
5 adding a new Part to read:

6 "Part 3B. Reporting Misconduct of Licensed School Employees.

7 **"§ 115C-326.20. Reporting misconduct of licensed school employees.**

8 (a) For the purposes of this section, "misconduct" includes any of the following:

9 (1) Conduct that justifies automatic revocation of a license under
10 G.S. 115C-270.35(b).

11 (2) The infliction of a physical injury against a child other than by accident or in
12 self-defense.

13 (b) Any superintendent, assistant superintendent, associate superintendent, personnel
14 administrator, or principal who knows or has reason to believe that an employee licensed under
15 Article 17E of this Chapter has engaged in misconduct resulting in dismissal, disciplinary action,
16 or resignation shall report the misconduct to the State Board of Education within five days of
17 dismissal, determination of disciplinary action, or acceptance of resignation. Failure to report
18 misconduct pursuant to this section is a Class I felony.

19 (c) School personnel shall not threaten, harass, or retaliate against any other person for
20 making a report as required by this section."

21 **SECTION 2.(b)** This section becomes effective December 1, 2023, and applies to
22 offenses committed on or after that date.

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24 **PART III. PRODUCE AND DISTRIBUTE CFSS TRAINING VIDEO**

25 **SECTION 3.(a)** G.S. 115C-105.57(c) is amended by adding a new subdivision to
26 read:

27 "(2a) Develop and produce age-appropriate videos to be shown to students in grades
28 six through 12 that include at least the information listed in G.S. 115C-12(47).
29 The videos shall be distributed to all public school units and may be provided
30 to nonpublic schools at the request of the nonpublic school."

31 **SECTION 3.(b)** G.S. 115C-12(47) reads as rewritten:

32 "(47) Duty Regarding Child Abuse and Neglect. – The State Board of Education, in
33 consultation with the Superintendent of Public Instruction, shall adopt a rule
34 requiring information on child abuse and neglect, including age-appropriate
35 information on sexual abuse, to be provided by public school units to students
36 in grades six through 12. This rule shall also apply to high schools under the
37 control of The University of North Carolina. Information shall be provided in
38 the form of (i) a document provided to all students at the beginning of each
39 school year and year, (ii) a display posted in visible, high-traffic areas
40 throughout each public secondary school, and (iii) a video, produced
41 in accordance with G.S. 115C-105.57(c)(2a), shown to all students no more
42 than five days after the first day of the school year. The document and display
43 document, display, and video shall include, at a minimum, the following
44 information:

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46 **SECTION 3.(c)** The Center for Safer Schools shall produce and distribute the videos
47 required by this section no later than June 30, 2024.

48 **SECTION 3.(d)** This section is effective when it becomes law and applies beginning
49 with the 2024-2025 school year.

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51 **PART IV. EFFECTIVE DATE**

1 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
2 law.