

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 93

Short Title: Expand Child Abuse Definition.

(Public)

Sponsors: Representatives Goodwin; and Insko.

Referred to: Rules, Calendar, and Operations of the House.

February 12, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO EXPAND THE DEFINITION OF CHILD ABUSE TO INCLUDE
3 CASES WHERE A CARETAKER OR OTHER PERSON CAUSES OR FALSELY
4 REPORTS SYMPTOMS TO OBTAIN OTHERWISE UNNEEDED MEDICAL
5 CARE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7B-101(1) reads as rewritten:

8 "(1) Abused juveniles. – Any juvenile less than 18 years of age whose
9 parent, guardian, custodian, or caretaker:

- 10 a. Inflicts or allows to be inflicted upon the juvenile a serious
11 physical injury by other than accidental means;
12 b. Creates or allows to be created a substantial risk of serious
13 physical injury to the juvenile by other than accidental means;
14 c. Uses or allows to be used upon the juvenile cruel or grossly
15 inappropriate procedures or cruel or grossly inappropriate
16 devices to modify behavior;
17 d. Commits, permits, or encourages the commission of a violation
18 of the following laws by, with, or upon the juvenile: first-degree
19 rape, as provided in G.S. 14-27.2; second degree rape as
20 provided in G.S. 14-27.3; first-degree sexual offense, as
21 provided in G.S. 14-27.4; second degree sexual offense, as
22 provided in G.S. 14-27.5; sexual act by a custodian, as provided
23 in G.S. 14-27.7; crime against nature, as provided in G.S.
24 14-177; incest, as provided in G.S. 14-178 and G.S. 14-179;
25 preparation of obscene photographs, slides, or motion pictures
26 of the juvenile, as provided in G.S. 14-190.5; employing or
27 permitting the juvenile to assist in a violation of the obscenity
28 laws as provided in G.S. 14-190.6; dissemination of obscene

1 material to the juvenile as provided in G.S. 14-190.7 and G.S.
2 14-190.8; displaying or disseminating material harmful to the
3 juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first
4 and second degree sexual exploitation of the juvenile as
5 provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the
6 prostitution of the juvenile as provided in G.S. 14-190.18; and
7 taking indecent liberties with the juvenile, as provided in G.S.
8 14-202.1, regardless of the age of the parties;

- 9 e. Creates or allows to be created serious emotional damage to the
10 juvenile; serious emotional damage is evidenced by a juvenile's
11 severe anxiety, depression, withdrawal, or aggressive behavior
12 toward himself or others; or
13 f. Encourages, directs, or approves of delinquent acts involving
14 moral turpitude committed by the ~~juvenile~~. juvenile; or
15 g. Causes or falsely reports physical symptoms in order to obtain
16 otherwise unneeded medical care."

17 **SECTION 2.** G.S. 14-318.2(a) reads as rewritten:

18 "(a) Any parent of a child less than 16 years of age, or any other person providing
19 care to or supervision of such child, who ~~inflicts physical injury, or who allows physical~~
20 ~~injury to be inflicted, or who creates or allows to be created a substantial risk of~~
21 ~~physical injury,~~ commits one of the following acts upon or to such the child by other
22 than accidental means is guilty of the Class 1 misdemeanor of child ~~abuse~~. abuse:

- 23 (1) Inflicts physical injury.
24 (2) Allows physical injury to be inflicted.
25 (3) Creates or allows to be created a substantial risk of physical injury.
26 (4) Causes or falsely reports physical symptoms in order to obtain
27 otherwise unneeded medical care."

28 **SECTION 3.** G.S. 14-318.4 reads as rewritten:

29 **"§ 14-318.4. Child abuse a felony.**

30 (a) A parent or any other person providing care to or supervision of a child less
31 than 16 years of age who intentionally inflicts any serious physical injury upon or to the
32 ~~child or child~~, who intentionally commits an assault upon the child ~~which that~~ results in
33 any serious physical injury to the ~~child~~ child, or who ~~causes or falsely reports physical~~
34 ~~symptoms in order to obtain otherwise unneeded medical care that results in serious~~
35 physical injury to the child is guilty of a Class E felony, except as otherwise provided in
36 subsection (a3) of this section.

37 (a1) Any parent of a child less than 16 years of age, or any other person providing
38 care to or supervision of the child, who commits, permits, or encourages any act of
39 prostitution with or by the juvenile is guilty of child abuse and shall be punished as a
40 Class E felon.

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

43 (a3) A parent or any other person providing care to or supervision of a child less
44 than 16 years of age who intentionally inflicts any serious bodily injury to the ~~child~~

1 ~~or~~child, who intentionally commits an assault upon the child ~~which~~that results in any
2 serious bodily injury to the ~~child, or which~~child or that results in permanent or
3 protracted loss or impairment of any mental or emotional function of the child, or who
4 causes or falsely reports physical symptoms in order to obtain otherwise unneeded
5 medical care that results in serious bodily injury to the child is guilty of a Class C
6 felony. "Serious bodily injury" is defined as bodily injury that creates a substantial risk
7 of death, or that causes serious permanent disfigurement, coma, a permanent or
8 protracted condition that causes extreme pain, or permanent or protracted loss or
9 impairment of the function of any bodily member or organ, or that results in prolonged
10 hospitalization.

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

13 **SECTION 4.** This act becomes effective December 1, 2001, and applies to
14 actions that take place after that date.