

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**HOUSE BILL 926
Committee Substitute Favorable 4/29/03
Senate Judiciary I Committee Substitute Adopted 6/9/03**

Short Title: Assault in Presence of Minor/Enhance Penalty. (Public)

Sponsors:

Referred to:

April 8, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE
3 OF A MINOR.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-33 is amended by adding a new subsection to read:

6 "(d) Notwithstanding the dispositions in G.S. 15A-1340.23(c), any person who
7 commits a violation of subdivision (c)(1) of this section on a person with whom the
8 person has a personal relationship, and in the presence of a minor, shall be sentenced to
9 an active punishment of no less than 30 days.

10 (1) Definitions.

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

12 b. "In the presence of a minor" means that the minor was in a
13 position to have observed the assault.

14 c. "Minor" is any person under the age of 18 years who is residing
15 with or is under the care and supervision of, and who has a
16 personal relationship with, the person assaulted or the person
17 committing the assault.

18 (2) A person committing a second or subsequent violation of subsection
19 (d) shall be sentenced to an active punishment of no less than 50 days."

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