

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

3

SENATE BILL 65
Judiciary I Committee Substitute Adopted 3/24/09
House Committee Substitute Favorable 7/8/09

Short Title: Amend Computer Solicitation of Child.

(Public)

Sponsors:

Referred to:

February 5, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING SOLICITATION OF A CHILD BY
3 COMPUTER TO COMMIT AN UNLAWFUL SEX ACT TO INCLUDE
4 SOLICITATIONS BY OTHER ELECTRONIC DEVICES AS WELL AS COMPUTERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 14-202.3 reads as rewritten:

7 "§ 14-202.3. Solicitation of child by computer or certain other electronic devices to
8 commit an unlawful sex act.

9 (a) Offense. – A person is guilty of solicitation of a child by a computer if the person is
10 16 years of age or older and the person knowingly, with the intent to commit an unlawful sex
11 act, entices, advises, coerces, orders, or commands, by means of a ~~computer, computer~~ or any
12 other device capable of electronic data storage or transmission, a child who is less than 16 years
13 of age and at least ~~three~~ five years younger than the defendant, or a person the defendant believes to
14 be a child who is less than 16 years of age and who the defendant believes to be at least ~~three~~ five
15 years younger than the defendant, to meet with the defendant or any other person for the
16 purpose of committing an unlawful sex act. Consent is not a defense to a charge under this
17 section.

18 (b) Jurisdiction. – The offense is committed in the State for purposes of determining
19 jurisdiction, if the transmission that constitutes the offense either originates in the State or is
20 received in the State.

21 (c) Punishment. – A violation of this section is punishable as follows:

22 (1) A violation is a Class H felony except as provided by subdivision (2) of this
23 subsection.

24 (2) If either the defendant, or any other person for whom the defendant was
25 arranging the meeting in violation of this section, actually appears at the
26 meeting location, then the violation is a Class G felony."

27 SECTION 2. This act becomes effective December 1, 2009, and applies to
28 offenses committed on or after that date.

