

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 464

Short Title: Raise the Age of Sexual Consent. (Public)

Sponsors: Senators Jarvis, Britt, and Sawyer (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2023

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE AGE OF SEXUAL CONSENT FROM 16 YEARS OF AGE TO
18 YEARS OF AGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-27.25 reads as rewritten:

"§ 14-27.25. **Statutory rape of person who is 15-17 years of age or younger.**

(a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse with another person who is 15-17 years of age or younger and the defendant is at least 12 years old and at least ~~six~~four years older than the person, except when the defendant is lawfully married to the person.

(b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse with another person who is 15-17 years of age or younger and the defendant is at least 12 years old and more than ~~four~~two but less than ~~six~~four years older than the person, except when the defendant is lawfully married to the person."

SECTION 2. G.S. 14-27.30 reads as rewritten:

"§ 14-27.30. **Statutory sexual offense with a person who is 15-17 years of age or younger.**

(a) A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act with another person who is 15-17 years of age or younger and the defendant is at least 12 years old and at least ~~six~~four years older than the person, except when the defendant is lawfully married to the person.

(b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in a sexual act with another person who is 15-17 years of age or younger and the defendant is at least 12 years old and more than ~~four~~two but less than ~~six~~four years older than the person, except when the defendant is lawfully married to the person."

SECTION 3. G.S. 14-178 reads as rewritten:

"§ 14-178. **Incest.**

...

(b) Punishment and Sentencing. –

(1) A person is guilty of a Class B1 felony if either of the following occurs:

a. The person commits incest against a child under the age of 13 and the person is at least 12 years old and is at least four years older than the child when the incest occurred.



- 1 b. The person commits incest against a child who is 13, 14, ~~or 15-15, 16,~~
2 or 17 years old and the person is at least six years older than the child
3 when the incest occurred.
- 4 (2) A person is guilty of a Class C felony if the person commits incest against a
5 child who is 13, 14, ~~or 15-15, 16, or 17 years old~~ and the person is more than
6 four but less than six years older than the child when the incest occurred.
- 7 (3) In all other cases of incest, the parties are guilty of a Class F felony.
- 8 (c) No Liability for Children Under ~~16-18.~~ – No child under the age of ~~16-18~~ is liable
9 under this section if the other person is at least four years older when the incest occurred."

10 **SECTION 4.** G.S. 14-190.7 reads as rewritten:

11 "**§ 14-190.7. Dissemination to minors under the age of 16-18 years.**

12 Every person 18 years of age or older who knowingly disseminates to any minor under the
13 age of ~~16-18~~ years any material which ~~he~~ the person knows or reasonably should know to be
14 obscene within the meaning of G.S. 14-190.1 shall be guilty of a Class I felony."

15 **SECTION 5.** G.S. 14-202.1 reads as rewritten:

16 "**§ 14-202.1. Taking indecent liberties with children.**

17 (a) A person is guilty of taking indecent liberties with children if, being ~~16-18~~ years of
18 age or more and at least five years older than the child in question, ~~he either~~ the person does
19 either of the following:

- 20 (1) Willfully takes or attempts to take any immoral, improper, or indecent liberties
21 with any child of either sex under the age of ~~16-18~~ years for the purpose of
22 arousing or gratifying sexual ~~desire; or~~ desire.
- 23 (2) Willfully commits or attempts to commit any lewd or lascivious act upon or
24 with the body or any part or member of the body of any child of either sex
25 under the age of ~~16-18~~ years.

26 "

27 **SECTION 6.** G.S. 14-202.2 reads as rewritten:

28 "**§ 14-202.2. Indecent liberties between children.**

29 (a) A person who is under the age of ~~16-18~~ years is guilty of taking indecent liberties with
30 children if the person ~~either~~ does either of the following:

- 31 (1) Willfully takes or attempts to take any immoral, improper, or indecent liberties
32 with any child of either sex who is at least three years younger than the
33 defendant for the purpose of arousing or gratifying sexual ~~desire; or~~ desire.
- 34 (2) Willfully commits or attempts to commit any lewd or lascivious act upon or
35 with the body or any part or member of the body of any child of either sex
36 who is at least three years younger than the defendant for the purpose of
37 arousing or gratifying sexual desire.

38 "

39 **SECTION 7.** This act becomes effective December 1, 2023, and applies to offenses
40 committed on or after that date.