

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

S

1

SENATE BILL 868

Short Title: Assault in the Presence of a Child.

(Public)

Sponsors: Senator Hagan.

Referred to: Judiciary II.

April 3, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE  
3 PRESENCE OF A CHILD.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-33(c) is amended by adding a new subdivision to read:

6 "(c) Unless the conduct is covered under some other provision of law providing  
7 greater punishment, any person who commits any assault, assault and battery, or affray  
8 is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery,  
9 or affray, he or she:

10 ...

11 (7) Commits an assault with a deadly weapon or an assault that inflicts  
12 serious injury on a person with whom he or she has a personal  
13 relationship in the presence of a minor who is residing with or in the  
14 custody of the person assaulted. The following definitions shall apply  
15 in this subdivision:

16 a. "In the presence of a minor" means:

17 1. In the physical presence of the minor; or

18 2. Having knowledge that a child is present and may see or  
19 hear the offense.

20 b. "Minor" is as defined in G.S. 48A-2.

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

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