



SAFE Child Act

The Sexual Assault Fast reporting and Enforcement Act, or the SAFE Child Act ([S.B. 199](#)), protects children from abuse in our communities and online and modernizes sexual assault laws in North Carolina. Attorney General Josh Stein helped draft and championed the legislation, which was sponsored by Sens. Danny Britt, Kathy Harrington, and Jay Chaudhuri, and Reps. John Faircloth, Dennis Riddell, and Brian Turner. The legislation was also supported by Reps. Jamie Boles, Chaz Beasley, Gale Adcock, Jay Adams, and Donna White, and Sen. Jeff Jackson. The SAFE Child Act was unanimously passed by the North Carolina General Assembly on Oct. 31, 2019, and [signed into law](#) by Gov. Roy Cooper on Nov. 7, 2019.

This legislation:

Expands the Duty to Report Child Abuse

- ✓ **Reporting.** Closes a loophole by requiring any person 18 years of age or older to report all reasonably suspected child abuse to local law enforcement, regardless of the abuser's relationship to the child. Previously, it was only mandatory to report child abuse when the abuser was in a parental role and in a residential setting. That did not include adults who supervise children outside the home, such as coaches, camp counselors, clergy members, or youth leaders.
- ✓ **Training.** Requires all school personnel who work directly with students in kindergarten through grade 12 to receive child sexual abuse and sex trafficking training starting in the 2020-2021 school year. The training should include best practices in prevention, the grooming process of sexual predators, warning signs of sexual abuse and trafficking, reporting requirements, intervention processes, and available resources.

Extends the Statute of Limitations to Bring an Action for Child Abuse

- ✓ **Criminal.** Increases the statute of limitations to 10 years for misdemeanor child abuse. A prosecutor will have up to 10 years after the date of incident to bring a misdemeanor criminal action against an abuser. Those crimes include sexual battery, indecent liberties with a child, misdemeanor child abuse, and failure to report child abuse. Previously, misdemeanor actions could only be brought two years after the date of incident; there is no statute of limitations for felonies.
- ✓ **Civil.** Increases the statute of limitations to age 28. A person who was sexually abused under the age of 18 will have until the age of 28 to bring a civil action against the abuser. Any person who was originally time-barred under the old statute of limitations will have two years to commence an action under the new law.

Protects Children Online from Predators

- ✓ **Barring High-Risk Sex Offenders.** Protects children online by barring high-risk sex offenders, such as sexually violent predators, from contacting anyone under the age of 16 using social media or social networking sites, gathering information about anyone under the age of 16, and violating social media platform policies.



Strengthens Existing Sexual Assault Definitions

- ✓ **Revocation of Consent.** Defines rape and sex offenses to include any acts against the will of the other person, either without their consent or after they revoke consent.
- ✓ **Mental Incapacitation.** Defines someone as mentally incapacitated as it applies to rape and other sex offenses to apply to a victim who is rendered incapable by any act. This closes a loophole where raping someone who is mentally incapacitated is illegal only when victims didn't voluntarily cause their own incapacitation through drinking or drug use.

Prohibits the Distribution of Drugged Beverages

- ✓ **Beverages.** Updates existing law to prohibit the distribution of a beverage and any other food or drink substance that contains a controlled, poisonous, or foreign substance, or any substance that might harm a person's health or cause them discomfort. Previously, this law only applied to food.

Provides Additional Rights to Sexual Assault Victims

- ✓ **Notification.** A district attorney's office must notify a victim, if the victim chooses to be notified, if an offender is requesting to terminate their sex offender registration. The victim will have the opportunity to be heard by the court in proceedings related to the offender's request.

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