
Federal and State Laws: Sexual Assault – North Carolina

North Carolina

Sexual Assault

Under North Carolina law, **sexual assault** includes sexual intercourse or anal sex (including slight penetration with any object) and oral sex with another person who:

- cannot consent
- is forced and does not consent

These crimes are more serious when the perpetrator uses a weapon, causes serious injury, or is aided and abetted by others.

Sexual Battery

North Carolina law defines **sexual battery** as sexually touching another person's intimate body parts (clothed or unclothed) or placing semen, urine, or feces on another person who:

- cannot consent
- is forced and does not consent

North Carolina Law

Sexual Assault Statutes

Chapter 14. CRIMINAL LAW.

SUBCHAPTER III. OFFENSES AGAINST THE PERSON.

ARTICLE 7B. Rape and Other Sex Offenses.

§ 14-27.20. Definitions.

The following definitions apply in this Article:

.... [Content omitted for clarity]

(4) Sexual act. — Cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes.

§ 14-27.21. First-degree forcible rape.

(a) A person is guilty of first-degree forcible rape if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following:

- (1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.

(2) Inflicts serious personal injury upon the victim or another person.

(3) The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.

§ 14-27.22. Second-degree forcible rape.

(a) A person is guilty of second-degree forcible rape if the person engages in vaginal intercourse with another person:

(1) By force and against the will of the other person; or

(2) Who has a mental disability or who is mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person has a mental disability or is mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child conceived during the commission of the rape, nor does the person have any rights related to the child under Chapter 48 of the General Statutes or Subchapter I of Chapter 7B of the General Statutes.

§ 14-27.26. First-degree forcible sexual offense.

(a) A person is guilty of a first-degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following:

(1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.

(2) Inflicts serious personal injury upon the victim or another person.

(3) The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

§ 14-27.27. Second-degree forcible sexual offense.

(a) A person is guilty of a second-degree forcible sexual offense if the person engages in a sexual act with another person:

(1) By force and against the will of the other person; or

(2) Who has a mental disability or who is mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person has a mental disability or is mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony.

§ 14-27.34. No defense that victim is spouse of person committing act.

A person may be prosecuted under this Article whether or not the victim is the person's legal spouse at the time of the commission of the alleged rape or sexual offense.

**North Carolina Law
Sexual Battery Statute**

**Chapter 14. CRIMINAL LAW.
SUBCHAPTER III. OFFENSES AGAINST THE PERSON.
ARTICLE 7B. Rape and Other Sex Offenses.
§ 14-27.20. Definitions.**

The following definitions apply in this Article:

... *[Content omitted for clarity]*

(5) Sexual contact. — a. Touching the sexual organ, anus, breast, groin, or buttocks of any person.

b. A person touching another person with their own sexual organ, anus, breast, groin, or buttocks.

c. A person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.

(6) Touching. — As used in subdivision (5) of this section, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

§ 14-27.33. Sexual battery.

(a) A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:

(1) By force and against the will of the other person; or

(2) Who has a mental disability or who is mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person has a mental disability or is mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class A1 misdemeanor.

Chapter 14. CRIMINAL LAW.

SUBCHAPTER VII. OFFENSES AGAINST PUBLIC MORALITY AND DECENCY.

ARTICLE 26. OFFENSES AGAINST PUBLIC MORALITY AND DECENCY.

§ 14-202.1. Taking indecent liberties with children.

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

(1) Willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual desire; or

(2) Willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years.

(b) Taking indecent liberties with children is punishable as a Class F felony.