N.C. Gen. Stat. § 14-318.4

Current through Session Laws 2026-57 of the 2026 Regular Session of the General Assembly, except for Session Laws 2026-41, 2026-42, 2026-46, and 2026-48.

General Statutes of North Carolina > Chapter 14. Criminal Law. (Subchs. I — XI) > Subchapter XI. General Police Regulations. (Arts. 37 — 61) > Article 39. Protection of Minors. (§§ 14-313 — 14-321.2)

§ 14-318.4. Child abuse a felony.

(a) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious physical injury upon or to the child or who intentionally commits an assault upon the child which results in any serious physical injury to the child is guilty of a Class D felony, except as otherwise provided in subsection (a3) of this section.

(a1) A parent or any other person providing care to or supervision of a child less than 16 years of age who commits, permits, or encourages any act of prostitution with or by the child is guilty of child abuse and shall be punished as a Class D felon.

(a2) A parent or any other person providing care to or supervision of a child less than 16 years of age who commits or allows the commission of any sexual act upon the child is guilty of a Class D felony.

(a3) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious bodily injury to the child or who intentionally commits an assault upon the child which results in any serious bodily injury to the child, or which results in permanent or protracted loss or impairment of any mental or emotional function of the child, is guilty of a Class B2 felony.

(a4) A parent or any other person providing care to or supervision of a child less than 16 years of age whose willful act or grossly negligent omission in the care of the child shows a reckless disregard for human life is guilty of a Class E felony if the act or omission results in serious bodily injury to the child.

(a5) A parent or any other person providing care to or supervision of a child less than 16 years of age whose willful act or grossly negligent omission in the care of the child shows a reckless disregard for human life is guilty of a Class G felony if the act or omission results in serious physical injury to the child.

(a6) Repealed by Session Laws *2025-16, s. 3.2*, effective December 1, 2025, and applicable to offenses committed on or after that date.

(a7) A parent or any other person providing care to or supervision of a child less than 16 years of age who, for the purpose of causing fear, emotional injury, or deriving sexual gratification, intentionally and routinely (i) inflicts physical injury on that child and (ii) deprives that child of necessary food, clothing, shelter, or proper physical care is guilty of a Class B2 felony.

(b) The felony of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies.

(c) Abandonment of an infant less than 30 days of age pursuant to *G.S. 14-322.3* may be treated as a mitigating factor in sentencing for a conviction under this section involving that infant.

(c1) Any parent of a child less than 18 years of age, or any other person providing care to or supervision of the child, is not guilty of a violation of this section for raising a child consistent with the child's biological sex, including referring to a child consistent with the child's biological sex, and making related mental health or medical decisions based on the child's biological sex. Nothing in this subsection shall be construed to authorize or allow any other acts or omissions that would constitute a violation under this section, including the infliction of serious bodily injury or serious physical injury.

(d) The following definitions apply in this section:

(1) Grossly negligent omission. — In the context of providing care to or supervision of a child, this term includes the failure to report a child as missing to law enforcement as provided in *G.S. 14-318.5(b)*.

(1k) Serious bodily injury. — Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

(2) Serious physical injury. — Physical injury that causes great pain and suffering. The term includes serious mental injury. For purposes of this subdivision, a parent raising a child consistent with the child's biological sex does not constitute serious mental injury.

History

1979, c. 897, s. 1; 1979, 2nd Sess., c. 1316, s. 18; 1981, c. 63, s. 1; c. 179, s. 14; 1983, c. 653, s. 1; c. 916, s. 1; 1985, c. 509, s. 5; c. 668; *1993, c. 539, s. 1233*; *1994, Ex. Sess., c. 24, s. 14(c)*; *1999-451, s. 1*; *2001-291, s. 5*; *2008-191, s. 2*; *2013-35, s. 1*; *2013-52, s. 3*; *2025-4, s. 5.4(b)*; *2025-16, s. 3.2*; *2025-59, s. 2(b)*.

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