

# **REPORTABLE CRIMINAL OFFENSES**

## **Why these offenses must be reported**

North Carolina General Statute 115C-288 indicates the procedures for reporting specific offenses to school administrators, and if necessary, law enforcement authorities.

The N.C. State Board of Education published guidelines for safe schools, part of which clarified and listed those offenses that are reportable to the State Board of Education annually.

## **Offenses that must be reported**

The following pages list those offenses that must be reported, along with a detailed description of each offense.

Consult with your local board attorney for further details or clarification.

1. **Assault Resulting in Serious Personal Injury:** An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm resulting in one of the following: (1) substantial risk of death, (2) serious permanent disfigurement, (3) a coma, (4) a permanent or protracted condition that causes extreme pain, (5) permanent or protracted loss or impairment of the function of any bodily member or organ, or (6) that results in prolonged hospitalization.
  - If an offender used a weapon in an assault resulting in serious injury, report both Assault Resulting in Serious Injury and Assault Involving Use of a Weapon.
  
2. **Assault Involving Use of a Weapon:** An intentional offer or attempt by force or violence to do injury to the person of another that causes reasonable apprehension of immediate bodily harm through the use of one of the following: (1) any gun, rifle, pistol, or other firearm, (2) BB gun, (3) stun gun, (4) air rifle, (5) air pistol, (6) bowie knife, (7) dirk, (8) dagger, (9) slingshot, (10) leaded cane, (11) switchblade knife, (12) blackjack, (13) metallic knuckles, (14) razors and razor blades, (15) fireworks, or (16) any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance.
  - If a firearm or other weapon is used in the commission of any offense, the type of weapon must be identified in the *Weapon Used/Possessed* column of the Date Collection Form.
  
3. **Assault on School Officials, Employees, and Volunteers:** An intentional offer or attempt by force or violence to do injury to a school official, employee, or volunteer that causes reasonable apprehension of immediate bodily harm while the school official, employee, or volunteer is discharging or attempting to discharge his/her duties.
  - The "duties" of a school official, employee, or volunteer include the following:
    - (1) all activities on school property, (2) all activities during a school authorized

event or the accompanying of students to or from that event, and (3) all activities relating to the operation of school transportation.

-An "employee" includes (1) one who is employed by a local board of education, (2) one who is employed by a charter school, (3) one who is employed by a nonpublic school that operates under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or (4) an independent contractor if the independent contractor or employee of the independent contractor carries out duties customarily performed by employees of the school.

-A "volunteer" is one who volunteers his/her services or presence at any school activity and is under the supervision of an employee.

- This offense includes assaults on school personnel that do not involve the use of a weapon and do not result in apparent serious injury.

4. **Making Bomb Threats or Engaging in Bomb Hoaxes**: A person who, with intent to perpetrate a hoax, conceals, places, or displays in or at a public building any device, machine, instrument, or artifact, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.

-A "public building" encompasses all educational property, as defined in G.S. 14-269.2, including: (1) any school building or bus, and (2) school campus, grounds, recreational area, athletic field, or other property owned, used, or operated, by any board of education or school board of trustees or directors for the administration of any school.

-"Public buildings" also include: (1) hospitals, and (2) buildings that house only State, federal, or local government offices, or the offices of the State, federal, or local government located in a building that is not exclusively occupied by the State, federal, or local government.

- This offense includes when a person communicates a bomb threat by any means.

5. **Willfully Burning a School Building**: A person who wantonly and willfully sets fire to, burns, causes to be burned, or aids, counsels, or procures the burning of any schoolhouse or building owned, leased, or used by any public school, private school, college, or educational institution.

6. **Homicide**: A murder which is perpetrated by one of the following means: (1) nuclear, biological, or chemical weapon of mass destruction, (2) poison, (3) lying in wait, (4) imprisonment, (5) starving, (6) torture, (7) any other kind of willful, deliberate, and premeditated murder, (8) during the perpetration or attempted perpetration of an arson, rape, sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon, (9) the unlawful distribution and ingestion by someone of opium or any other synthetic or natural salt, compound, derivative, or preparation of opium, cocaine, or methamphetamine resulting in death, or (10) all other types of murder.

7. **Kidnapping:** A person who unlawfully confines, restrains, or removes from one place to another, any other person 16 years of age or over without the consent of such person, or any other person under the age of 16 years old without the consent of a parent or legal guardian of such person, shall be guilty of kidnapping if such confinement, restraint, or removal is for the purposes of one of the following: (1) holding such other person for a ransom, as a hostage, or using such other person as a shield, (2) facilitating the commission of any felony or facilitating the flight of any person following the commission of a felony, (3) doing serious bodily harm to or terrorizing the person so confined, restrained, or removed by any other person, (4) holding such other person in involuntary servitude, (5) trafficking another person with the intent that the person be held in involuntary servitude or sexual servitude, or (6) subjecting or maintaining such other person for sexual servitude.

8. **Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages:** It shall be unlawful for any person to sell, give, or purchase any alcoholic beverages for a person younger than 21 years of age. It is also unlawful for any person to aid and abet a person under the age of 21 years old in his/her attempt to obtain an alcoholic beverage.

-An "alcoholic beverage" includes the following: (1) malt beverage, (2) fortified wine, (3) unfortified wine, (4) spirituous liquor, (5) mixed beverages, or (6) beer.

9. **Possession of Controlled Substance in Violation of Law:** It is unlawful for a person to possess or have in his/her immediate control any of the following: Marijuana, Heroin, LSD, Methamphetamine, Cocaine, or any other drug listed in Schedules I - VI of the North Carolina Controlled Substances Act. (G.S. §90-89 through 90-94.)

- The unauthorized possession of a prescription drug is included under this offense.
- The principal should confer with law enforcement personnel if there is doubt as to whether or not a certain drug is considered a controlled substance.

10. **Possession of a Firearm:** It is unlawful for any person to possess or carry any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school.

-This offense does not apply to a BB gun, stun gun, air rifle, or air pistol.

- Persons authorized to carry weapons on school property are individuals carrying a concealed handgun with a permit as authorized by Chapter 14, Article 54B of the NC General Statutes as amended by Session Law 2013-369, and law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.

11. **Possession of a Weapon:** It is unlawful for any person to possess or carry, whether openly or concealed, any of the following weapons on campus or other educational property: (1) any BB gun, (2) stun gun, (3) air rifle, (4) air pistol, (5) bowie knife, (6) dirk, (7) dagger, (8) slingshot, (9) leaded cane, (10) switchblade knife, (11) blackjack, (12) metallic knuckles, (13) razors and razor blades, (14) fireworks, or (15) any sharp-pointed or edged

instrument, except instructional supplies, unaltered nail files, clips, and tools used solely for preparation of food, instruction, maintenance.

-“Educational Property” refers to any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.

- Persons authorized to carry weapons on school property are law enforcement officers, firefighters, and emergency service personnel when discharging their official duties.

**12. Rape:** A person is guilty of rape if that person engages in vaginal intercourse with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

- Statutory rape is vaginal intercourse committed on a child under the age of 16 by a person who is at least 12 years old and at least 4 years older than the victim, regardless of whether the victim consented.

**13. Robbery With a Dangerous Weapon:** Any person or persons who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence, or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime.

**14. Sexual Assault (not involving rape or sexual offense):** A person is guilty of sexual battery if he/she, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person by force and against the will of the other person, or if the person being assaulted is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

- NCGS 14-27.1 defines "sexual contact" as touching the sexual organ, anus, breast, groin or buttocks of any person or a person touching another person with their own sexual organ, anus, breast, groin, or buttocks.

- The difference between a sexual assault and a sexual offense is that the sexual assault involves forcible and intentional touching without penetration, and a sexual offense involves penetration of a sex organ or anus by any object, or touching another’s mouth or anus by the male sex organ.

**15. Sexual Offense:**

-**First-degree sexual offense:** A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with (1) a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim, or (2) with another person by force and

against the will of the other person, and (a) employs or displays a dangerous or deadly weapon or an article which the person reasonably believes to be a dangerous or deadly weapon, (b) inflicts serious personal injury upon the victim or another person, or (c) the person commits the offense aided and abetted by one or more other persons.

**-Sexual offense with a child (adult offender):** A person is guilty of sexual offense with a child if the person is at least 18 years of age and engages in a sexual act with a victim who is a child and under the age of 13 years.

**-Second-degree sexual offense:** A person is guilty of a sexual offense in the second degree 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 is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

**-Statutory rape or sexual offense of person who is 13, 14, or 15 years old:** A person is guilty if he/she engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the person committing the act is at least six years older than the person, except when the person committing the act is lawfully married to the other person.

**16. Taking Indecent Liberties With A Minor:** A person is guilty of taking indecent liberties with a child if, being 16 years of age or more and at least five years older than the child in question, he/she 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.

-A "lewd and lascivious act" is defined as an act that is obscene, lustful, or indecent, or tending to deprave the morals with respect to sexual relations.