



CHAPTER 15

ARTICLE 15 - INDICTMENT

N.C.G.S. § 15-144.1.

Essentials of bill for rape.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2018-47, s. 4(i) — fifth act in the lineage	21 September 2026, 06:38 UTC	5936fc984eaab6bd29defd40 - 70c1702b7334df041c79cc82 - 55537ffd55356e1e

§ 15-144.1(a)

In indictments for rape it is not necessary to allege every matter required to be proved on the trial; but in the body of the indictment, after naming the person accused, the date of the offense, the county in which the offense of rape was allegedly committed, and the averment "with force and arms," it is sufficient in describing rape to allege that the accused person unlawfully, willfully, and feloniously did ravish and carnally know the victim, naming her, by force and against her will and concluding as required by law. Any bill of indictment containing the averments and allegations named in this section is good and sufficient in law as an indictment for rape in the first degree and will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape, or assault on a female.

§ 15-144.1(b)

If the victim is a female child under the age of 13 years, it is sufficient to allege that the accused unlawfully, willfully, and feloniously did carnally know and abuse a child under 13, naming her, and concluding as required by law. Any bill of indictment containing the averments and allegations named in this section is good and sufficient in law as an indictment for the rape of a female child under the age of 13 years and all lesser included offenses.

§ 15-144.1(c)

If the victim is a person who has a mental disability or who is mentally incapacitated or physically helpless, it is sufficient to allege that the defendant unlawfully, willfully, and feloniously did carnally know and abuse a person who had a mental disability or who was mentally incapacitated or physically helpless, naming the victim, and concluding as required by law. Any bill of indictment containing the averments and allegations named in this section is good and sufficient in law for the rape of a person who has a

mental disability or who is mentally incapacitated or physically helpless and all lesser included offenses.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
5 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1977		1998		2018
	TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT				
Nº	YEAR	ACT	CHARACTER		
01	1977	c. 861, s. 1	ENACTED		
02	1979	c. 682, s. 10	AMENDED		
03	1983	c. 720, s. 1	AMENDED		
04	2002	S.L. 2002-159, s. 2(d)	AMENDED		
05	2018	S.L. 2018-47, s. 4(i)	AMENDED		

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 15-144.1 (2018).

PINPOINT
N.C. Gen. Stat. § 15-144.1(a) (2018).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 861, s. 1; 1979, c. 682, s. 10; 1983, c. 720, s. 1; 2002-159, s. 2(d); 2018-47, s. 4(i).)

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