

§ 14-202.5. Ban online conduct by high-risk sex offenders that endangers children.

- (a) Offense. – It is unlawful for a high-risk sex offender to do any of the following online:
- (1) To communicate with a person that the offender believes is under 16 years of age.
 - (2) To contact a person that the offender believes is under 16 years of age.
 - (3) To pose falsely as a person under 16 years of age with the intent to commit an unlawful sex act with a person the offender believes is under 16 years of age.
 - (4) To use a Web site to gather information about a person that the offender believes is under 16 years of age.
 - (5) To use a commercial social networking Web site in violation of a policy, posted in a manner reasonably likely to come to the attention of users, prohibiting convicted sex offenders from using the site.
- (b) Definition of Commercial Social Networking Web Site. – For the purposes of this section, a "commercial social networking Web site" includes any Web site, application, portal, or other means of accessing the Internet that meets all of the following requirements:
- (1) Is operated by a person who derives revenue from membership fees, advertising, or other sources related to the operation of the Web site.
 - (2) Repealed by Session Laws 2019-245, s. 3(a), effective December 1, 2019, and applicable to offenses committed on or after that date.
 - (3) Allows users to create personal Web pages or profiles that contain the user's name or nickname, photographs of the user, and other personal information.
 - (4) Provides users or visitors a mechanism to communicate with others, such as a message board, chat room, or instant messenger.
- (c) Exclusions from Commercial Social Networking Web Site Definition. – A commercial social networking Web site does not include a Web site that meets either of the following requirements:
- (1) Repealed by Session Laws 2019-245, s. 3(a), effective December 1, 2019, and applicable to offenses committed on or after that date.
 - (2) Has as its primary purpose the facilitation of commercial transactions, the dissemination of news, the discussion of political or social issues, or professional networking.
 - (3) Is a Web site owned or operated by a local, State, or federal governmental entity.
- (c1) Definition of High-Risk Sex Offender. – For purposes of this section, the term "high-risk sex offender" means any person registered in accordance with Article 27A of Chapter 14 of the General Statutes that meets any of the following requirements:
- (1) Was convicted of an aggravated offense, as that term is defined in G.S. 14-208.6, against a person under 18 years of age.
 - (2) Is a recidivist, as that term is defined in G.S. 14-208.6, and one offense is against a person under 18 years of age.
 - (3) Was convicted of an offense against a minor, as that term is defined in G.S. 14-208.6.
 - (4) Was convicted of a sexually violent offense, as that term is defined in G.S. 14-208.6, against a person under 18 years of age.
 - (5) Was found by a court to be a sexually violent predator, as that term is defined in G.S. 14-208.6, based on a conviction of a sexually violent offense committed against a minor.
- (d) Jurisdiction. – The offense is committed in the State for purposes of determining jurisdiction, if the transmission that constitutes the offense either originates in the State or is received in the State.

(e) Punishment. – A violation of this section is a Class H felony.

(f) Severability. – If any provision of this section or its application is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provisions or applications, and, to this end, the provisions of this section are severable. (2008-218, s. 6; 2009-570, s. 4; 2019-245, s. 3(a).)