

**HOUSE SELECT COMMITTEE ON SEX OFFENDER  
REGISTRATION LAWS**



**REPORT TO THE  
2006 SESSION OF THE  
2005 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

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EITHER A DRIVERS LICENSE OR SPECIAL IDENTIFICATION  
CARD.

5. A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL  
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EDUCATIONAL PROPERTY OR WITHIN 500 FEET OF A SCHOOL  
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REGISTRATION LAWS.

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April 20, 2006

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE  
2005 GENERAL ASSEMBLY OF NORTH CAROLINA:

The House Select Committee on Sex Offender Registration Laws  
herewith submits to you for your consideration its report.

Respectfully submitted,

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Representative Bruce Goforth

Co-chair

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Representative Karen Ray

Co-chair

## PREFACE

The House Select Committee on Sex Offender Registration, established by the Speakers of the House of Representatives on February 8, 2006, is authorized to study the sex offender registration laws in North Carolina.

The Committee is cochaired by Representative Bruce Goforth and Representative Karen Ray. The committee clerk maintains a notebook containing the committee minutes and all information presented to the committee.

**HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS**  
**MEMBERSHIP LIST**

Representative Bruce Goforth – Co-Chair  
Chair  
137 Stonecrest Drive  
Asheville, NC 28803  
(828) 777-3093

Representative Karen Ray – Co-  
Chair  
262 Gibbs Rd.  
 Mooresville, NC 28117  
(704) 660-5961

Representative Jean Farmer-Butterfield  
1001 West Vance Street N  
Wilson, NC 27893  
(252) 291-0828

Representative Rick Glazier  
2642 Old Colony Place  
Fayetteville, NC 28303  
(910) 484-4168

Representative Robert Grady  
107 Jean Circle  
Jacksonville, NC 28540  
(910) 455-9359

Representative Julia Howard  
203 Magnolia Ave.  
Mocksville, NC 27028  
(336) 751-3754

Representative Edward Jones  
P. O. Box 786  
Enfield, NC 27823  
(252) 445-2577

Representative Joe Kiser  
P. O. Box 47  
Vale, NC 28168  
(704) 276-2725

Representative Grier Martin  
2203 Byrd Street  
Raleigh, NC 27608  
(919) 781-2102

**COMMITTEE STAFF**

**Bill Drafting Division**  
Emily Johnson – (919) 633-6660

**Research Divison**  
Susan Sitze – (919) 733-2578

**Fiscal Research Division**  
Doug Holbrook – (919) 733-4910  
Jim Mills – (919) 733-4910  
Denise Thomas – (919) 733-4910

**Committee Assistant**  
Ann Jordan (919) 733-5746

# **COMMITTEE PROCEEDINGS**

## HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS

February 28, 2006

Room 1228 – Legislative Building

The House Select Committee on Sex Offender Registration Laws held its first meeting on Tuesday, February 28<sup>th</sup> in Room 1228. Co-Chair Karen Ray presided.

Chairman Ray welcomed visitors and members and thanked Sgt-at-Arms for their help. She also recognized Co-Chairman Bruce Goforth for remarks. He welcomed members and stressed the importance of the committee charge.

Chairman Ray recognized Susan Sitze, Staff Counsel to give an overview of the current North Carolina Laws.

Ms. Sitze directed members to review Article 27A – Sex Offender and Public Protection Registration Programs – which was included as background information.

Ms. Sitze also offered for members review the following – Statutes for Offenses Requiring Sex Offender Registration – which was again included as background information.

Ms. Sitze discussed the handout – Offenses Requiring Sex Offender Registration – in detail. Reportable convictions include “Offenses against a minor” and “Sexually violent offense”. Representative Goforth asked Emily Johnson to find out if this is still following federal directives

Ms. Sitze discussed the handout – Sex Offender Registration Requirements – in greater detail. The handout covered the following, Who must register, Term of Registration, Information Obtained, Verification of address and Failure to Register. Representative Goforth asked that staff review the handout from DMV which notify sex offenders that they must register in North Carolina. In response to Representative Howard’s question, Ms. Sitze said offenders must register at the time of conviction unless they are already serving an active sentence. In that case, they have 10 days to register upon release.

Ms. Sitze briefly discussed her final handout – Juvenile Sex Offender Registration. She covered Offenses, Required Findings, Confidentiality and Length of Registration.

After questions, Chairman Ray recognized Wendy Brinkley, Special Agent in Charge, Criminal Information and Identification with the NC State Bureau of Investigation. Ms. Brinkley gave an informative PowerPoint presentation.

In response to Representative Glazier question regarding the cost of maintaining the database, Mr. Nils Rosin from the NC Department of Justice was recognized. Mr. Nils said the cost is approximately \$400,000 a year to support the system. It was broken down as \$274,000 for IT staff, \$78,000 to the SBI and \$4850 to coverage postage, printing etc.



Representative Glazier also questioned whether the costs are stable. Mr. Robin said there are approximately 100 new offenders added to the data base each month and that number is expected to grow. He said the site has about 2400 visits daily and about 6 million hits since it was created.

Chairman Ray recognized Sheriff Richard H. Webster from the Chatham County Sheriff's Office for his comments. At the present time he has 50 registered sex offenders in his county. His main concern was that the letter sent to offenders is weak – leaving it up to offenders, or possibly someone in their household, to respond. He suggested that the offender appear in person to return his letter rather than by mail. He also expressed concern that offenders, which may have some outstanding warrants, etc. are coming off the registry. He also expressed support for some type of monitoring devices for the worst offenders, although he realized that additional money is needed to assist, enforce and track offenders, possibly through registration fees.

Chairman Ray recognized the last presenter, Detective Sergeant Chris Nitzu, with the Iredell County Sheriff's Department. At the present time, he has a 193 active files. He suggested the committee look at registration fees, placing restricting on how close a registered offender can live to a school or day care facility and the possibility of having some type of interstate compact program in place nationwide.

In response to Representative Kiser's question regarding who is responsible for notifying the sheriff, Tracy Little with the NC Department of Correction was recognized. She said copies are sent to the Department of Justice and to the local Sheriff. The information is not sent a second time if other offenses are involved. She was asked to get more information to be presented at the next meeting.

After member discussion the meeting adjourned at 12:45.

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Chairman Karen Ray

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Chairman Bruce Goforth

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Ann Jordan  
Committee Assistant

HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS  
March 15, 2006  
Room 1228 – Legislative Building

The House Select Committee on Sex Offender Registration Laws met Wednesday, March 15, 2006 in Room 1228. Co-Chairman Bruce Goforth presided.

Chairman Goforth welcomed visitors and members and thanked Sgt-at-Arms for their help. He also recognized the “Surry County Leadership” group from Rep. Jim Harrell’s district. The group is composed of some of the best and brightest students from each high school in Surry County and are chose through a highly competitive and rigorous group.

Chairman Goforth recognized Ashby Ray, Assistant Attorney General, Law Enforcement Liaison Section with the Department of Justice. Mr. Ray explained the registration process. He covered when a convicted individual is released from prison, when a convicted individual receives no active time, change of address and the address verification process. After considerable discussion regarding this Co-Chairman Ray felt the committee needs to look at the time frame to see if it could be shortened. Rep. Glazier also thought the committee should look at the registration if a convicted individual lives in one county but works in another.

Chairman Goforth recognized Susan Sitze, Staff Counsel, to give an overview of the ”Fee Assessment of Registered Six Offenders”. This included a sampling of what other states are charging and how funds are directed. She also covered an overview of current “Criminal Court Fees”.

Chairman Goforth recognized Eddie Caldwell, lobbyists with the NC Sheriffs’ Association for his comments. He said he had checked with the NC Association of County Commissioner to find out the actual cost of serving civil papers. Six of the counties had costs that ran from \$100 to \$456. The wide range was because different counties used different variables, like overhead costs, etc. He said that 5 or 6 years ago the cost was \$40 to \$50 dollars. For the Sheriffs’ to do a face-to-face twice a year now the cost would be at least a \$100.

Chairman Goforth recognized Emily Johnson, Staff Attorney, to cover a review of the bill draft covering “Face to Face Address Verification”. The different sections of the bill included: Section 1 – Lifetime registration requirements for criminal offenders, Section 2 – Registration requirements for juveniles transferred to and convicted in superior court, Section 3 amended a subsection, Section 4 – Change of address, change of academic status or educational employment status, Section 5 – Verification of registration information, Section 6 – covers failures of anyone guilty of a Class F felony and Section 7 covers effective date. She said there is no current language that requires an offender to appear in person when he is moving.

Co-chair Ray asked if photo requirements could be incorporated into the language.

Eddie Caldwell, speaking for the NC Sheriffs' Association asked if the sheriffs' office could be given the authority to take photos when they felt the need – rather than a strict time requirement.

Susan Sitze, Staff Attorney, was recognized to explain the following handouts; Offender Relocation Notice , DMV Statistics and Registration Requirement for Certain Offenders (English on one side and Spanish on the other). Because of questions concerning registration at DMV office, Rep. Goforth requested that someone from DMV be present at the next meeting. Ms. Sitze also covered the handout “Sampling of States with Restrictions on Sex Offender Residence”. Regarding the penalties for non-compliance, she said a number of other states have additional penalties but none that extend the registration time for non-compliance.

Chairman Goforth recognized Robert Guy, Director, Division of Community Correction to give a report concerning their pilot program on GPS Monitoring of Sex Offenders.

After member discussion the meeting adjourned at 12:15.

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Chairman Karen Ray

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Chairman Bruce Goforth

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Ann Jordan  
Committee Assistant

HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS

April 11, 2006 – 2:00 p.m.  
Room 1228 – Legislative Building

The House Select Committee on Sex Offender Registration Laws met Tuesday, April 11, 2006 in Room 1228. Co-Chairman Karen Ray presided.

Chairman Ray welcomed visitors and members and thanked Sgt.-at-Arms for their help. She recognized Chairman Goforth who echoed her welcome to members and visitors.

Chairman Ray recognized Attorney General Roy Cooper for his presentation to the committee. Attorney General Cooper discussed the North Carolina Sex Offender Watch program. This program will use new technology to provide more current and useful information by allowing residents of a community to be notified by email if a sex offender moves into their neighborhood. Users can also receive these proactive proximity warning notifications for addresses such as their children's schools, day care, or workplace. It will also use mapping to show exactly where registered offenders live in relation to a given address within a mile. Attorney General Cooper said this new technology can help families, schools and neighborhoods better plan for their safety. The notification will also include educational information and safety tips to help parents speak with their children about potentially dangerous people living in their community.

Attorney General Cooper also discussed new funding needs for the Department of Justice. They are as follows: \$303,564 for the launch of the North Carolina Sex Offender Watch Program, \$369,388 to provide full funding for 5 new SBI Computer Crime and Forensics investigators, and \$155,704 to provide full funding for 2 new DNA investigators. He also asked for increased investments in the North Carolina Justice Academy so it could provide more training for local law enforcement. By increasing the training capability the Academy could train more local officers to go undercover to catch Internet sexual predators who attempt to prey on children.

He also recognized members of his staff: Robin Pendergraft – Head of the SBI, Jerry Ratley – Head of the Computer Unit and Greg McLeod – Lobbyist for the Dept. of Justice.

After a period of question and answers, Chairman Ray asked Susan Sitze, Staff Attorney to explain the bill drafts. She explained the following drafts:

DMV – Do National Check  
Register in NC If Registered in Other States  
Add Statutory Rape to Sex Offender Registration  
Register Where Working  
Sex Offender Can't Live or Work Within 1000 of School  
Registration Fee  
Change Sexual Contact Definition

All were approved by a motion and vote of committee members. Members asked that public and private pools be added. In a discussion on registration fees, members decided to have the \$100 fee due at the end of the first year for all new offenders. Emily Johnson, Staff Attorney with Bill Drafting, suggested making it a civil issue if fees are not paid.

Chairman Ray recognized Emily Johnson to explain the rest of the draft legislation. She explained the following:

Amend Sex Offender Registration Laws  
Extend Registration/Failure to Comply  
GPS Monitoring of Some Sex Offenders/Funds

All were approved by a motion and vote of committee members. Rep. Howard asked that staff include legislation to set aside funds need for the legislation except for the GPS Monitoring. She also requested legislation to fund the requests made by Attorney General Cooper.

The meeting adjourned at 4:00 p.m.

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Chairman Karen Ray

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Chairman Bruce Goforth

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Ann Jordan  
Committee Assistant

## HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS

April 20, 2006 – 10:00 a.m.

Room 1228 – Legislative Building

The House Select Committee on Sex Offender Registration Laws met Thursday, April 20, 2006 in Room 1228. Co-Chairman Bruce Goforth presided.

Chairman Goforth called the meeting to order and welcomed visitors and members. He thanked Sgt.-at-Arms for their help. He also thanked staff for the work they have done.

Chairman Goforth recognized Emily Johnson, Staff Counsel, to present the report to the committee. He also gave her a special thank you for the extra effort she made in getting the report ready for the meeting.

The Committee has three pieces of legislation to consider. On page 8, the three bills are listed. They are: Sex Offender Registration Changes, GPS Monitoring of Some Sex Offenders/Funds and Increase Protection from Sex Offenders/Funds.

The first bill is on page 9 of the Attachment and page 16 gives the explanation. During her explanation of the bill Rep. Kiser questioned whether DMV has the capability to check the National Registry. Denise Thomas responded that DMV had indicated at an earlier meeting that they do have the capability. He said he also has some trouble with sex offenders having to sign an affidavit. Ms. Johnson said the procedure was set in place by Executive Order earlier because of a court case. Rep. Grady expressed a number of concerns: he wanted someone to verify that the National Registry is actually in place and working and who actually runs the National Registry. He also wanted to know what the format would be if someone is at DMV to get a license, and the National Registry is down, what happens then? Rep. Goforth thought it would be better to issue the license, and verify the name when the system was back online. Then if it is on the Registry they would be picked up later. Rep. Grady felt that was a reasonable answer. Rep. Goforth said that he felt it should be made part of the language. Co-Chair Ray thought it might be better not to issue the license and have them come back later. Rep. Glazier wondered if it would be better to separate the DMV registration from this bill. Committee was OK with that. Rep. Kiser has a problem with turning this part over to the DMV because, in the past, they have issued license to individuals without Social Security numbers. He wanted to know what happens if an individual is from another country or one of the states not on the registry? Rep. Goforth said he thinks they would have to sign the affidavit. Rep. Kiser wanted to be sure that was clear to DMV. Co-Chairman Ray said that what the committee is trying to do is make use of the resources that we have. She also said that maybe verbiage could be added to that effect.

In response to discussion, it was decided that Ms. Johnson will pull Section 1 and Section 14 A out of the bill and put those two in a separate bill. For clarification, DMV shall check the National Sex Offender Public Registry, and if for some reason the information is not available, they will issue the license and run the check at later date. If it is found

that false information was given, a warrant to be picked up. After Rep. Glazier's question, Emily said she would have to create a criminal offense for fraudulently signing information that is not true. Rep. Kiser also said that the license should be revoked for three years. The Committee agreed.

The next bill, GPS Monitoring of Some Sex Offender/Fund, is found on page 19 and the explanation is found on page 23. The bill requires active GPS Monitoring of any sex offender who requires the highest level of supervision and monitoring if the offender is released on probation, parole, or post-release supervision for the supervisory period of that probation, parole, or post release supervision and to appropriate funds to implement the GPS Monitoring System. Rep. Kiser questioned if that was enough funds. Jim Mills said that the ones in the high risk would be supervised with GPS. Funds are for 95% active and 5% passive supervision. Monitoring ends when they are out of the system. Committee approved.

Staff Counsel, Emily Johnson continued with explanations of the third bill. She said the Appropriations Bill is on page 25, and the explanation on page 27. This comes at the request of Attorney General Roy Cooper who spoke at the previous meeting. Rep. Kiser asked if the money was going to be put into the Justice and Public Safety budget upfront or will they have to find it? Committee approved the bill.

Rep. Grady asked who maintains the Sex Offender site. It is maintained by the US Dept. of Justice.

Rep. Glazier asked if the charge of the committee ends with the short session or does it go until the end of the year. Chairman Goforth said it ends with at the short session. Rep. Glazier suggested legislation that would allow the committee to go past the short session to cover things that time constraints did not allow the committee to address. Chairman Goforth said that would be looked at.

Staff Counsel Emily Johnson asked for clarification purposes, if the committee wanted the DMV legislation to extend to identification card also. Committee agreed that it should.

Co-Chairman Ray asked Staff Counsel Emily Johnson to explain a bill that was not included in the report but she felt should come before the committee. The bill is titled "Sex Offender Can Not Loiter on School Grounds". The bill creates a new criminal offense based on a statue in Illinois. Rep. Grady made a motion to take "knowingly" out. The only exception to full approval was Rep. Glazier. Rep. Grady wanted change the language on page 24, from School Board President to School Board Chairman. Committee approved.

Rep. Kaiser questioned whether the term "loitering" meant the same in Illinois. He also wanted to know if an offender was there for any of the exceptions, would it still be classified as "loitering". Rep. Ray said the purpose of the bill was to keep sex offenders from picking up kids off the school ground where they were there for no other reason.

Rep. Glazier thinks there might be some constitutionality issues if the term “loitering” is kept in the bill. He said that’s a term that is struck down often. He felt going to the term of either allowing or not allowing sex offenders makes it easier from an enforcement point of view. He suggested that these persons can be permitted on grounds for any legitimate purpose such as academic or athletic events. Rep. Ray wondered if the committee would be willing to direct Emily Johnson to put draft together and incorporate it into the first section so that it can come out as part of the report. Rep. Goforth and the committee felt it should be a separate bill. Emily wanted to make sure that the committee is comfortable with her putting the bill together and will send it to members as a draft for their review.

Rep. Glazier felt that using the term “knowingly” would make sense in that context versus using it with “loitering”. Rep. Kiser agreed. Committee agreed

Emily cautioned the committee that the term “educational grounds” is fairly broad.

Co-Chair Goforth asked if the committee was satisfied with the report and the committee agreed that it was.

The committee adjourned at 11:05 a.m.

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Chairman Karen Ray

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Chairman Bruce Goforth

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Ann Jordan  
Committee Assistant



## COMMITTEE RECOMMENDATIONS AND LEGISLATIVE PROPOSALS

The House Select Committee on Sex Offender Registration Laws recommends that consideration be given to extending the term of the Committee to consider additional issues that could not be addressed due to time constraints.

The committee also recommends the following legislative proposals. Each proposal is followed by an explanation.

1. A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS AND TO MAKE CHANGES TO OTHER STATUTES REGARDING SEX OFFENDERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.
2. A BILL TO BE ENTITLED AN ACT TO REQUIRE ACTIVE GPS MONITORING OF ANY SEX OFFENDER WHO REQUIRES THE HIGHEST LEVEL OF SUPERVISION AND MONITORING IF THE OFFENDER IS RELEASED ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION FOR THE SUPERVISORY PERIOD OF THAT PROBATION, PAROLE, OR POST RELEASE SUPERVISION AND TO APPROPRIATE FUNDS TO IMPLEMENT THE GPS MONITORING SYSTEM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.
3. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO FULLY FUND THE NORTH CAROLINA SEX OFFENDER WATCH PROGRAM, TO HELP FUND INCREASED LAW ENFORCEMENT EFFORTS TO PROTECT CHILDREN AND ADULTS FROM SEX OFFENDERS, AND TO ASSIST WITH LAW ENFORCEMENT TRAINING NEEDS AT THE JUSTICE ACADEMY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.
4. A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CONVICTED OF AN OFFENSE IN ANOTHER STATE THAT REQUIRES REGISTRATION AS A SEX OFFENDER MUST ALSO REGISTER IN NORTH CAROLINA AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO CHECK THE NATIONAL SEX OFFENDER PUBLIC REGISTRY FOR AN APPLICANT'S NAME BEFORE ISSUING EITHER A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD.

5. A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A REGISTERED OFFENDER TO BE ON EDUCATIONAL PROPERTY OR WITHIN 500 FEET OF A SCHOOL EXCEPT IN CERTAIN CIRCUMSTANCES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**D**

**BILL DRAFT 2005-SAz-55B [v.5] (04/13)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/4/2006 9:10:18 PM**

Short Title: Sex Offender Registration Changes.

(Public)

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Sponsors:

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS REGARDING THE SEX OFFENDER AND  
PUBLIC PROTECTION REGISTRATION PROGRAMS AND TO MAKE  
CHANGES TO OTHER STATUTES REGARDING SEX OFFENDERS, AS  
RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX  
OFFENDER REGISTRATION LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 14-208.6(5) reads as rewritten:

"(5) 'Sexually violent offense' means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-27.7A (statutory rape or sexual offense of person who is 13, 14, or 15 years old), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), or G.S. 14-202.3 (Solicitation of child by computer to commit an unlawful sex act). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses."

1           **SECTION 1.(b)** This section becomes effective December 1, 2006, and  
2 applies to offenses committed on or after that date.

3           **SECTION 2.(a)** G.S. 14-208.6A reads as rewritten:

4   "**§ 14-208.6A. Lifetime registration requirements for criminal offenders.**

5       It is the objective of the General Assembly to establish a 10 year registration  
6 requirement for persons convicted of certain offenses against minors or sexually violent  
7 offenses. It is the further objective of the General Assembly to establish a more  
8 stringent set of registration requirements for recidivists, persons who commit  
9 aggravated offenses, and for a subclass of highly dangerous sex offenders who are  
10 determined by a sentencing court with the assistance of a board of experts to be sexually  
11 violent predators.

12       To accomplish this objective, there are established two registration programs: the  
13 Sex Offender and Public Protection Registration Program and the Sexually Violent  
14 Predator Registration Program. Any person convicted of an offense against a minor or  
15 of a sexually violent offense as defined by this Article shall register in person as an  
16 offender in accordance with Part 2 of this Article. Any person who is a recidivist, who  
17 commits an aggravated offense, or who is determined to be a sexually violent predator  
18 shall register in person as such in accordance with Part 3 of this Article.

19       The information obtained under these programs shall be immediately shared with the  
20 appropriate local, State, federal, and out-of-state law enforcement officials and penal  
21 institutions. In addition, the information designated under G.S. 14-208.10(a) as public  
22 record shall be readily available to and accessible by the public. However, the identity  
23 of the victim is not public record and shall not be released as a public record."

24           **SECTION 2.(b)** This section becomes effective December 1, 2006.

25           **SECTION 3.(a)** G.S. 14-208.6B reads as rewritten:

26   "**§ 14-208.6B. Registration requirements for juveniles transferred to and convicted**  
27   **in superior court.**

28       A juvenile transferred to superior court pursuant to G.S. 7B-2200 who is convicted  
29 of a sexually violent offense or an offense against a minor as defined in G.S. 14-208.6  
30 shall register in person in accordance with this Article just as an adult convicted of the  
31 same offense must register."

32           **SECTION 3.(b)** This section becomes effective December 1, 2006.

33           **SECTION 4.(a)** G.S. 14-208.7 is amended by adding a new subsection to  
34 read:

35       "(a2) A person required to register pursuant to subsection (a) of this section, and  
36 who is employed or carries on a vocation in a county in the State other than the county  
37 in which the person resides, on a part-time or full-time basis, with or without  
38 compensation or government or educational benefit, for more than 10 business days  
39 within a 30 day period, or for an aggregate period exceeding 30 days in a calendar year,  
40 shall maintain registration with the sheriff of the county where the person works. In  
41 addition to the information required under subsection (b) of this section, the person shall  
42 also provide information regarding the person's place of employment and the person's  
43 address in his or her county of residence."

1           **SECTION 4.(b)** This section becomes effective December 1, 2006, and  
2 applies to offenses committed on or after that date.

3           **SECTION 5.(a)** G.S. 14-208.7 is amended by adding a new subsection to  
4 read:

5           "(d) No fee shall be required to register when a person first registers as required  
6 under this section. After the initial registration required for an offense or offenses, a  
7 registrant shall pay a civil fee of one hundred dollars (\$100.00) annually to the sheriff  
8 with whom the person is registered. If a registrant's county of registration changes prior  
9 to the annual due date of the fee, the registrant shall pay the fee at the time of  
10 registration in the new county and then annually thereafter. The fee shall be retained by  
11 the sheriff and shall be used by the sheriff for the administration of this Article.  
12 Inability to pay the required fee shall not relieve the person from the requirement to  
13 register pursuant to this section. Collection of unpaid fees shall be through civil  
14 process."

15           **SECTION 5.(b)** This section becomes effective December 1, 2006, and  
16 applies to all persons registered or required to register on or after that date.

17           **SECTION 6.(a)** G.S. 14-208.7 is amended by adding a new subsection to  
18 read:

19           "(e) Any person required to register under this section shall report in person at the  
20 appropriate sheriff's office to comply with the registration requirements set out in this  
21 section."

22           **SECTION 6.(b)** This section becomes effective December 1, 2006.

23           **SECTION 7.(a)** G.S. 14-208.9 reads as rewritten:

24 **"§ 14-208.9. Change of address; change of academic status or educational**  
25 **employment status.**

26           (a) If a person required to register changes address, the person shall report in  
27 person and provide written notice of the new address not later than the tenth day after  
28 the change to the sheriff of the county with whom the person had last registered. Upon  
29 receipt of the notice, the sheriff shall immediately forward this information to the  
30 Division. If the person moves to another county in this State, he or she shall report in  
31 person to the sheriff of the new county as well as the sheriff of the county from which  
32 the person had last registered not later than the tenth day after moving to the new county  
33 and provide written notice of the new address. ~~the~~ When the Division receives  
34 information that a person is moving from one county to another county in this State the  
35 Division shall inform the sheriff of the new county of the person's new residence.

36           (b) If a person required to register moves to another state, the person shall  
37 provide written notice of the new address not later than 10 days after the change to the  
38 sheriff of the county with whom the person had last registered. The person shall report  
39 in person to provide the written notice. Upon receipt of the notice, the sheriff shall  
40 ~~notify~~ inform the person that the person must comply with the registration requirements  
41 in the new state of residence. The sheriff shall also immediately forward the change of  
42 address information to the Division, and the Division shall inform the appropriate state  
43 official in the state to which the registrant moves of the person's new address.

1 (c) If a person required to register changes his or her academic status either by  
2 enrolling as a student or by terminating enrollment as a student, then the person shall  
3 report in person to the sheriff of the county with whom the person registered and  
4 provide written notice of the person's new status not later than the tenth day after the  
5 change to the sheriff of the county with whom the person registered. The written notice  
6 shall include the name and address of the institution of higher education at which the  
7 student is or was enrolled. Upon receipt of the notice, the sheriff shall immediately  
8 forward this information to the Division.

9 (d) If a person required to register changes his or her employment status either by  
10 obtaining employment at an institution of higher education or by terminating  
11 employment at an institution of higher education, then the person shall report in person  
12 to the sheriff of the county with whom the person registered and provide written notice  
13 of the person's new status not later than the tenth day after the change to the sheriff of  
14 the county with whom the person registered. The written notice shall include the name  
15 and address of the institution of higher education at which the person is or was  
16 employed. Upon receipt of the notice, the sheriff shall immediately forward this  
17 information to the Division."

18 **SECTION 7.(b)** This section becomes effective December 1, 2006.

19 **SECTION 8.(a)** G.S. 14-208.9A reads as rewritten:

20 "**§ 14-208.9A. Verification of registration information.**

21 (a) The information in the county registry shall be verified annually for each  
22 registrant as follows:

- 23 (1) Every year on the anniversary of a person's initial registration date, the  
24 Division shall mail a nonforwardable verification form to the last  
25 reported address of the ~~person~~ person and shall also notify the sheriff  
26 of the county of the offender's last reported address that the  
27 verification form has been mailed.
- 28 (2) The person shall return the verification form in person to the sheriff  
29 within 10 days after the receipt of the form.
- 30 (3) The verification form shall be signed by the person and shall indicate  
31 whether the person still resides at the address last reported to the  
32 sheriff. If the person has a different address, then the person shall  
33 indicate that fact and the new address.
- 34 (3a) The person shall include a current photograph of himself or herself  
35 with the verification form. The photograph must be easy to view and  
36 must provide a true and accurate likeness of the offender. If, in the  
37 sheriff's discretion, the photograph does not satisfy that criteria, then  
38 the sheriff may take a photograph of the offender to include with the  
39 verification form.
- 40 (4) If the person fails to return the verification form in person to the sheriff  
41 within 10 days after receipt of the form, the person is subject to the  
42 penalties provided in G.S. 14-208.11. If the ~~verification form is~~  
43 ~~returned to the sheriff as undeliverable,~~ person fails to report in person  
44 and provide the written verification as provided by this section, the

1 sheriff shall make a reasonable attempt to verify that the person is  
2 residing at the registered address. If the person cannot be found at the  
3 registered address and has failed to report a change of address, the  
4 person is subject to the penalties provided in G.S. 14-208.11, unless  
5 the person reports in person to the sheriff and proves that the person  
6 has not changed his or her residential address.

7 (b) A sheriff may require that a person verify his or her information in the sex  
8 offender registry more frequently than required by this Article. A sheriff may also  
9 require that a person provide an updated photograph of himself or herself, if, in the  
10 sheriff's discretion, the current photograph is difficult to view or no longer provides a  
11 true and accurate likeness of the person. If the person refuses to provide a photograph,  
12 then the sheriff may take a photograph of the person to be included with the person's  
13 registration information. "

14 **SECTION 8.(b)** This section becomes effective December 1, 2006.

15 **SECTION 9.(a)** G.S. 14-208.11(a) reads as rewritten:

16 "(a) A person required by this Article to register who does any of the following is  
17 guilty of a Class F felony:

- 18 (1) Fails to ~~register~~ register as required by this Article.
- 19 (2) Fails to notify the last registering sheriff of a change of ~~address~~;  
20 address as required by this Article.
- 21 (3) Fails to return a verification notice as required under G.S. 14-208.9A.
- 22 (4) Forges or submits under false pretenses the information or verification  
23 notices required under this Article.
- 24 (5) Fails to inform the registering sheriff of enrollment or termination of  
25 enrollment as a student.
- 26 (6) Fails to inform the registering sheriff of employment at an institution  
27 of higher education or termination of employment at an institution of  
28 higher education."

29 **SECTION 9.(b)** This section becomes effective December 1, 2006, and  
30 applies to offenses committed on or after that date.

31 **SECTION 10.(a)** G.S. 14-208.12A reads as rewritten:

32 "**§ 14-208.12A. Termination of registration requirement.**

33 (a) The requirement that a person register under this Part automatically  
34 terminates 10 years from the date of initial county registration if the person has  
35 complied with the provisions of this Article during the ten year registration period and  
36 the person has not been convicted of a subsequent offense requiring registration under  
37 this Article.

38 (b) If there is a subsequent offense, the county registration records shall be  
39 retained until the registration requirement for the subsequent offense is terminated.

40 (c) If a person failed to comply with the provisions of this Article during the ten  
41 year registration period, the District Attorney in the jurisdiction in which the person  
42 resides or the Attorney General may petition the court not to terminate the registration  
43 requirement and to require the person to continue to maintain registration under the  
44 provisions of this Article for an additional ten years. If the court finds that the person

1 has willfully failed to comply with the provisions of this Article during the ten year  
2 registration period, the court may grant the petition not to terminate the registration and  
3 shall enter an order requiring the person to continue to maintain the registration  
4 requirements for an additional period of ten years."

5 **SECTION 10.(b)** This section becomes effective December 1, 2006, and  
6 applies to persons for whom the period of registration would terminate on or after that  
7 date.

8 **SECTION 11.(a)** Article 27A of Chapter 14 of the General Statutes is  
9 amended by adding a new section to read:

10 **"§ 14-208.16. Residential and work restrictions.**

11 (a) A person required to register under this Part, or Part 2 of this Article, shall not  
12 knowingly reside or work within one thousand feet (1,000') of the property on which  
13 any public school, private or parochial school, licensed day care center, any other child  
14 care facility, public swimming pool, or private swimming pool is located.

15 (b) As used in this section, 'school' does not include institutions of higher education.

16 (c) As used in this section 'private swimming pool' does not include swimming  
17 pools located at a private residence.

18 (d) This section does not apply to licensed day care centers or other child care  
19 facilities that are located on, or within one thousand feet (1,000') of the property of an  
20 institution of higher education where the registrant is a student or is employed.

21 (e) Changes in the ownership or use of or person or entity that occupies property  
22 within one thousand feet (1,000') of a registrant's registered address, which occur after a  
23 registrant establishes residency or accepts employment shall not form the basis for  
24 finding that an offender is in violation of the residence restrictions of this section. For  
25 purposes of this subsection, residency is established when the registrant purchases the  
26 residency or enters into a written lease contract for the residency.

27 (f) Violation of this section is a Class F Felony."

28 **SECTION 11.(b)** This section becomes effective December 1, 2006, and  
29 applies to all persons registered or required to register on or after that date. This section  
30 does not apply to persons who have established a residence prior to the effective date of  
31 this act by purchasing the residency or entering into a written lease contract for the  
32 residency. Residences established through a written lease contract prior to the effective  
33 date of this act, may not be continued beyond the definite period of time specified in the  
34 lease at its' execution.

35 **SECTION 12.(a)** G.S. 14-27.1(5) reads as rewritten:

36 "(5) 'Sexual contact' means (i) touching the sexual organ, anus, breast,  
37 groin, or buttocks of any person, ~~or~~ (ii) a person touching another  
38 person with their own sexual organ, anus, breast, groin, or  
39 ~~buttocks~~ buttocks, or (iii) a person ejaculating, emitting, or placing  
40 semen, urine, or feces upon any part of another person."

41 **SECTION 12.(b)** This section becomes effective December 1, 2006, and  
42 applies to offenses committed on or after that date.

43 **SECTION 13.** This act is effective when it becomes law.  
44



**Explanation of Proposed Legislation**  
**Bill Draft 2005-SAz-55B**

**A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS AND TO MAKE CHANGES TO OTHER STATUTES REGARDING SEX OFFENDERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.**

The proposed draft legislation does the following:

1. Adds the offense of statutory rape to the list of offenses that require registration in North Carolina.
2. Requires any adult convicted of an offense that requires registration and any juvenile who is transferred to superior court, tried, and convicted as an adult of an offense that requires registration to appear in person before the appropriate sheriff to do all of the following: register, verify registration information, report changes in address, report changes in academic status or changes in employment status at an institution of higher education.
3. Requires any person who must register and who works part-time or full-time in a county that is not the person's residence for more than 10 business days within a 30 day period, or for an aggregate period exceeding 30 days in a calendar year to maintain registration with the sheriff of the county where the person works as well as the sheriff of the county of residence. In addition to the initial registration information required by statute, the person must also provide the place of his or her employment and his or her address in the county of residence to the sheriff of the county where the person is working.
4. Provides that after the initial registration, each registered offender must pay an annual fee of \$100 to the sheriff of the county in which the offender is registered. (No fee is charged at the time of the initial registration.) If the person moves to another county before the annual payment is due, the registrant shall pay the fee at the time of registration in the new county and then annually thereafter. The fee is to be collected and retained by the sheriff to cover the costs of administering the registration laws. Inability to pay does not relieve a person of the requirement to register. Collection of unpaid fees shall be through civil process.
5. Requires a registered offender who moves from one county to another county in this State to report the address change in person to the sheriff of the new county as well as the county from which the offender moved.
6. Clarifies that the Division of Criminal Statistics of the Department of Justice (as custodian of the statewide registry) must notify the sheriff of the appropriate county when the Division mails a verification form to a registered offender.
7. Requires a registered offender to include a current photograph of himself or herself with each verification form and provides that the sheriff may take a

photograph for inclusion with the form if the photo provided by the offender does not meet certain criteria.

8. Grants each sheriff the discretion to require a registered offender to verify the offender's registration information and to provide an updated photograph more frequently than required by statute.
9. Makes conforming changes to the statutes that impose a criminal penalty for failure to comply with the registration laws.
10. Eliminates automatic termination of ten year registration requirement for an offender who failed to comply with registration laws during that time. In that case, provides that the Attorney General or appropriate district attorney may petition the court to require the offender to continue registration for an additional 10 years. The court may grant the petition if it finds that the offender willfully failed to comply with the registration requirements.
11. Makes it a Class F felony for a registrant knowingly to reside or work within 1000 feet of property on which any of the following is located: public, private or parochial school; licensed day care center; any other child care facility, or a public or private swimming pool.

The term "school" does not include an institution of higher education and the term "private swimming pool" does not include a swimming pool at a private residence. The prohibition does not apply if the licensed day care center or other child care facility is located on property of an institution of higher education where the registrant is a student or is employed. A registrant is not guilty of a violation of this law if the registrant establishes residency or is employed at a specific location and at a later date the ownership, use, or occupancy of the property within the 1000 foot perimeter changes and as a result of the change a school, day care center, swimming pool, etc., is located within 1000 feet of the residence or work of the registrant. Residency is established when the registrant purchases or enters into a written lease for the residency. The effective date grandfathers in a registrant who has established a residence prior to December 1, 2006, but provides that if residency is established by lease, then the lease can not be renewed beyond the definite period of time stated in the lease.

The sentence for a Class F felony ranges from a minimum of 10 months intermediate or active punishment (mitigated sentence, Level I) to a minimum of 49 months active time (aggravated sentence, Level VI), depending on the offender's criminal record.

12. Amends the definition of sexual contact and therefore makes it a sexual battery (G.S. 14-27.5A) for a person to ejaculate, emit, or place semen, urine, or feces upon any part of another person. Sexual battery is a Class A1 misdemeanor. The sentence for a Class A1 misdemeanor ranges from 1-150 days, community, intermediate, or active punishment depending on the offender's criminal record.
13. While the proposed draft legislation is effective when it becomes law, each section of the legislative proposal has an effective date of December 1, 2006.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**D**

**BILL DRAFT 2005-LHz-227 [v.10] (4/10)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/4/2006 9:14:16 PM**

Short Title: GPS Monitoring of Some Sex Offenders/Funds.

(Public)

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Sponsors:

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO REQUIRE ACTIVE GPS MONITORING OF ANY SEX OFFENDER WHO REQUIRES THE HIGHEST LEVEL OF SUPERVISION AND MONITORING IF THE OFFENDER IS RELEASED ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION FOR THE SUPERVISORY PERIOD OF THAT PROBATION, PAROLE, OR POST RELEASE SUPERVISION AND TO APPROPRIATE FUNDS TO IMPLEMENT THE GPS MONITORING SYSTEM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 15A-1343(b2) reads as rewritten:

"(b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – As special conditions of probation, a defendant who has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, must:

- (1) Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
- (2) Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- (3) Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- (4) Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a minor.
- (5) Not reside in a household with any minor child if the offense is one in which there is evidence of physical or mental abuse of a minor, unless

1 the court expressly finds that it is unlikely that the defendant's harmful  
2 or abusive conduct will recur and that it would be in the minor child's  
3 best interest to allow the probationer to reside in the same household  
4 with a minor child.

5 (6) Satisfy any other conditions determined by the court to be reasonably  
6 related to his rehabilitation.

7 (7) Submit to electronic monitoring as provided in G.S. 15A-1380.6, if the  
8 defendant is required to register under Part 3 of Article 27A of Chapter  
9 14 of the General Statutes because the defendant is classified as a  
10 sexually violent predator, is a recidivist, or was convicted of an  
11 aggravated offense as those terms are defined in G.S.14-208.6,.

12 (8) Submit to electronic monitoring as provided in G.S. 15A-1380.6, if the  
13 defendant is required to register under Part 2 of Article 27A of Chapter  
14 14 of the General Statutes, has committed an offense involving the  
15 physical, mental, or sexual abuse of a minor, and the Department of  
16 Correction, based on the Department's risk assessment program  
17 recommends that the defendant submit to the highest possible level of  
18 supervision and monitoring.

19 Defendants subject to the provisions of this subsection shall not be placed on  
20 unsupervised probation."

21 **SECTION 2.** G.S. 15A-1343(c2) reads as rewritten:

22 "(c2) Electronic Monitoring Device Fee. – Any person placed on house arrest with  
23 electronic monitoring under subsection (b1) of this section or who has electronic  
24 monitoring imposed as a condition of probation under subsection (b2) of this section  
25 and G.S. 15A-1380.6 shall pay a fee of ninety dollars (\$90.00) for the electronic  
26 monitoring device. The court may exempt a person from paying the fee only for good  
27 cause and upon motion of the person placed on house arrest with electronic ~~monitoring-~~  
28 monitoring or upon motion of the person who has electronic monitoring imposed as a  
29 condition of probation under subsection (b2) of this section and G.S. 15A-1380.6. The  
30 court may require that the fee be paid in advance or in a lump sum or sums, and a  
31 probation officer may require payment by those methods if the officer is authorized by  
32 subsection (g) of this section to determine the payment schedule. The fee must be paid  
33 to the clerk of court for the county in which the judgment was entered or the deferred  
34 prosecution agreement was filed. Fees collected under this subsection shall be  
35 transmitted to the State for deposit into the State's General Fund."

36 **SECTION 3.** G.S. 15A-1344 is amended by adding a new section to read:

37 "(e2) Mandatory electronic monitoring required for extension of probation in  
38 response to violation by certain sex offenders.—If a defendant who violates probation  
39 satisfies the criteria in either subdivision (1) or (2) of this subsection, and if the court  
40 extends the probation as a result of the violation, then the court shall order electronic  
41 monitoring as a condition of the extended probation. The electronic monitoring system  
42 used shall comply with the provisions of G.S. 15A-1380.6. Electronic monitoring shall  
43 be required if the defendant:



1           (1) The defendant is required to register under Part 3 of Article 27A of  
2           Chapter 14 of the General Statutes because the person is classified as a  
3           sexually violent predator, is a recidivist, or was convicted of an  
4           aggravated offense as those terms are defined in G.S.14-208.6.

5           (2) The defendant is required to register under Part 2 of Article 27A of  
6           Chapter 14 of the General Statutes, has committed an offense  
7           involving the physical, mental, or sexual abuse of a minor, and the  
8           Department of Correction, based on the Department's risk assessment  
9           program recommends that the defendant submit to the highest possible  
10           level of supervision and monitoring."

11           **SECTION 6.** The Department of Correction shall issue a Request for  
12 Proposal (RFP) for passive and active Global Positioning Systems for use as an  
13 intermediate sanction and to help supervise certain sex offenders who are placed on  
14 probation, parole, or post-release supervision and who are identified by the Department  
15 of correction as requiring the highest possible level of supervision and monitoring. The  
16 RFP shall require separate bids: one for equipment, maintenance, and technical support,  
17 and one for the aforementioned items plus monitoring services.

18           No less than 30 days prior to issuing these RFPs, the Department shall provide the  
19 Fiscal Research Division with copies of the draft RFPs. The RFPs shall be issued in an  
20 appropriate amount of time for contract terms to begin January 1, 2007.

21           **SECTION 7.** There is appropriated from the General Fund to the  
22 Department of Correction the sum of one million three hundred seven thousand two  
23 hundred eighteen dollars (\$1,307, 218) for the 2006-2007 fiscal year to implement the  
24 active and passive electronic monitoring systems required by this act to supervise up to  
25 300 sex offenders.

26           **SECTION 8.** Section 7 of this act becomes effective July 1, 2006. The  
27 remainder of this act becomes effective January 1, 2007, and applies to offenders placed  
28 on probation, parole, or post-release supervision on or after that date.  
29

## **Explanation of Proposed Legislation**

### **Bill Draft 2005-LHz-227**

#### **A BILL TO BE ENTITLED AN ACT TO REQUIRE ACTIVE GPS MONITORING OF ANY SEX OFFENDER WHO REQUIRES THE HIGHEST LEVEL OF SUPERVISION AND MONITORING IF THE OFFENDER IS RELEASED ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION FOR THE SUPERVISORY PERIOD OF THAT PROBATION, PAROLE, OR POST RELEASE SUPERVISION AND TO APPROPRIATE FUNDS TO IMPLEMENT THE GPS MONITORING SYSTEM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.**

The proposed draft legislation requires that active GPS electronic monitoring be imposed as a condition of probation, parole, or post-release supervision for any sex offender who requires the highest level of supervision and monitoring. The draft legislation describes two categories of offenders for whom active GPS monitoring is mandatory. Those categories are as follows: (i) any offender who is classified as a sexually violent predator, a recidivist, or who was convicted of an aggravated offense as those terms are defined by G.S. 14-208.6; and (ii) any offender required to register as a sex offender for a ten year period of time, who committed an offense involving the physical, mental, or sexual abuse of a minor, and who is recommended by the Department of Correction for the highest level of supervision and monitoring based on the Department's risk assessment program. The terms "sexually violent predator", "recidivist", and "aggravated offense" are defined by current law as follows:

- Sexually violent predator.—A person convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses directed at strangers or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.
- Recidivist.—A person who has a prior conviction for an offense that is an offense against a minor, a sexually violent offense, or that is a final conviction for a violation of G.S. 14-202(d), (e), (f), (g), or (h), or a second or subsequent conviction for a violation of G.S. 14-202(a), (a1), or (c), only if the court sentencing the individual issues an order pursuant to G.S. 14-202(l) requiring the individual to register. (G.S. 14-202 is the offense of secretly peeping into room occupied by another person.)
- Aggravated offense.—Any criminal offense that includes either of the following: (i) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any age through the use of force or the threat of serious violence; or (ii) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old.

Active electronic monitoring means a system that actively monitors the offender, identifies the offender's location and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations. The proposed legislation requires that the offender submit to the active GPS electronic monitoring for the entire supervisory period of the probation, parole, or post-release supervision. The proposed legislation also provides that if an active GPS electronic monitoring system will not work because of technological or geographical limitations that a passive electronic monitoring system that will work may be substituted; but the substitution is allowed only in those circumstances.

The legislative proposal directs the Department of Correction to contract for passive and active GPS systems in time to have the systems in place by January 1, 2007. The legislative proposal also appropriates one million three hundred seven thousand two hundred eighteen dollars ((\$1,307,218) to the Department of Correction to implement active and passive electronic monitoring systems that can supervise up to 300 sex offenders.

The appropriation section of the legislative proposal is effective July 1, 2006, and the remainder of the legislative proposal is January 1, 2007.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**D**

**BILL DRAFT 2005-LHz-234 [v.9] (4/18)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/4/2006 9:18:51 PM**

Short Title: Increase Protection from Sex Offenders/Funds.

(Public)

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Sponsors:

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Referred to:

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A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO  
2 FULLY FUND THE NORTH CAROLINA SEX OFFENDER WATCH  
3 PROGRAM, TO HELP FUND INCREASED LAW ENFORCEMENT EFFORTS  
4 TO PROTECT CHILDREN AND ADULTS FROM SEX OFFENDERS, AND TO  
5 ASSIST WITH LAW ENFORCEMENT TRAINING NEEDS AT THE JUSTICE  
6 ACADEMY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE  
7 ON SEX OFFENDER REGISTRATION LAWS.  
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** There is appropriated from the General Fund to the  
11 Department of Justice the sum of three hundred thousand five hundred sixty-four dollars  
12 (\$303,564) for the 2006-2007 fiscal year to fully fund the North Carolina Sex Offender  
13 Watch Program and to support two new information technology staff positions for that  
14 program. The North Carolina Sex Offender Watch Program allows citizens, employers,  
15 day care centers, schools and other users to sign up with the Department of Justice to  
16 receive proactive e-mail alert notifications each time a sex offender registers an address  
17 within a mile of any address specified by the user in North Carolina. The Program also  
18 provides a tool to allow users to enter any North Carolina address and view a map of all  
19 adult sex offenders who live within a mile of the specified location through GIS  
20 mapping.

21 **SECTION 2.** There is appropriated from the General Fund to the  
22 Department of Justice the sum of three hundred sixty-nine thousand three hundred  
23 eighty-eight dollars (\$369,388) for the 2006-2007 fiscal year to provide full funding for  
24 five new SBI computer crime and computer forensics investigators to increase  
25 undercover law enforcement efforts to catch child predators and to speed the analysis of  
26 computer forensic evidence used to arrest and prosecute these predators.

1           **SECTION 3.** There is appropriated from the General Fund to the  
2 Department of Justice the sum of one hundred fifty-five thousand seven hundred four  
3 dollars (\$155,704) for the 2006-2007 fiscal year to provide full funding for two new  
4 DNA investigators to further expedite and improve DNA evidence processing.

5           **SECTION 4.** There is appropriated from the General Fund to the  
6 Department of Justice the sum of one hundred one thousand eighty dollars (\$101,080)  
7 for the 2006-2007 fiscal year to establish and support three new positions at the Justice  
8 Academy to assist with the Criminal Justice Training and Standards Commission and  
9 the Sheriff Standards Division training needs.

10           **SECTION 5.** This act becomes effective July 1, 2006.

11

**Explanation of Proposed Legislation**  
**Bill Draft 2005-LHz-234**

**A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO FULLY FUND THE NORTH CAROLINA SEX OFFENDER WATCH PROGRAM, TO HELP FUND INCREASED LAW ENFORCEMENT EFFORTS TO PROTECT CHILDREN AND ADULTS FROM SEX OFFENDERS, AND TO ASSIST WITH LAW ENFORCEMENT TRAINING NEEDS AT THE JUSTICE ACADEMY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.**

The proposed draft legislation appropriates \$929,736 for Fiscal Year 2006-07 to the Department of Justice to help implement a new program and support increased law enforcement efforts to protect children and adults from sex offenders. More specifically the legislative proposal does the following:

- Fully funds the North Carolina Sex Offender Watch Program which enables citizens of a community to be notified by e-mail immediately when a sex offender moves into their neighborhood and to view maps that show exactly where an offender lives in relation to a neighborhood, school, day care center, business or any other location of concern.
- Funds positions for five new SBI computer crime and forensics investigators to increase undercover law enforcement efforts to catch child predators and assist with analysis of computer forensic evidence.
- Funds positions for two new DNA investigators to help with DNA processing
- Funds three new staff positions at the Justice Academy to assist with law enforcement training.

The proposed legislation becomes effective July 1, 2006.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**D**

**BILL DRAFT 2005-LHz-242 [v.9] (4/28)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/4/2006 9:13:34 PM**

Short Title: Sex Offender/Out of State Registry/DMV Check.

(Public)

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Sponsors:

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE THAT A PERSON CONVICTED OF AN OFFENSE IN  
3 ANOTHER STATE THAT REQUIRES REGISTRATION AS A SEX OFFENDER  
4 MUST ALSO REGISTER IN NORTH CAROLINA AND TO REQUIRE THE  
5 DIVISION OF MOTOR VEHICLES TO CHECK THE NATIONAL SEX  
6 OFFENDER PUBLIC REGISTRY FOR AN APPLICANT'S NAME BEFORE  
7 ISSUING EITHER A DRIVERS LICENSE OR SPECIAL IDENTIFICATION  
8 CARD.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 14-208.6(4) reads as rewritten:

11 "(4) 'Reportable conviction' means:

- 12 a. A final conviction for an offense against a minor, a sexually  
13 violent offense, or an attempt to commit any of those offenses  
14 unless the conviction is for aiding and abetting. A final  
15 conviction for aiding and abetting is a reportable conviction  
16 only if the court sentencing the individual finds that the  
17 registration of that individual under this Article furthers the  
18 purposes of this Article as stated in G.S. 14-208.5.
- 19 b. A final conviction in another state of an offense, which if  
20 committed in this State, is substantially similar to an offense  
21 against a minor or a sexually violent offense as defined by this  
22 section.
- 23 c. A final conviction in a federal jurisdiction (including a court  
24 martial) of an offense, which is substantially similar to an  
25 offense against a minor or a sexually violent offense as defined  
26 by this section.

- 1 d. A final conviction for a violation of G.S. 14-202(d), (e), (f), (g),  
2 or (h), or a second or subsequent conviction for a violation of  
3 G.S. 14-202(a), (a1), or (c), only if the court sentencing the  
4 individual issues an order pursuant to G.S. 14-202(l) requiring  
5 the individual to register.  
6 e. A final conviction in another state of an offense which requires  
7 registration under the sex offender registration statutes of that  
8 state."

9 **SECTION 2.** G.S. 20-9 is amended by adding a new subsection to read:

10 "(i) The Division shall not issue a drivers license to an applicant from another state  
11 until the Division has searched the National Sex Offender Public Registry to determine  
12 if the person is currently registered as a sex offender in another state. If the Division  
13 finds that the person is currently registered as a sex offender in another state, the  
14 Division shall not issue a drivers license to the person until the person submits proof of  
15 registration pursuant to Article 27A of Chapter 14 of the General Statutes. If the person  
16 does not appear on the National Sex Offender Public Registry, the Division shall issue a  
17 drivers license, but shall require the person to sign an affidavit acknowledging that the  
18 the person has been notified that if the person is a sex offender then the person is  
19 required to register pursuant to Article 27A of Chapter 14 of the General Statute.

20 If the Division is unable to access the National Sex Offender Public Registry, but the  
21 person is otherwise qualified to obtain a drivers license, then the Division shall issue the  
22 drivers license, but shall first require the person to sign an affidavit stating that: (i) the  
23 person does not appear on the National Sex Offender Public Registry and (ii)  
24 acknowledging that the person has been notified that if the person is a sex offender then  
25 the person is required to register pursuant to Article 27A of Chapter 14 of the General  
26 Statute. The Division shall check the National Sex Offender Public Registry for the  
27 person's name within a reasonable time after access to the Registry is restored. If the  
28 person's name does appear in the National Sex Offender Public Registry, the person is  
29 in violation of G.S. 20-30, and the Division shall immediately revoke the license as  
30 provided by G.S. 20-17 and shall notify the appropriate law enforcement officer of the  
31 offense. The law enforcement officer shall obtain a warrant for the person's arrest and  
32 take the person into custody."

33 **SECTION 3.** G.S. 20-37.7 is amended by adding a new section to read:

34 "(b1) Check National Sex Offender Public Registry.--The Division shall not issue a  
35 special identification card to an applicant from another state until the Division has  
36 searched the National Sex Offender Public Registry to determine if the person is  
37 currently registered as a sex offender in another state. If the Division finds that the  
38 person is currently registered as a sex offender in another state, the Division shall not  
39 issue a special identification card to the person until the person submits proof of  
40 registration pursuant to Article 27A of Chapter 14 of the General Statutes. If the person  
41 does not appear on the National Sex Offender Public Registry, the Division shall issue a  
42 special identification card, but shall require the person to sign an affidavit  
43 acknowledging that the the person has been notified that if the person is a sex offender

1 then the person is required to register pursuant to Article 27A of Chapter 14 of the  
2 General Statute.

3 If the Division is unable to access the National Sex Offender Public Registry, but the  
4 person is otherwise qualified to obtain a special identification card, then the Division  
5 shall issue the card, but shall first require the person to sign an affidavit stating that: (i)  
6 the person does not appear on the National Sex Offender Public Registry and (ii)  
7 acknowledging that the person has been notified that if the person is a sex offender then  
8 the person is required to register pursuant to Article 27A of Chapter 14 of the General  
9 Statute. The Division shall check the National Sex Offender Public Registry for the  
10 person's name within a reasonable time after access to the Registry is restored. If the  
11 person's name does appear in the National Sex Offender Public Registry, the person is  
12 in violation of G.S. 20-37.8, and the Division shall immediately notify the appropriate  
13 law enforcement officer of the offense. The law enforcement officer shall obtain a  
14 warrant for the person's arrest and take the person into custody."

15 **SECTION 4.** This act becomes effective December 1, 2006, and applies to  
16 all applications for a drivers license or special identification card submitted on or after  
17 that date and to all offenses committed on or after that date.  
18

**Explanation of Proposed Legislation**  
**Bill Draft 2005-LHz-242**

**A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CONVICTED OF AN OFFENSE IN ANOTHER STATE THAT REQUIRES REGISTRATION AS A SEX OFFENDER MUST ALSO REGISTER IN NORTH CAROLINA AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO CHECK THE NATIONAL SEX OFFENDER PUBLIC REGISTRY FOR AN APPLICANT'S NAME BEFORE ISSUING EITHER A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD.**

The proposed draft legislation does the following:

1. Provides that a person convicted of an offense in another state that requires registration in that state must also register in North Carolina if the person moves to North Carolina or is a nonresident student or nonresident worker in North Carolina.
2. Provides that when a person from another state applies for a North Carolina drivers license, the Division of Motor Vehicles must search the National Sex Offender Public Registry to determine whether the applicant is currently registered as a sex offender in another state before issuing the license. If the National Sex Offender Public Registry indicates that the person is registered in another state, then the drivers license shall not be issued until the person submits proof to the Division of Motor Vehicles that he or she is also registered in compliance with North Carolina's registration laws. If the applicant is not in the National Sex Offender Public Registry, then the Division shall issue a drivers license, but shall also require the applicant to sign an affidavit acknowledging that the applicant knows that the applicant must register in this State if he or she is a sex offender. Also requires the same procedure if a person from out of state applies for a special identification card.

Sets out the procedure to be followed if the Division of Motor Vehicles is not able to access the National Sex Offender Public Registry and therefore unable to conduct a search for the applicant's name. Provides that an applicant who falsely represents his or her status as a registered sex offender in that case is guilty of a criminal offense under current law and further provides that the applicant shall be arrested for committing the offense and the applicant's drivers license revoked, if a license was issued.
3. The bill becomes effective December 1, 2006, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

D

BILL DRAFT 2005-LH-236 [v.7] (4/20)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/4/2006 9:12:49 PM

Short Title: Sex Offender/Can Not Go Onto School Gds.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A REGISTERED OFFENDER TO BE ON EDUCATIONAL PROPERTY OR WITHIN 500 FEET OF A SCHOOL EXCEPT IN CERTAIN CIRCUMSTANCES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 39 of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-321.2. Unlawful for certain registered offenders to be on educational property except in certain circumstances.**

(a) The following definitions apply in this section:

(1) Educational property.—Defined in G.S.14-269.2(a).

(2) Minor.—A person who is less than 18 years old.

(3) Registered offender.--A person: (i) who is required to register under Part 3 of Article 27A of Chapter 14 of the General Statutes or (ii) who is required to register under Part 2 of Article 27A of Chapter 14 of the General Statutes and who has committed an offense involving the physical, mental, or sexual abuse of a minor.

(4) School.—Defined in G.S. 14-269.2(a).

(b) Except as provided in subsections (c) and (d) of this section, it is unlawful for a registered offender knowingly to be on educational property or to be within 500 feet of a school while minors are present in the school or on the educational property.

(c) A registered offender may be on educational property or within 500 feet of a school in the following circumstances provided the registered offender has complied with the provisions of subsection (d) of this section:

(1) The registered offender is the parent or guardian of a minor who is enrolled in the school and is attending a conference at the school with



1 school personnel in his or her parental capacity to discuss academic,  
2 social, health, or other student issues regarding the minor.

3 (2) The registered offender is the parent or guardian of a minor who is  
4 enrolled in the school, the minor is participating in a legitimate activity  
5 at the school or on educational property such as an athletic event or  
6 other competition, school play, or other extra curricular activity, and  
7 the registered offender is attending the activity for a legitimate purpose  
8 in his or her capacity as the minor's parent.

9 (d) A registered offender who goes onto educational property or within 500 feet  
10 of a school in any of the circumstances described in subsection (c) of this section must  
11 notify the principal of the school of his or her presence at the school or educational  
12 property or have permission to be present from the superintendent or the chair of the  
13 school board or in the case of a private school from the principal. In the case of a public  
14 school, if permission is granted, the superintendent or chair of the school board must  
15 inform the principal of the school where the registered offender will be present.  
16 Notification includes the nature of the registered offender's visit and the hours in which  
17 the registered offender will be present in the school or on the educational property. The  
18 registered offender is responsible for notifying the principal's office when he or she  
19 arrives at the school or educational property and when he or she departs from school or  
20 educational property. If the registered offender is to be present in the vicinity of minors,  
21 the registered offender has the duty to remain under the direct supervision of a school  
22 official.

23 (e) A violation of this section is a Class F felony."

24 **SECTION 2.** This act becomes effective December 1, 2006, and applies to  
25 offenses committed on or after that date.

1  
2 **Explanation of Proposed Legislation**  
3 **Bill Draft 2005-LHz-236**  
4

5 **A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE**  
6 **FOR A REGISTERED OFFENDER TO BE ON EDUCATIONAL PROPERTY**  
7 **OR WITHIN 500 FEET OF A SCHOOL EXCEPT IN CERTAIN**  
8 **CIRCUMSTANCES AS RECOMMENDED BY THE HOUSE SELECT**  
9 **COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.**  
10

11 The proposed draft legislation makes it a Class F felony for certain "registered  
12 offenders" to be on educational property or within 500 feet of a school when minors are present  
13 on the school premises or educational property except in certain circumstances. The term  
14 "registered offender" is defined as follows: (i) anyone who must register for life under the Sex  
15 Offender and Public Protection Registration Programs and who is classified as a sexually  
16 violent predator, a recidivist, or who was convicted of an aggravated offense as those terms are  
17 defined by G.S. 14-208.6; or (ii) anyone required to register for a ten year period of time under  
18 the Sex Offender and Public Protection Registration Programs and who committed an offense  
19 involving the physical, mental, or sexual abuse of a minor.

20 The proposed draft legislation provides that a registered offender who is the parent or  
21 guardian of a minor enrolled in the school may be on educational property or within 500 feet of  
22 a school in certain circumstances. Those circumstances are: (i) school conferences with  
23 school personnel to discuss student issues regarding the minor and (ii) occasions when the  
24 minor is participating in a legitimate activity such as an athletic event or other extra curricular  
25 activity and the registered offender is attending for a legitimate purpose in his or her capacity as  
26 the minor's parent or legal guardian.

27 The draft legislation further provides that in those circumstances when a registered  
28 offender may be on educational property or within 500 feet of the school, the registered  
29 offender must also notify the school principal of his or her presence or must have secured the  
30 permission of the superintendent of schools or chair of the school board to be present. If a  
31 superintendent or chair of a school board grants permission to a registered offender to go onto  
32 school premises, the superintendent or chair of the school board must also notify the principal  
33 of the appropriate school where the offender will be present. If the school is a private school  
34 then the registered offender must have permission from the principal to be on the premises.  
35 The draft legislation describes the type of notification and supervision that must be provided  
36 while the registered offender is present on school premises or educational property.

37 The terms "sexually violent predator", "recidivist", and "aggravated offense" are defined  
38 by current law as follows:

- 39
- 40 • Sexually violent predator.—A person convicted of a sexually violent offense and who  
41 suffers from a mental abnormality or personality disorder that makes the person likely  
42 to engage in sexually violent offenses directed at strangers or at a person with whom a  
43 relationship has been established or promoted for the primary purpose of victimization.
  - 44 • Recidivist.--A person who has a prior conviction for an offense that is an offense  
45 against a minor, a sexually violent offense, or that is a final conviction for a violation of  
46 G.S. 14-202(d), (e), (f), (g), or (h), or a second or subsequent conviction for a violation  
of G.S. 14-202(a), (a1), or (c), only if the court sentencing the individual issues an order

1           pursuant to G.S. 14-202(l) requiring the individual to register. (G.S. 14-202 is the  
2           offense of secretly peeping into room occupied by another person.)

- 3           • Aggravated offense.--Any criminal offense that includes either of the following: (i)  
4           engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any  
5           age through the use of force or the threat of serious violence; or (ii) engaging in a sexual  
6           act involving vaginal, anal, or oral penetration with a victim who is less than 12 years  
7           old.

8           The penalty that may be imposed for a Class F felony ranges from 10 months minimum  
9           intermediate or active punishment for a level I mitigated offense to 49 months minimum active  
10          punishment for a level VI aggravated offense.

11          The proposed draft legislation becomes effective December 1, 2006, and applies to offenses  
12          committed on or after that date.

13

# **APPENDIX A**



Office of the Speaker  
North Carolina House of Representatives  
Raleigh, North Carolina 27601-1096

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HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS

Rev. 2/9/2006

TO THE HONORABLE MEMBERS OF THE  
NORTH CAROLINA HOUSE OF REPRESENTATIVES

**Section 1.** The House Select Committee on Sex Offender Registration Laws (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6 and Rule 26(a) of the Rules of Representatives of the 2005 General Assembly.

**Section 2.** The Committee consists of the nine members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House. The Speaker of the House may dissolve the Committee at any time.

Representative Bruce Goforth, Co-Chair
Representative Karen B. Ray, Co-Chair
Representative Jean Farmer-Butterfield
Representative Rick Glazier
Representative W. Robert Grady
Representative Julia C. Howard
Representative Edward Jones
Representative Joe L. Kiser
Representative Grier Martin

**Section 3.** The Committee shall study the sex offender registration laws in North Carolina. In connection with this study, the Committee shall:

1. Review the list of offenses for which registration is required in North Carolina and determine whether offenses should be added to or deleted from the registration requirement.
2. Consider increasing or decreasing the amount of time an individual must remain on the registry.

3. Examine the procedure for termination of the registration requirement.
4. Consider ways to improve the verification of information on the registry.
5. Evaluate whether law enforcement should have an affirmative duty to notify residents, schools, or other interested parties that a sex offender lives in the neighborhood.
6. Identify methods that can be used to track sex offender locations, including the use of Global Positioning System (GPS) devices to monitor sex offenders, even after they have served their sentences.
7. Study the issue of registration fees.
8. Consider prohibiting sex offenders from working in jobs that involve direct contact with children.
9. Evaluate proposals that require sex offenders to stay a certain distance from schools and daycare centers.
10. Compare the sex offender registration laws in North Carolina with the laws of other states.

**Section 4.** The Committee shall meet upon the call of its Co-Chairs. A quorum of the Committee shall be a majority of its members.

**Section 5.** The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

**Section 6.** Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

**Section 7.** The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

**Section 8.** The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

**Section 9.** The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

**Section 10.** The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2006, by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2006, by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2006, or upon the filing of its final report, whichever occurs first.

Effective this 9th day of February, 2006.

A handwritten signature in black ink, appearing to read "James B. Black", written over a horizontal line. A vertical red line is positioned to the right of the signature.

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James B. Black  
Speaker

Rev 2/9/2006 3:45:50 PM