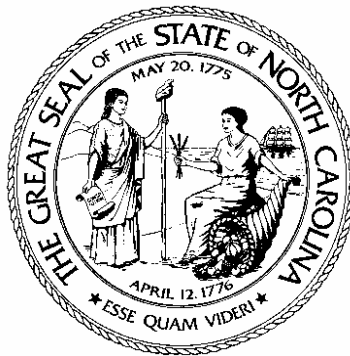


**HOUSE SELECT COMMITTEE ON SEX OFFENDER
REGISTRATION AND INTERNET CRIMES AGAINST CHILDREN**



**REPORT TO THE
2007 GENERAL ASSEMBLY
OF NORTH CAROLINA**

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7. A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR SATELLITE-BASED MONITORING OF SEX OFFENDERS, AND TO MAKE OTHER CHANGES TO THE SEX OFFENDER LAWS.

December 19, 2006

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE
2007 GENERAL ASSEMBLY OF NORTH CAROLINA:

The House Select Committee on Sex Offender Registration and Internet Crimes Against Children herewith submits to you for your consideration its report.

Respectfully submitted,

Representative Bruce Goforth

Co-chair

Representative Karen Ray

Co-chair

PREFACE

The House Select Committee on Sex Offender Registration and Internet Crimes Against Children, established by the Speakers of the House of Representatives on February 8, 2006, is authorized to study the sex offender registration laws and internet crimes against children 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
AND INTERNET CRIMES AGAINST CHILDREN
MEMBERSHIP LIST

Representative Bruce Goforth – CoChair
Representative Karen Ray – CoChair
Representative Jean Farmer-Butterfield
Representative Rick Glazier
Representative Robert Grady
Representative Julia Howard
Representative Ed Jones
Representative Joe Kiser
Representative Tim Spear

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COMMITTEE PROCEEDINGS

Wednesday, October 18, 2006
10:00 A.M.
Room 421, Legislative Office Building

The House Select Committee on Sex Offender Registration and Internet Crimes against Children met on Wednesday, October 18, 2006, at 10:00 A.M in Room 421 of the Legislative Office Building. Representatives Goforth, Ray, Grady, Jones, Spear, and Kiser attended.

Representative Karen Ray presided. She welcomed the Committee members, staff, and visitors. Representative Ray stated that she and Representative Goforth were glad to have this committee extended from last session. She said the purpose of today's meeting is to review what was accomplished in the past and what improvements are needed to prepare for next session. She stated that the Speaker has added Internet Crimes against Children to this committee.

At the end of the meeting, Representative Ray said she would go over the schedule of meetings, which will be held in different areas of state to allow participation and input from citizens. Also, the committee would review what it needs to do in order to get proposed legislation completed by the end of December 2006.

Representative Goforth stated he was excited about the addition of Internet Crimes against Children, which he felt was more important than what has already been accomplished by this Committee.

OVERVIEW OF RECENT LEGISLATION

Ms. Susan Sitze, Research Division, discussed Protect Children/Sex Offender Law Changes (Attachment 1). This is a summary of the legislation that was passed during last session with reference to Sex Offender Registration Changes, Probation, Parole, and Post-Release Supervision Changes, and Global Positioning System Monitoring (GPS). This legislation required Department of Correction (DOC) to study and develop a plan of mental health treatment programs for incarcerated sex offenders. Also, it outlined Division of Motor Vehicles' (DMV) responsibility to assist in identifying sex offenders that have not registered as required by law.

Representatives Kiser and Goforth agreed registering out-of-state sex offenders may be difficult as each state has its own laws regarding Sex Offender Registration, which will vary by states. The only way you can obtain this information would be to run a background criminal report, which is not a feasible solution at this time.

Representative Spears questioned House Bill 1896, page 7, section 10 (a). (Attachment 2). Ms. Sitze requested information about this petition from Ms. Jo McCants with Administrative Office of the Courts (AOC). Ms. McCants stated they are discussing forms needed for this petition, filing fees, Sherriff's office delivering documents to offenders rather than mailing, which they are doing at present. However, they have not decided on a particular form or if one will be needed. She is hoping this committee will give the courts direction as to proper procedures. Ms. Sitze will check with staff in an effort to resolve this problem and will advise at a later meeting.

Representative Ray questioned what can be done about registering out of state sex offenders who have moved to NC prior to December 1, 2006. Ms. Sitze will check and advise at future meeting.

Representative Ray commented she would like to enter legislation to be able to convict minor's other parent, if he/she is aware of sexual acts being performed to the child from the other parent.

Comments were made by the members about having problems when the sex offender is in the military. The military does not want he/she tried in civil court. The military will send the sex offender to an Educational Class to help them with their problem.

Representative Kiser asked staff how much money was budgeted for the GPS system. Mr. Jim Mills, Fiscal Research Division, stated there is 1.3 million in the budget for 2006 and 2007. However, legislators must review this cost on an annual basis, as the number of sex offenders will increase every year.

Ms. Sitze stated that she would have the following information at a later committee meeting:

- Transferring parole for a sex offender to another state as well as collecting all monies from transferred sex offenders owed to North Carolina (restitution)
- Making it a crime to the minor's parent when allowing them to be living with a sex offender
- Asking a Parole Office to speak at a later meeting

Ms. Sitze discussed additional handouts. Attachment 3 is a copy of Senate Bill number 472, which is the only bill we currently have for computer crimes. Attachment 4 is the latest edition she was able to find by the National Conference of State Legislatures 2000 Enacted Legislation Electronic Mail and Internet, which lists other states' laws they had in place at that time. Attachment 5 (15A-1368.4) lists conditions of post-release supervision for your review.

Representative Ray stated future dates for committee meetings. October 24th in Asheville, November 14th in Iredell County, November 20th in Raleigh, November 28th in Fayetteville, December 4th in Raleigh or Southeast NC. The final committee meeting will be held in Raleigh on December 19th.

Representative Ray adjourned the committee at 11:25 A.M

Tuesday, October 24, 2006
10:00 A.M.
Greater Asheville Chamber of Commerce Board Room
Asheville, North Carolina

The House Select Committee on Sex Offender Registration and Internet Crimes Against Children met on Tuesday October 24, 2006, at 10:00 A.M at the Greater Asheville Chamber of Commerce Board Room, Asheville, North Carolina. Both Representatives Goforth and Ray, co-chairs, attended along with committee member Representative Edward Jones.

Representative Bruce Goforth presided. He stated he regretted that several of the committee members were unable to attend this committee meeting. He requested everyone attending to introduce themselves. Present from NCGA staff were Susan Sitze and Brenda Carter, staff attorneys with Research Division; Emily Johnson, staff attorney with Bill Drafting Division; Ann Jordan and Linda Neal, committee assistants; and sergeants-at-arms Dusty Rhodes and Charles Williams. A roster of visitors is attached as Exhibit I.

Upon a motion by Representative Ray, the committee approved the minutes of the October 18, 2006, meeting.

Ms. Sitze reviewed the October 18th meeting at the request of Representative Goforth.

Representative Goforth introduced Mr. Grier Weeks, Executive Director with the National Association to Protect Children (PROTECT), which is a non-partisan protection group based in Asheville that covers 50 states and 10 nations. In 2003, Mr. Weeks worked with 10 states on the federal level to pass stronger laws and to increase funding to combat crimes against children. In April, he testified before Congress on the problems with child pornography and the response to state legislature.

Mr. Weeks made a PowerPoint presentation per Exhibit II. Mr. Weeks apologized in advance for talking about tough issues; but, he felt the committee needed to know the information. He said after his presentation, the committee would have a better

understanding of child pornography and online crimes against children than the vast majority of policy makers and citizens. He stated further that with this knowledge, he felt the committee would have a chance to save thousands of children's lives. Mr. Weeks said child pornography has reached catastrophic proportions, and our nation is unaware of the seriousness of this crisis.

Mr. Weeks said there is not a state in this country that is a model for passing stronger legislation for this crime. He feels that anything North Carolina does will serve as a model for the nation, as well as members of the FBI, ICE (Immigration and Customs Enforcement with Homeland Security), and companies like Microsoft. He said that these parties are excited that a group of legislators wants to pick up this banner and show the rest of the country what they need to do.

Representative Goforth invited Mr. Weeks to visit a full committee in Raleigh to provide other committee members with his devastating information.

Representative Goforth recognized Representative Ray for a question for Mr. Weeks. Representative Ray asked, "Where North Carolina ranked with other states as far as episodes with child pornography." Mr. Weeks thought all states ranked uniformly in the number of cases occurring.

Representative Ray asked the staff about ICAC (Internet Crimes Against Children with the SBI), as she had not previously heard of ICAC. Ms. Susan Sitze stated that during the last session, the General Assembly was working mainly on sex offender registration and GPS monitoring. Representative Ray stated she would like for a speaker from ICAC to attend a committee meeting.

Representative Goforth told the staff he wanted them to immediately look into what legislators can do to stiffen the penalties with reference to sex offenders. He said NC can do better than that. He stated further that the committee needs to go to work to come up with legislation that will put sex offenders behind bars for longer than 3 months.

Representative Ray requested a handout of Mr. Weeks' PowerPoint presentation for the members who could not attend the meeting so they would know the issues that needed to be addressed.

Representative Goforth said the legislature had passed one of the toughest laws within the United States for sex offender registration, and he felt sure the committee would pass laws just as tough for Internet crimes against children.

Representative Ray asked Mr. Weeks if NC could convict sex offenders on stronger charges than pornography, for example rape. Mr. Weeks said it is much more difficult to get that kind of conviction. He said the committee needed to look at possession of child

pornography as a very serious crime. The same type crime as possession of body parts and Anthrax.

Representative Jones asked Mr. Weeks why a jury doesn't convict these criminals. He asked, "Don't they think this is a serious crime?" Mr. Weeks stated that all citizens would agree this is a violent crime. However, 96% of all criminal cases are being resolved by plea bargaining. It takes prosecutors a long time to prepare these cases to be heard in front of a jury and they are discouraged because of the length of time it takes to receive the offender's hard drive from the lab. Also, the prosecutors realize if they do get a conviction, it will only be for probation. Mr. Weeks said this in itself is a large part of the problem. He stated further that the other part of the problem is that it is an invisible crime. He said that until we have a "little bit of embarrassment" for not taking these crimes seriously, these crimes will continue.

Representative Goforth asked Mr. Weeks if the problem was due to our computer labs being backed up because of overload. Mr. Weeks said that North Carolina's SBI computer labs are doing a good job and are making this crime as one of their priorities. However, they have to send numerous hard drives to the Secret Service computer labs; because they do not have sufficient time to process all the hard drives they receive.

Representative Goforth questioned Mr. Weeks about the number of child pornography crimes in North Carolina in 2005. Mr. Weeks stated that in 2005, 1.4 million IP addresses existed with an estimated 750,000 in the United States. In 2005, North Carolina had an overwhelming amount of IP addresses-65,000 plus. During 2005 North Carolina's ICAC team cases totaled 238, of which only 45 were convicted by North Carolina prosecutors.

Representative Ray asked Mr. Weeks if these known sex offenders are continuing child pornography as they are waiting on the court system. Mr. Weeks replied "Absolutely." He further stated that experts say these sex offenders have a "bottomless appetite for more and more images."

Representative Ray questioned Mr. Weeks about North Carolina having a stronger law for rape. Ms. Susan Sitze stated it would be very difficult to prove that the person possessing the child pornography is the same person that is committing rape in the pictures. Mr. Weeks stated what the state needs is make the possession of child pornography a more serious crime. It needs to look at this situation as the "murder of a child's innocence."

Representative Jones asked Mr. Weeks if problems with child pornography were within the United States or if it were an international crime. Mr. Weeks stated there are numerous commercial servers in Eastern Europe and Indonesia. However, he stated that law enforcement officials believe the bulk of demand as well as production is here in the

United States. Mr. Weeks stated further that by its nature, “it seems to be home grown production.”

Representative Jones asked Mr. Weeks if this problem was due to numerous illegal immigrants in this country, who could not be prosecuted in our courts. Mr. Weeks stated that ICE was working on a few of these cases. However, having illegal immigrants are not the bulk of the problem.

After answering all the committee’s questions, Representative Goforth thanked Mr. Weeks for being at the committee meeting and said he looked forward to seeing him at another committee meeting in Raleigh. Representative Goforth stated that it is really tough to see what’s going on and knowing that legislators are not reacting to it. He said it was sad that our knowledge is so limited. He told Mr. Weeks if he could get this knowledge to the Legislature, the General Assembly would find the money to increase the labs to process these crimes more efficiently. Representative Goforth stated, “There is no way we can continue to let this happen to our kids. I’m so concerned about it.”

Representative Goforth recognized Mayor Terry Bellamy, welcomed her to the committee meeting, and thanked her for everything she has done for Asheville.

Mayor Bellamy thanked the committee for inviting her, as she feels Internet crimes against children is very important. She also wanted to speak to the committee about 2 teenagers in Asheville; one is 11 and the other teenager is 12 years old, living in one of the public housing developments within the city. Both of these girls are pregnant because their mothers have been giving these girls to drug dealers in order to feed their addiction to crack/cocaine. No one is being prosecuted because this information has not been told to the authorities. The health clinics these girls are going to for medical assistance do not ask questions. Mayor Bellamy learned of this incident through the girls’ counselor.

Mayor Bellamy asked the committee members for help by requiring health department officials to ask more questions, making the responsible people more liable for statutory rape to young girls.

Representative Goforth stated this was another problem, which is happening to our kids today. However, he doesn’t think that this is the right committee to provide any necessary help for this situation.

Representative Goforth recognized Captain Mike Wright with the Buncombe County Sherriff’s department. Captain Wright stated that they have a tremendous problem with receiving results back from forensics labs for this crime, as well as more serious crimes such as murder. He said most of the cases take approximately 6 to 9 months to receive results from the forensic labs. He said it took as long as 14 months in one instance to get

necessary information from the lab. Captain Wright said the long waits hurt their trails because they become “cold” making it more difficult to apprehend the criminals.

Captain Wright stated that they needed funding for the labs, and local law enforcement, as well as for additional prosecutors.

Representative Goforth asked Captain Wright for the projected cost of this funding? He stated he did not know the exact amount. However, it would require hiring additional personnel, purchasing additional equipment and cars as well as increasing the pay for forensic lab technicians.

Representative Ray asked Captain Wright whether the FBI or the SBI contracted out of any of their work or whether they did it all in house. Captain Wright stated to his knowledge, these labs do not contract any work to other facilities.

Ms. Susan Sitze stated there are some functions that the lab does contract out. But by far, they do the majority of analyzing in house.

Representative Goforth conferred with Representative Ray to schedule a date for Mr. Weeks to speak at another committee meeting in Raleigh. They agreed on December 4, 2006.

The chair asked for further questions or comments. There being none, the committee adjourned at 11:15 A.M.

November 14, 2006
10:00 A.M.
Williamson’s Chapel United Methodist Church
 Mooresville, North Carolina

The House Select Committee on Sex Offender Registration and Internet Crimes against Children met on Tuesday November 14, 2006, at 10:00 A.M. at Williamson’s Chapel United Methodist Church, Mooresville, North Carolina. Both Representatives Goforth and Ray, co-chairs, attended along with committee members Representative Edward Jones, Representative Tim Spear, Representative Julia Howard, and Representative Joe Kiser. The Agenda is attached hereto as Exhibit I, and a roster of visitors is attached as Exhibit II.

Representative Karen Ray presided. She requested everyone attending to introduce themselves. Present from NCGA staff were Susan Sitze and Brenda Carter, staff attorneys with Research Division; Emily Johnson, staff attorney with Bill Drafting

Division; Ann Jordan and Linda Neal, committee assistants; and sergeants-at-arms James Worth and Frank Prevo.

Representative Ray welcomed visitors and introduced elected officials attending the committee, along with law enforcement officers, district attorneys, representatives from Dove House, a CAC (Child Advocacy Center) located in Mooresville, and SCAN (Stop Child Abuse Now).

Upon a motion by Representative Goforth and seconded by Representative Jones, the committee approved the minutes of the October 24, 2006, meeting.

Representative Ray recognized Representative Goforth. He welcomed everyone to the meeting and expressed his appreciation for their attendance. He said he wanted NC to be a role model for other states, which is one of the committee's goals.

Representative Ray introduced the first presenters Detectives Moore and Long from Guilford County Sheriff's Department. A copy of their PowerPoint presentation entitled, "Guilford County Sheriff's Office Special Operations Internet predators," is attached hereto as Exhibit III.

At the conclusion of Detectives Moore and Long's presentation, Representative Ray opened the meeting for questions and answers from committee members, staff, and visitors.

Representative Kiser asked Detective Moore how many cases of child sexual abuse Guilford County has prosecuted within the last year, and what was the average sentence the defendant received. Detective Moore said Guilford County had prosecuted 20 to 30 within the last year, with most of the defendants only receiving probation.

Representative Goforth said to Detective Moore that the General Assembly passed a bill last session for a "stiffer" penalty for these sex offenders, and inquired for about his recommendation as to how "stiff" these penalties should be? Detective Moore said the penalty for meeting the child should be increased to a class "H" felony, with the solicitation of the child by computer being one step lower than the actual meeting.

Representative Jones inquired what jurisdiction would be involved when soliciting a child living within another county. Detective Long said both districts have jurisdiction and both districts could charge the offender.

Representative Ray questioned Detective Moore as to how jurisdictions determined which one would prosecute. Detective Moore said that usually it is part of a plea bargain. For example, the sex offender would plead guilty to the offense in one district, if the other district agreed to drop the charges. Also, each district could charge the offender

with different crimes. If two states are involved with one offender in one state meeting a child in another state, it then becomes a federal crime.

Ms. Cynthia Gunter, visitor, asked how many sex offenders are located in NC. Representative Ray said we have approximately 10,000 convicted sex offenders registered in NC. Representative Goforth said within the last year, the General Assembly has strengthened the law by having 300 of the worst sex offenders wearing a GPS device. He said that the General Assembly could not budget necessary funds to supply all convicted registered sex offenders with GPS devices. Representative Kiser asked staff what determined which sex offender would be equipped with GPS system. Ms. Susan Sitze said the determinations of sex offenders charged with an aggravated offense are wearing the GPS device.

Sandra Sparks, from the audience, questioned Detective Moore about Perverted-Justice which is similar to a Neighborhood Watch. Perverted Justice is an online group of concerned citizens trying to get “wannabe” pedophiles to law enforcement agencies. Detective Moore said a lot of states are passing laws to prevent law enforcement officials from using Perverted Justice, as they are deleting valuable evidence from tapes and entrapping “wannabe” pedophiles making it impossible to convict the pedophiles.

Another audience participant, Holly Yngal, asked Detective Moore how many pedophiles arrested had young children in their homes and what type of bond were these pedophiles given. Detective Moore said that approximately half of the men he arrested had children in their home. Detective Long said that the average bond for these offenders is approximately \$50,000 with only one having a condition requiring the offender to stop using all computers.

Representative Ray introduced Mr. Tom Keith, District Attorney, from Forsyth County. Attached find Exhibit IV, “Remarks by Tom Keith to House Select Committee on Sex Offender Registration Laws and Internet Crimes against Children.”

Representative Kiser said that it is a complicated matter for the General Assembly to pass laws, as the leadership would not allow all the bills to be heard. Also, the Sentencing Commission tells the General Assembly how many beds are available to accommodate additional prisoners.

He further questioned Mr. Keith about the projected number for sex offender cases. Mr. Keith said that because of our new technology (computer forensic equipment and training personnel) we are just beginning to touch on prosecuting child pornography. From the first complaint received from Social Services through the investigative process with law enforcement, obtaining evidence, overload of the courts, and having to use children as witnesses, approximately 50% of child pornography is prosecuted. Representative Kiser asked about the problem of using children for witnesses. Mr. Keith said a parent will tell

you that going through therapy has been extremely difficult for their child. They do not want to put their child through anymore trauma by testifying in court.

Mr. Keith said NC court system needs to have Judicial Accountability. He said all the district court judges can do what they want without having to answer to anyone, which hinders a lot of convictions for sex offenders.

Representative Goforth said he thinks the General Assembly needs to change the felony code for sexual offenders to a class "D," which will insure jail time.

Ms. Emily Johnson said the committee members need to ask the Sentencing Commission to determine if NC prisons have reached capacity. She said different sources will have to fund this cost.

Ms. Susan Sitze said the General Assembly needed to determine degrees (1 through 3) for this class "D" felony charge.

Mr. Keith said jury time is very limited, and in addition to other crimes in Forsythe County this year, 23 murders have been committed and 40% of his cases are drug related.

Representative Spear, a former Clerk of Court, said he has seen numerous occasions when the judge would close the court after only two days. Mr. Keith said that the courts now have in place a Criminal Docket Case Management system, which keeps all cases flowing through the courts at a rapid rate. Representative Spear said he retired in March 2005, and he cannot believe the courts have got this organized within such a short time.

Representative Ray, who is also involved with the court system, said she agreed with Representative Spear. The courts do not hear cases Monday through Friday, which causes a tremendous backlog of cases needing to be tried.

Representative Julia Howard questioned Mr. Keith about the possibility of obtaining funds from traffic violations to be used for child sex abuse cases. Mr. Keith said there is a constitutional amendment stating these funds should be distributed to both the school and courts systems. However, last year, the total distributed was \$7.7 million from these funds, \$4.5 million for court cost; the other \$3.2 million is for the school system. The school system obtained all of these funds leaving the court systems with "0".

Representative Spears questioned Mr. Keith about the money he received from the last budget. Mr. Keith said he was able to hire three additional Assistant District Attorney with these funds.

Representative Ray introduced district attorney Garry Frank from the 22nd judicial district. Mr. Frank said his office was asked to speak about special problems relative to

prosecuting child sex abuse crimes. He said Mr. Paxton Butler, Assistant District Attorney, working with Dove House, Children's Advocacy Center (CAC) located in Mooresville, will relate the problems he is having with prosecuting child sex abuse cases. Also, Mr. Steve Boone who just returned from a National training conference on Internet crimes against children, which was funded by a grant, would also address the committee.

Mr. Frank said the problem he has was the same as Mr. Keith. Consequently, he did not want to go over the same information again. He said he wanted it noted on the record that the indigent defense side for the state receives in excess of \$31 million dollars per year more than the prosecutors for NC. He also agreed with Representatives Spear and Ray that in a lot of cases, the judge will only stay in court for approximately two days per week.

Representative Ray introduced the next speaker, Mr. Butler. He agreed with the previous district attorneys that he does not have sufficient time in court to prosecute child sex offense crimes. He said the most important consideration he has is the sexually abused children, who are hurt, scared, and frightened. He said therapists will tell you that putting the sexually abused child through a court trail is just as traumatic, if not more traumatic, as the actual sexual crimes against these children. He said that the district attorneys are not throwing these cases away, but you must pay attention to the abused child in each case. He said that all parents along with their communities must concentrate on educating children in an effort to stop child sexual abuse. He said that in most of his child sexual abuse cases, the perpetrator is a trusted adult, which may be a family member, clergy member, or a teacher. He said he has seen more and more cases of Internet crimes against children. He said that parents need to spend more time with their children and their activities because children get on the Internet to find someone that will pay attention to them. Also, a lot of teachers and counselors are not reporting child sex abuse, which is the most unreported of all crimes.

He said that the General Assembly needs to get more CDC's established in NC. He also reiterated with the other district attorneys that they need more terms of court.

Representative Ray introduced Mr. Steve Boone, Assistant District Attorney, with Mr. Frank's office. Mr. Boone discussed the Comparison of Federal and State Crimes pertaining to Internet Crimes against Children, per attached Exhibit V. Mr. Boone suggested to the committee members that the General Assembly needs to increase the number of computer forensic specialists and provide them with necessary equipment.

Representative Ray requested staff to get the total number of municipalities in NC with adequate equipment for computer forensic specialists. She also said a representative from ICAC (Internet Crimes against Children) will address the committee at a future meeting.

Ms. Susan Sitze asked Mr. Paxton the amount of time involved to get a conviction for a child sex abuse case. He said that it takes approximately three years depending on numerous factors, including defense attorneys prolonging trial date, and different bonds that are issued by local magistrates and district court judges.

Ms. Brenda Deal with Dove House said to the committee members that a lot of the bonds for sexual child abuse are only \$15,000, and the defendant is out of jail within two hours. She said something has got to be done to increase the amount of bonds.

Ms. Emily Johnson questioned Mr. Frank about the discovery issue of allowing defense attorneys to see evidence at the same time as the prosecutor. Mr. Frank said this is a work in progress to get protective orders to keep defense attorneys from simultaneously seeing evidence at the same time as the prosecutor.

Ms. Sandra Sparks, audience participant, said she thinks it would be helpful if more schools initiated programs including scholarships for law students. This would allow more attorneys to work for NC court systems to repay their student loans. Susan Sitze said there is already a program in place for that purpose. It is called NC LEAF (Legal Education Assistance Fund)

Representative Kiser said that it is difficult to get a bill to pass, and most of the state's budget goes to Education and Health & Human Resources, leaving very little for anything else.

Representative Spear said the General Assembly needs to look at the court system we have in place now and make improvements.

Representative Jones said he would like to hear from a member of the Sentencing Commission.

Representative Goforth said at the next meeting, the committee members would hear from a psychiatrist from DOC (Department of Corrections), and Mr. Roy Cooper, Attorney General.

Representative Ray requested staff to find out what the General Assembly can do regarding bond issues and their structure.

Representative Goforth said the committee is trying to have someone from the Sentencing Commission at the November 20th meeting.

Representative Ray said that on the November 20th meeting, the committee will hear from Mr. Cooper and Mr. Kevin West with ICAC (Internet Crimes against Children). Also, she requested staff to work on bond issues as well as getting a member of the

Sentencing Committee to speak at a committee meeting. She said Mr. Grier Weeks will be at the committee meeting on December 4th.

Representative Goforth said staff needs to get all needed information finalized for recommendations for bills to be introduced by this committee by December 4th. Ms. Susan Sitze and Representative Ray said the committee will meet again on November 20th, 28th, December 4th, and 19th.

Representative Howard requested a copy of "Chat Abbreviations," which is attached as Exhibit V1. She said she would like for the General Assembly to get this information to the public as soon as possible so parents can educate their children.

Representative Spear requested staff to check on a recommended bond for child sex offender crimes and determine how sentencing for this crime is carried out statewide. Representative Ray asked staff to get these answers for him at the next committee meeting.

The chair asked for further questions or comments. There being none, the committee adjourned at 12:25 P.M.

November 20, 2006
10:00 A.M.
Room 1228

The House Select Committee on Sex Offender Registration and Internet Crimes Against Children met Monday, November 20, 2006 in Room 1228.

Co-Chairman Bruce Goforth presided. He called the meeting to order at 10:05 am. and thanked members and visitors for their attendance. He recognized and thanked Sergeants-At-Arms for their help. He also recognized Co-Chairman Ray for her comments. She thanked the members for their work on the committee. The Agenda and Visitor Roster is attached and made a part of these minutes.

Chairman Goforth recognized Attorney General Roy Cooper for his presentation to the committee. Attorney General Cooper (Attachment 1) discussed additional funding needs for his department in the FY07-08 budget. He asked for full continuation funding for the North Carolina Sex Offender Watch program. The FY07-08 appropriation would be \$304,342. This is funding for two (2) IT staff and mapping software subscription costs. He also requested funding for four (4) new SBI Field Computer Crime Agents and two (2) new Computer Forensics Analysts to increase undercover law enforcement. The FY07-08 funding would be \$517,958. He also asked for full funding for four (4) new

SBI DNA Technicians to expedite and improve convicted offender sample processing. The FY07-08 funding would be \$489,700. Attorney General Cooper also asked for full funding to replace the North Carolina Statewide Automated Fingerprint Identification System (SAFIS). The FY07-08 Appropriation requires \$2.8 million. It will also support the replacement of up to 130 live-scan devices. He went on to explain how SAFIS is used to solve crimes. He also supports an increased investment in the North Carolina Justice Academy in order to provide more training for local law enforcement. A mobile lab to go out and teach would be very beneficial. (Attachment 1)

Mr. Jerry Ratley, Assistant Director for the SBI gave a live demonstration of the “Sex Offender Watch”. He explained how the new technology will be used to provide more current and useful information on sex offenders and how it can help families, schools and neighborhoods better plan for their safety. The new system, which is more user friendly, should be in place in January 2007. Photos and details are available on the site for any offender that you click on. The system will allow you to search within a 1, 3 or 5 mile radius for offenders. A Registration system is available for individuals to receive email notifications regarding any changes on specific sex offenders.

Mr. Kevin West – Special Agent in Charge – Computer Crime Investigations Unit and Team Leader of NC’s Internet Crimes Against Children (ICAC0) Task Force was recognized for his presentation. He wanted to describe a typical day in the life of an undercover agent that deals with sex crimes. They work hand in hand with the FBI in NC, the US Postal Inspection Service, ICE (Immigration Customs Enforcement) and all three of the Federal Judicial Districts. There are also 46 task forces nationwide that work with each other. Sources of referral for cyber tip line reports are from internet companies that are required to report such activities and from members of the public. Agents can access a Cyber Tip Line Report and look at past internet activities and what provider the offender may have used. Reports from the National Center for Exploited Children are also requested for any information they may have. Cases are prioritized by determining whether there are kids in the home and if the kids are in danger. When possible they prefer to have cases tried in federal court because the sentences are much stronger. (Attachment 2)

Susan Sitze was recognized to explain the final handouts which have information requested at the last meeting. They included the NC Sentencing and Policy Advisory Commission Felony Offense Classifications and the type of punishment (both minimum and maximum active sentence length) for second and third degree punishments. (Attachments 3, 4, and 5).

The meeting adjourned after discussion by the committee members regarding any additional information they need or would like to have prior to drafting legislation.

November 28, 2006
10:00 A.M.
Room 1027

The House Select Committee on Sex Offender Registration and Internet Crimes against Children met on Tuesday November 28, 2006, at 10:00 A.M. in room 1027. Both Representatives Goforth and Ray, co-chairs, attended along with committee members Representative Edward Jones, Representative Tim Spear, Representative Julia Howard, Representative Joe Kiser, Representative Rick Glazier, and Representative Robert Grady. The Agenda is attached hereto as Exhibit I, and a roster of visitors is attached as Exhibit II.

Representative Karen Ray presided. She called the meeting to order at 10:10 A.M. thanking everyone for being there including Sergeants-At-Arms Fred Hines, Tom Wilder, and Martha Gadison.

Upon a motion by Representative Goforth and seconded by Representative Jones, the committee approved the minutes for the November 14, 2006, meeting.

Representative Ray introduced Mr. Grier Weeks, Executive Director, National Association to Protect Children (PROTECT). Mr. Weeks spoke at a committee meeting held on October 24, 2006 in Asheville. Representative Ray said that because Mr. Weeks had a lot of important information, the committee requested him to speak at a committee meeting in Raleigh.

Mr. Weeks made a PowerPoint presentation per attachment hereto as Exhibit III.

Representative Ray recognized Representative Goforth. He said on page 21 of Mr. Weeks' handout, it shows "Close Loopholes." He questioned Mr. Weeks as to what loopholes did he want the General Assembly to address. Mr. Weeks said the most important loophole is to make child pornography a more serious crime.

Representative Ray recognized Representative Kiser. He asked Mr. Weeks if this 65,000 number of IP addresses is for the state of NC or the entire nation. Mr. Weeks said this amount is for NC only. Mr. Kiser asked of the 65,000 IP addresses, how many cases can a district attorney prosecute. Mr. Weeks said if child pornography was a more serious crime, officers could arrest all 65,000 IP addresses, and the district attorney could prosecute with a 96% success rate. Representative Kiser questioned as to why law enforcement is not following this procedure. Mr. Weeks said since NC does not have a law about child pornography, the 65,000 IP addresses would have to be arrested as a child sexual offense. To successfully prosecute a child sexual offense, it takes a tremendous amount of time to document each case, and they do not have sufficient staff or equipment. Representative Kiser asked how many of the 45 cases prosecuted were

plea bargained. Mr. Weeks said it was only his guess, but he thought it would be close to 100%. Representative Kiser said on page 14 of Mr. Weeks' handout, it shows 238 state ICAC (Internet Crimes against Children) cases in 2005. He asked how many of these cases were prosecuted. Mr. Weeks said he did not have any data for these cases; however, he thinks all the cases were prosecuted.

Representative Ray recognized Representative Glazier. Representative Glazier said on page 19 of Mr. Weeks' handout; wherein, it shows NC vs. federal penalties, if NC increased the penalty to one half of the federal penalties, what kind of resources is required, including number of bed space with DOC (Department of Correction). Mr. Weeks did not have this data with him.

Representative Glazier asked staff if the Sentencing Commission had any discussion about the increased penalties within the last couple of years. If so, does the Sentencing Commission have any recommendation for new laws? Ms. Susan Sitze stated the Sentencing Commission has not had any discussion on this particular issue. Ms. Sitze said Mr. Weeks' comparison chart is inconclusive as the federal penalties are only showing cases with maximum punishment. However, NC penalties are only showing cases with minimum punishment.

Chair recognized Representative Goforth, who asked Mr. Weeks if the General Assembly increased the penalty for these charges, would that get more people off plea bargaining and into jail. Mr. Weeks said yes because prosecutors are not motivated to try these cases when it takes approximately eight months to receive information from forensic labs, and the maximum penalty the perpetrator receives is only probation. Representative Goforth asked Mr. Weeks if the General Assembly increases the penalty for sexual child abuse would the General Assembly need to increase the amount of forensic laboratories. Mr. Weeks said at this moment, law enforcement is already in desperate need of more forensic laboratories.

Ms. Emily Johnson said the sentence should vary by levels depending on the offender's prior convictions.

Representative Glazier asked Mr. Weeks about the aggressive forfeiture laws. What state can NC use as a model? Mr. Weeks said he didn't know that much about the forfeiture law. However, he recommended that legislators look at drug laws that are currently in place. Representative Glazier said he was having difficulty with adding legislation for forfeiture laws for only a possession charge. Mr. Weeks said legislators need to check with the Attorney General's office to assist the committee members when drafting forfeiture laws.

Representative Jones questioned the goal of this committee. Should the General Assembly increase sentencing and/or provide education for perpetrators?

Representative Ray said the committee's goal is to increase laws using federal laws as a guideline to get perpetrators off the street. However during this process, it would be helpful to look at other issues involving child sexual crimes.

Representative Goforth said the committee members need to increase the penalty for child sex offenders hopefully to deter and stop these crimes, and include other legislation to assist in protecting NC children.

When the General Assembly gets a more aggressive penalty for child sexual crimes, NC will see a decrease in the number of cases of child sexual abuse.

Representative Jones said that committee members need to consider perpetrators receiving mandatory psychiatric treatment while incarcerated.

Representative Ray said the committee will hear from a representative from DOC (Department of Correction) at a future meeting.

Representative Ray recognized Mr. Jim Mills from Fiscal Research. Mr. Mills stated a psychologist from DOC using a program called SOAR (Sex Offender Accountability and Responsibility) will be addressing the committee at the next meeting. Mr. Mills said SOAR has recently issued data regarding this treatment program, showing an optimistic view of treatment for sex offenders.

Representative Spear said when he was working with the court system, in 99% of the sex offender cases, when the judge ordered the offender to be incarcerated, he also ordered the offender to receive counseling, psychological treatment, and reevaluation,

Representative Glazier asked staff to check if manufacturing and distribution of child pornography from a different state would be classified as a federal or state crime. Ms. Sitze said staff would check and advise at a later meeting.

Ms. Sitze said out of the 65,000 IP addresses shown in NC, Mr. Weeks' data only shows 45 cases prosecuted. She asked whether this data also include cases that were plea bargained. Mr. Weeks apologized for not having this information. However, he told Ms. Sitze this data is very easily retrievable.

Representative Howard asked Mr. Weeks to explain the information about the chart as shown on page 23 of his handout. Does the chart indicate 65,000 people or 65,000 computers? Mr. Weeks said the chart shows a procedure called peer to peer trafficking.

This chart indicates 65,000 people possessing child pornography and requesting others pedophiles to obtain this material off their hard drives. Representative Howard said this procedure would be a very easy and inexpensive way to get these child pornographers off the Internet. Ms. Sitze said this is only one part of research to obtain necessary information to indict a child sex offender.

Representative Jones said since trafficking is a federal crime, let the federal government prosecute. Mr. Weeks said all law enforcement agencies need to work together to prosecute people who prey on children.

Representative Spear said the General Assembly needs to pass stronger penalties for sex offenders. He said if bed space causes problems in prisons, the General Assembly should address that if or when it occurs.

Representative Glazier asked if someone had more than one tape of child pornography, does that count as more than one offense. Ms. Sitze answered yes.

Mr. Mills said there is a statute requiring Fiscal Research to work with the General Assembly, Sentencing Commission, and DOC when drafting a new bill. Mr. Mills stated Fiscal Research will be glad to work with the committee members and agencies by running new numbers.

The chair asked for further questions or comments from the committee members. There being none, Representative Ray introduced the next speaker, Mr. Robert Guy, Director, Division of Community Corrections.

Mr. Guy said he and his colleges were going to do an overview of (DCC) Division of Community Correction and the impact of House Bill 1896. Mr. Guy said he and his colleges were going to attempt to do three things:

1. Discuss supervision and case management strategy for sex offenders.
2. GPS demonstration of tracking an offender's movement.
3. Major issues of H1896, clarification points, and technical adjustments.

Mr. Guy introduced Mr. Tim Moose, Special Assistant, Ms. Roselyn Powell, DCC Administrator from the third judicial division and Chair of the Sex Offender Task Force, which has been meeting since this summer trying to prepare for implantation of H1896; Mr. Bill Neal, Vice Chair JDM (Judicial District Manager) from the 23rd district; and Geoffrey Hathaway, District Manager from Durham.

Mr. Guy had handouts, which included a Draft Copy of DOC Policies-Procedures attached hereto as Exhibit IV, DOC Sex Offender Management Program Guidelines

attached hereto as Exhibit V, and the last handout attached as Exhibit VI, which is Outcome Measures.

Mr. Guy said Representative Kiser wanted to hear from some officers in the field. Mr. Guy introduced three of the original four officers that were sex offender officers who worked with the original GPS pilot program in 2003-2004. Mr. Guy said since 1997, his division has been working with Sex Offenders and in 1999 they implemented their own sex offender program. Mr. Guy requested these officers to come forward and introduce themselves to the committee.

First to speak was Mr. David King, Chief Probation Officer, in Greensboro with the Special Operations Unit. Mr. King said when supervising sex offenders, the main priority is containment based on the principle of having a balance and control versus treatment, which is dependent on the amount of risks each offender requires, and what risks the offender is to the community. One of the main tools used to assess the amount of control needed is the polygraph, which is also helpful in reducing the chance of recidivism.

Representative Kiser asked Mr. King when sex offenders are released from prison, how long are offenders supervised? Mr. King answered 60 months. Representative Kiser questioned how often the parole officer has to contact the sex offender. Mr. King said at least once a week. Representative Kiser asked Mr. King if the sex offender was aware of the time of each visit. Mr. King said all visitations of sex offenders are done spontaneously. Representative Kiser asked if a sex offender could work in another county from his original residence, and whether the parole officer can enter and check the sex offender's home at random. Mr. King said the offender could work in a different county other than his residence, if approved by their Parole Officer. However, the law requires the parole officers to obtain a court order to enter and search a sex offender's home.

Representative Glazier asked if the General Assembly needs to implement a provision in a bill allowing parole officers to search a sex offender's home without a court order. Mr. Guy stated that would be a very effective tool. Representative Glazier said the committee members need to include this provision when drafting new legislation.

Representative Ray introduced Ms. Kristin Coulston, Chief Probation Officer, Guilford County Special Operations Unit. She said under the control program, DCC officers will escort sex offenders to the Sheriff's Office to insure they are registered appropriately and in a timely manner. She said the DCC officers appreciate HB1896 because it is making their job so much easier. The DCC officers thoroughly investigate all plans submitted to them by the sex offender and speak with all members of their household to request their support. If allowed by the courts, the parole officer will search their homes for any type of pornography. She said they investigate any employment plans submitted to them by

the sex offender by speaking with their employers and request they comply with these terms. If not, the DCC officers will not approve their new employment plan. They make sure that employment is not child center related making every effort to ensure the offender is not working with any minors whatsoever.

The next speaker, Ms. Sherri Cook, Chief Probation Officer, Forsyth County Special Operations and Sex Offenders, and she previously worked in Davie County operating the GPS Pilot program. She said Forsyth County has a risk assignment program in place, which categories offenders in three different levels—high, moderate, and low risk, placing control of the offender at the appropriate levels. The Parole Office in Forsyth County is requesting the necessary tools to uncover secrets the sex offender may be hiding. The parole officers attend every sex offender treatment session, allowing the parole officers to reevaluate the level of the sex offenders.

Representative Ray recognized Mr. Guy. He said one of the problems working with sex offenders is not only the damage done to the child; it causes burn out for law enforcement officers. Mr. Guy said he wanted to discuss H1896 Issues & Clarifications as per the last handout hereto attached as Exhibit VII.

Mr. Guy introduced Ms. Hannah Rowland, Sex Offender Management/GPS Administrator, with his Raleigh office. Ms. Rowland gave the committee a demonstration of tracking a sex offender wearing GPS device, using herself as an example.

Representative Ray recognized Representative Kiser, who asked how many sex offenders wearing a GPS device can one officer supervise. Ms. Rowland said it takes a lot of time to trace sex offenders. However, when a staff administrative office employee observes a sex offender committing any type of violation, someone from the administrative office, contacts the parole officers immediately.

Representative Kiser requested one of the parole officers to answer his question as to what constitutes taking the offender off probation and placing back in jail simply by observing the GPS monitoring system. Ms. Cook stated when the supervising officer views the GPS system showing the offender in violation of their parole, the sex offender will have to go back to court for further review and possible incarceration ordered by a judge.

Representative Glazier said the parole officers' needs extensive training to determine if the sex offender enters an area while traveling or if the offender is setting up a pattern. Ms. Rowland stated the software used in tracking the sex offender can determine if the sex offender is just driving through the area on the way to work; or if the sex offender is establishing a pattern.

Representative Goforth asked Ms. Rowland if the GPS system alerted office staff and field officers when an offender is in a restricted area. Ms. Rowland said GPS notifies the central server and all persons concerned immediately. Also, the software has the ability to tell sex offenders they are in violation and to vacate the area immediately.

Representative Ray asked Ms. Rowland who is the provider of the GPS system. Ms. Rowland said Protec Monitoring located in Tampa, Fl.

Representative Kiser asked Ms. Rowland the actual cost of a GPS device. She said \$9.00 per day for an active unit and \$4.00 per day for a passive unit.

Representative Ray recognized Mr. Guy, who summarized attached Exhibit VII, H1896 Issues & Clarifications.

Representative Spear asked Mr. Guy if the General Assembly could quote him verbatim when revising H1896. Mr. Guy said he thought it was a great idea.

Representative Glazier requested the committee chairs to draft three separate bills in order that the general assembly can hear the bills at different times during next session.

Representative Ray stated the committee should focus on getting all the loopholes in H1896, which was identified by Mr. Guy, corrected immediately. Afterwards, the committee could consider drafting additional sex offender laws at later time during next session.

Representative Goforth and staff agreed with Representative Ray.

The chair asked for further questions or comments. There being none, the committee adjourned at 12:10 P.M.

December 4, 2006
10:00 A.M.
Room 1124

The House Select Committee on Sex Offender Registration and Internet Crimes against Children met on Monday December 4, 2006, at 10:00 A.M. in room 1124. Both Representatives Goforth and Ray, co-chairs, attended along with committee members Representative Edward Jones, Representative Tim Spear, Representative Julia Howard, and Representative Jean Farmer-Butterfield. The Agenda is attached hereto as Exhibit I, and a roster of visitors is attached as Exhibit II.

Representative Bruce Goforth presided. He called the meeting to order at 10:07 A.M. thanking everyone for being there including Sergeants-At-Arms James Worth, Toussaint Avent, and Martha Gadison; as well as staff members Brenda Carter and Emily Johnson.

Representative Goforth introduced the first speaker, Dr. Mark Everson, Director, Childhood Trauma and Maltreatment, UNC—Chapel Hill Department of Psychiatry. Attached find handout hereto as Exhibit III, entitled Online Victimization: A Report on the Nation's Youth (Date: 2000). Dr. Everson addressed the committee about the psychological impact on child sex abuse victims.

Chair recognized Representative Jones, who asked Dr. Everson if NC needed to include a class in the school's curriculum to cover child sexual abuse education. Dr. Everson said education was very important. Representative Jones questioned Dr. Everson about the possible harm testifying in court has on a sexually abused child. Dr. Everson said there are studies showing testifying harms some victims. Other studies has indicated testifying is not harmful. However, he said most clinicians make every effort to keep victims from testifying in court because of not knowing the victim's reaction prior to their testimony. Representative Jones asked how the court system can prosecute an offender without the testimony of the child. Dr. Everson said in a lot of the cases, the child does have to testify. Rules are in place to protect the child when being cross examined. It's important for the DA to have a sound case when going to trail. Also, the case may be plea bargained.

Representative Goforth said the committee members are concerned about plea bargaining. In most cases involving plea bargaining, the perpetrator does not receive any jail time. Dr. Everson said it is important for the perpetrator to receive a stronger sentence. However, the abuser needs to have treatment making him/her accountable for their crime, which helps in reducing recidivism.

Chair recognized Representative Ray. She said that plea bargaining may not always be negative, as it may help the victim more by preventing them from testifying in court. Dr. Everson agreed. He said the number one factor should always be to protect the abused child.

Representative Jones asked who should determine if the child testifies in court, the parents or the district attorney. Dr. Everson stated he is not sure of the legal answer; however, he feels the parents should always have input whenever their child is concerned.

Representative Howard said the committee needs to recommend to the Department of Education that information about preventing child sexual abuse and internet crimes against children should be to given to students. Representative Goforth stated this information also needs to given to the parents and requested staff to include in the final report.

Representative Farmer-Butterfield said to reiterate about educating the parents as well as the children is to have some type of a public education campaign for example television announcements.

Dr. Bob Carbo with SOAR (Sex Offender Accountability and Responsibility) program asked Dr. Everson who do children talk to about being sexually abused other than a parent. Dr. Everson said most abused children will talk with siblings and piers, occasionally a teacher.

Representative Goforth introduced Dr. Robert Carbo, Director, Psychological Services, and Ms. Pat Van Buren, Psychologist, with SOAR Program, NC Department of Corrections, to speak to the committee about child sex offender treatment.

Dr. Carbo gave the committee a brief description of his background and introduced Ms. Van Buren. She said she has been working with sex offenders for 30 plus years. She said that sex offenders cannot be cured; however, they can be controlled. She said the four methods used for control is as shown below:

1. Incarceration. Sex offenders need to know they will be held accountable for the crimes they commit and society is not going to accept this type of behavior.
2. Offenders need psychological treatment during incarceration.
3. After care therapy while still in prison.
4. Follow up community psychological care when offenders are released.

Dr. Carbo presentation included information as outlined in handout attached hereto as Exhibit IV "Treatment of Sex Offenders in the North Carolina Division of Prisons."

Representative Goforth asked Dr. Carbo if any women were involved in the sex offender programs. Dr. Carbo said no. Representative Goforth asked how many sex offenders are being released from prison every year in NC without any psychological treatment. Dr. Carbo doesn't have this information with him. But, he said he could obtain this data for him.

Chair recognized Representative Ray who wanted to know if the SOAR program involved different levels—low, moderate, and high. Dr. Carbo said all three levels are included in treatment.

Representative Goforth asked if the current offenders in the SOAR program would be the first group to be released into parole. Dr. Carbo stated no. Representative Goforth said the prisoners that are leaving first should have top priority to be enrolled in the treatment program.

Representative Jones asked who decides which inmates will be released into parole. Dr. Carbo said that decision is made by NC Community Corrections. Representative Jones asked how the risk factor for sex offenders was determined. Ms. Van Buren said the lowest risk would be incest offenders; the highest being boy victim pedophiles.

Representative Spear said the difference in who attended the SOAR program versus offenders released to parole don't add up. Dr. Carbo stated that not all the attendees are released back to the community. Some of these offenders remain in prison to complete their sentence. Representative Spear asked for the statistics on the number of incarcerated offenders without treatment, which are released into the communities and re-incarcerated because of the same or similar violation. Dr. Carbo said this information is not currently available. However, their Research and Planning Division is currently working to obtain this data.

Representative Farmer-Butterfield asked the cost of funding of additional SOAR facilities throughout NC. Dr. Carbo stated the largest expense would be salaries for psychologists an estimated \$250,000 annually, plus cost of treatment space for each program.

Representative Howard requested the exact cost for the SOAR program since its initiation and total number of offenders, which has completed this program. Dr. Carbo said he would get this data. Mr. Mills with the staff department said he would work with the SOAR program in order to get all the requested information.

Representative Spear said he thinks the offenders receiving the SOAR program should be the offenders that are going to be released first from prison into the community. Ms. Van Buren said that SOAR's psychologists do not make that determination.

Representative Farmer-Butterfield said one of the determining factors for admittance to the SOAR program should require all offenders to have a discharge date. Also, she asked who treats these offenders when released back into the community. Ms. Van Buren said at the beginning of the program, the released offenders worked with NC Department of Mental Health. However, NC is now outsourcing the majority of their cases. Ms. Van Buren said that some of the outsourced cases are sent to qualified facilities; however, there are a lot of cases sent to unqualified facilities. There are child sex offenders living in rural counties without any resources for obtaining therapy, requiring extensive traveling to receive necessary therapy.

Chair recognized questions from the audience. Ms. Ruby Colbart with NC Coalition of Sexual Assault said a lot of the offenders released back into the communities have stated they cannot locate qualified therapist. Dr. Colby replied that he has also received this comment from a lot of parole officers.

Representative Jones asked Dr. Colby which state the committee could use as an example to help with providing therapy for child sexual offenders while incarcerated. Dr. Colby said he did know a particular state. He thinks that all states have some form of psychological treatment for incarcerated child sex offenders.

Ms. Emily Johnson asked Dr. Colby his advice about making it mandatory for psychological therapy for child sexual abusers in the NC prison system. Dr. Colby said he thought a mandatory program would have to be restructured, as the SOAR program was only available on a volunteer basis. However, he said a pilot program for mandatory treatment could reveal a lot of helpful information.

Representative Goforth told Ms. Johnson the committee members' wants staff to check on the possibility of requiring all sex offenders complete some form of psychological therapy as a requirement to be released from prison.

Representative Spear asked Dr. Colby if he thought the current process of determining which sex offender undergoes treatment was efficient. Dr. Colby said this process was working for SOAR and making it a priority for therapy for sex offenders, which will be released first, is a very important consideration. Representative Goforth said he thinks it will be more cost effective to provide therapy for incarcerated sex offenders before being released to help with decreasing recidivism.

Chair recognized Representative Ray. She asked Dr. Colby if this was the first time the SOAR program had been seriously reviewed by anyone. Dr. Colby said yes.

Ms. Van Buren said she would love to train additional psychologist about the treatment of sex offenders. She said she feels if therapists are properly qualified; it would help decrease the number of child sexual victims in NC.

Chair introduced Mr. John Madler with NC Sentencing and Policy Advisory Commission. The handout hereto attached as Exhibit V, Felony Offense Classification, outlined Mr. Madler's presentation.

Representative Goforth asked Mr. Madler what he would recommend, if the General Assembly increased the classification for felony of child sexual abuse. Mr. Madler said the recommendation would have to be made by a staff person with the Sentencing Commission.

Representative Howard said she was having difficulty understanding the chart listed on page six (6) of Mr. Madler's handout. Ms. Carter and Ms. Johnson, with staff, explained the explanation of the chart to Representative Howard. Representative Howard said she felt 18 and 19 year olds were students and should be considered as such, not as adults.

Ms. Johnson asked Representative Goforth what instructions the committee members had for staff. Representative Howard said she would like to see educating students about child sexual abuse through classes provided by the Department of Education. Representative Goforth said he wanted to see legislation making it mandoratory for all incarcerated sex offenders to receive some form of therapy. Representative Farmer-Butterfield said she would like to see some form of educational campaign. Representative Ray said she would like to see additional funding for the SOAR program.

Representative Goforth said he and Representative Ray will meet with staff for further instructions at the conclusion of today's committee meeting

The chair asked for further questions or comments. There being none, the committee adjourned at 11:35 A.M.

December 19, 2006
10:00 A.M.
Room 1228

The House Select Committee on Sex Offender Registration and Internet Crimes against Children met on Tuesday December 19, 2006, at 10:00 A.M. in room 1228. Both Representatives Bruce Goforth and Karen Ray, co-chairs, attended along with committee members Representatives Edward Jones, Tim Spear, Rick Glazier, Robert Grady, and Joe Kiser. The agenda is attached hereto as Exhibit I, and a roster of visitors is attached as Exhibit II.

Representative Karen Ray presided. She called the meeting to order at 10:10 A.M. thanking everyone for being there including Sergeants-At-Arms Tom Wilder, Toussaint Avent, and Martha Parrish. She indicated the committee needed to hear an extensive report from staff.

Representative Ray introduced the first speaker from committee staff, Ms. Emily Johnson. Attached find handouts hereto as Exhibit III, entitled Tentative COMMITTEE RECOMMENDATIONS AND LEGISLATIVE PROPOSALS DRAFT; Exhibit IV entitled BILL DRAFT Short Title "DOJ Funds;" Short Title "Up Penalties/Sex Offenses with Child Victim;" Short Title "Duty to Report Child Porn;" and Short Title "Sex Offenders/HIV Test Within 48 Hours;" and Exhibit V, Current Law.

Ms. Johnson requested the committee look at page two of Exhibit IV BILL DRAFT Short Title "DOJ Funds", lines 29 through 33, which lists funding in the amount of \$461,187 for seven new positions for training of state and local law enforcement officers statewide. Representative Kiser asked if this funding would include Justice or Sherriff Department

training. Representative Ray recognized Mr. Greg McLeod, NC Department of Justice (NCDOJ). Mr. McLeod said the funding being discussed by Ms. Johnson would include both the Justice and Sherriff Departments.

Chair recognized Representative Kiser. He said if the committee requests too much money, he is afraid the whole Sex Offender Bill proposal will be in jeopardy.

Representative Glazier said he will like to make a motion to accept sections one, two, and three of bill draft "DOJ funds." Representative Goforth seconded the motion. Representative Grady asked if the motion would also include sections four and five of the draft. Ms. Johnson said no.

During further discussion, Representative Kiser asked if the funding for this bill had been included in the Governor's budget. Mr. Jim Mills with committee staff said this information had been submitted to the Governor. However, at this time, the Governor has not made a decision.

Representative Ray questioned Mr. McLeod about section three of the bill draft concerning \$489,700 to provide full funding for four new DNA Technicians. Mr. McLeod said he would like to keep this section in the bill draft, as it will help in processing all criminal cases.

Representative Goforth asked Representative Glazier if he would be willing to change his motion to include approving only sections one and two of this draft. Representative Glazier agreed. The motion was seconded and passed.

Ms. Johnson referenced Exhibit III, page two, under section Pre-release Mental Health Treatment and Psychiatric Evaluation, stating the staff has not drafted any legislation; however, the section includes recommendations made by the committee.

Representative Kiser asked if the Sex Offender Accountability and Responsibility (SOAR) program had been successful. Representative Goforth said out of 157 inmates completing this course, only two had returned back to prison. Representative Ray said the committee was impressed with the success of the SOAR program.

Representative Goforth asked Mr. Mills the cost for increasing the SOAR program to make it mandatory for all incarcerated sex offenders to successfully complete this program before being released. Mr. Mills said there are approximately 817 sex offenders released from prison annually; thereby, making the program mandatory would be a start-up cost of approximately five million dollars with an annual cost of 4.5 million dollars.

Representative Ray asked Mr. Mills the cost of a SOAR pilot program. Mr. Mills said his staff is still working with NC Department of Corrections (NCDOC) and he only has preliminary estimates, which are approximately \$739,872 first year start-up costs and \$657,216 for the second year.

Representative Goforth asked about the possibility of decreasing the length of training (20 weeks) for the SOAR program. Chair recognized Dr. Robert Carbo, Director of Psychological Services for the SOAR program. Dr. Carbo said that it was not possible to decrease the length of training for this program. Representative Goforth asked Dr. Carbo if the SOAR program would be effective if the program was made mandatory. Dr. Carbo said it would be a different program with different results.

Representative Glazier motioned to include legislation for recommendations four, five, and six as shown on page two of Exhibit III, providing the total cost does not exceed \$739,872 for start-up cost and \$657,216 cost for year two. The motion passed.

With reference to number seven on page two of Exhibit III, Representative Glazier made a motion for NCDOC to develop a SOAR pilot program for sex offenders under age 21 including a physical location to be submitted to the Appropriation Subcommittee on Justice and Public Safety. The motion was seconded and passed.

Ms. Johnson reviewed Exhibit III page two, section Criminal Offenses and Penalties, which is an outline of Exhibit IV Bill Draft Short Title "Up Penalties/Sex Offenses with Child Victim."

Representative Glazier made a motion to adopt item number nine on page two of Exhibit III. The motion was passed. Representative Glazier recommended a motion to adopt number eight, subject to staff's review with chairs, concerning any constitutional issue that may exist. The motion passed.

Representative Glazier asked for an opinion from the Sentencing Commission with reference to item number ten on page two of Exhibit III. Mr. John Madler with NC Sentencing Commission stated item ten had not been reviewed by the commission. Therefore, he was unable to make any comment.

Representative Glazier made a motion to adopt item number ten to increase criminal penalties for possession and dissemination of child pornography, and solicitation of child by computer to commit an unlawful sex act for a first degree felony charge changed to a class "D", a second degree felony charge changed to a class "E", and a third degree felony charge changed to a class "F" depending on a report from the Sentencing Commission. The motion was seconded; but, opposed by Representatives Spear and Kiser.

Representative Grady requested a committee discussion to determine why some members approved or disapproved of Representative Glazier's motion.

Representative Kiser said he felt these charges as outlined in item ten were very serious crimes and sex offenders needed to receive a more suitable punishment. Representative Spear said he agreed with Representative Kiser. Because of the seriousness of the offense, Representative Kiser felt the committee should increase criminal penalties for possession and dissemination of child pornography and solicitation of child by computer to commit an unlawful sex act for first degree felony charge changed to a class "C", second degree charge changed to class "D", and third degree charge changed to class "E."

Representative Grady said he voted no on the first motion. Representative Spear seconded the motion.

Representative Ray said the first motion failed and asked if the committee had a second motion. Representative Kiser made a motion to increase criminal penalties for possession and dissemination of child pornography and solicitation of a child by computer to commit an unlawful sex act for first degree felony charge changed to a class "C," second degree felony charge changed to class "D," and third degree felony charge changed to class "E." The motion was seconded by Representative Spear and passed. Representative Ray stated this motion would have to include a report from the Sentencing Commission.

Representative Goforth made a motion to adopt item 11 on page two of Exhibit III. The motion passed.

Representative Glazier motioned to adopt item 13 on page two of Exhibit III, which was seconded and approved.

Representative Glazier motioned to adopt item 14 on page two of Exhibit III, requesting after rewording to "Confirm State law to the federal law, which provides that a person charged with a sex offense must be tested for certain sexually transmitted diseases within 48 hours after *court order*." Motion was seconded and approved.

Ms. Johnson introduced next speaker, Ms. Brenda Carter, also from committee staff. Ms. Carter's handout entitled Bill Draft Short Title, "School Internet Safety Act" hereto attached as Exhibit VI. Representative Glazier made a motion to adopt the Draft Bill Short Title "School Internet Safety Act," seconded by Representative Spear and approved.

Representative Ray recognized Ms. Susan Sitze with committee staff. Ms. Sitze outlined the handout entitled Department of Corrections Recommendations, hereto attached as Exhibit VII.

Ms. Sitze said she would send the committee members, via email, a Bill Draft with reference to these recommendations as listed for committee's final approval.

Representatives Grady, Ray, Spear, and Glazier opposed verbiage on the second page of Exhibit VII; wherein, it states, "Notification by mail will be presumed to have been received by the offender three days after it is sent."

Motion was made, seconded and approved if Exhibit VII wording is changed to include, "mail to be sent certified and/or registered. If unable to contact by mail, personal contact has to be made to the offender by Deputy Sherriff of the appropriate county."

Representative Ray said since some of the recommendations of the committee had not been drafted she would like to make a motion stating, "All recommendations suggested by committee members to be included in the final report, subject to any technical or clarifying changes by the staff, must be approved by the committee chairs." The motion was passed.

The chair asked for further questions or comments. There being none, the committee adjourned at 12:35 P.M.

ATTACHMENTS

