

May 10, 2006

H 1896. SEX OFFENDER REGISTRATION CHANGES. Filed 5/10/06. *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.*

Section 1 of the act amends GS 14-208.6(5) to add the offense of statutory rape to the list of offenses that require registration in North Carolina.

Sections 2 and 3 amend GS 14-208.6A and GS 14-208.6B, respectively, to require any adult convicted of an offense that requires registration and any juvenile convicted as an adult of an offense that requires registration to appear in person before the appropriate sheriff to register and to verify and report changes to registration information.

Section 4 enacts GS 14-208.7(a2), which 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.

Section 5 enacts GS 14-208.7(d), which provides that after the initial registration, for which no fee is required, each registered offender must pay an annual fee of \$100 to the sheriff of the county in which the offender is registered. to cover the costs of administering the registration laws.

Section 6 enacts GS 14-208.7(e) providing that all registration required under GS 14-208.7 is to be made in person.

Section 7 amends GS 14-208.9 by adding the requirement that a registered offender who moves from one county to another county must report the address change in person to the sheriff of the new county as well as the county from which the offender moved.

Section 8 amends GS 14-208.9A(a) to provide that the Division of Criminal Statistics of the Department of Justice (as custodian of the statewide registry) must notify the sheriff of the county of the registered offender's last reported address when the Division mails a verification form to the offender. It also requires a registered offender to return the verification form in person and 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 provide an accurate likeness of the offender. Section 8 also adds a new subsection (b) to GS 14-208.9A granting 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.

Section 9 makes conforming changes to GS 14-208.11(a)(1) and (2) (imposing a criminal penalty for failure to comply with the registration laws).

Section 10 amends GS 14-208.12A by (1) eliminating from subsection (a) the automatic termination of the ten-year registration requirement when an offender

has failed to comply with registration laws, and (2) adding a new subsection (c) providing that the Attorney General or appropriate district attorney may petition the court to require a non-compliant offender to continue registration for an additional ten years.

Section 11 enacts GS 14-208.16, which 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: a public, private, or parochial school; a licensed day care center; any other child care facility; or a public or private swimming pool, with certain specified exceptions.

Section 12 amends GS 14.27.1(5) (the definition of sexual contact) and therefore makes it a sexual battery (G.S. 14-27.5A; sexual battery is a Class A1 misdemeanor) for a person to ejaculate, emit, or place semen, urine, or feces upon any part of another person.

While the bill provides that it is effective when it becomes law, each individual section has an effective date of December 1, 2006.

Intro. by Goforth, Ray, Glazier.

GS 14

June 12, 2006

H 1896. SEX OFFENDER REGISTRATION CHANGES. Filed 5/10/06. House committee substitute makes the following changes to 2nd edition, and rewrites the title to specify each provision of the bill. Modifies the proposed expansion of the definition of "sexually violent offense" in GS 14-208.6(5) to exclude violation of GS 14-27.7A(b) (statutory rape or sexual offense of a person who is 13, 14, or 15 years old where the defendant is less than six years older than that person). Modifies section 4 (requirements in cases of out-of-county employment) by (1) recodifying the requirements as new GS 14-208.8A; (2) limiting the requirements to cases of out-of-county employment in which the person establishes temporary residence (including transient accommodations) in the county of employment; (3) deleting the requirement of registering with the sheriff in the county of employment and temporary residence and requiring the sheriff of the county of primary residence, upon receiving notice of the out-of-county employment and temporary residence, to notify the Division of Motor Vehicles, which then notifies the sheriff of the county of employment and temporary residence; (4) specifying the time period in which notice must be given; and (5) changing the effective date from December 1, 2006, to June 1, 2007. Deletes proposed GS 14-208.7(d) imposing fees for registration. Modifies the proposed changes to GS 14-208.9 (change of address) to (1) clarify the requirements that apply only if the person changes address within the same county and (2) remove the time limit for reporting to the sheriff of the new county if the person moves to a new county within the state.

Modifies GS 14-208.9A to (1) change the date for the annual verification form and notice; (2) delete the proposed requirement that the person provide a photograph, instead providing that all photographs will be taken by the sheriff when the person returns the verification form; (3) authorize the sheriff to verify the person's continued residence and require an additional photograph; and (4) make noncompliance with the additional photograph requirement punishable as a Class 1 misdemeanor. Modifies GS 14-208.11(a) to (1) limit the Class F felony offenses to willful acts or failures to act and (2) include as an offense the failure to comply with the out-of-county employment notice requirements of proposed GS 14-208.8A. Modifies proposed revisions to GS 14-208.12A (termination of registration requirement) to (1) provide that only willful failure to comply authorizes the district attorney to petition for the registration requirement to be maintained; (2) delete the authority of the Attorney General to petition; and (3) provide that the requirement may be maintained for any period not to exceed ten years (second edition specified, for ten years).

Enacts a new GS 14-208.11A imposing a duty to report noncompliance of a sex offender and punishing as a Class H felony certain acts or failures to act if done with the intent of assisting the offender in eluding a law enforcement agency, effective for offenses committed on or after

December 1, 2006. Modifies proposed GS 14-208.16 to delete work restrictions, to delete private swimming pools from the residency restrictions in subsection (a), to exclude home schools from the restriction on residing near a school, to clarify what constitutes establishment of residency, and to make stylistic language changes.

Adds captions to various statutory provisions. Requires the Department of Correction to study and develop a plan for mental health treatment of incarcerated sex offenders, with the goal of reducing the likelihood of recidivism, and to report to the General Assembly and the Joint Legislative Oversight Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services by October 1, 2007. Adds a severability clause in section 14.

July 6, 2006

H 1896. SEX OFFENDER REGISTRATION CHANGES. Filed 5/10/06. Senate committee substitute makes the following changes to 3rd edition. Amends GS 14-208.7 to provide that registration must be maintained for a period of at least 10 years following the date of initial county registration (prior law provided that registration must be maintained for 10 years following release from a penal institution, or if no active time was imposed, for 10 years following conviction for a reportable offense). Modifies amendments to GS 14-208.9 pertaining to reporting on address changes, including adding a new subsection containing reporting requirements for individuals who indicate a desire to reside in another state or jurisdiction and later decide to remain in the state. Amends GS 14-208.9A to require semiannual instead of annual verification of registration information and makes changes effective December 1, 2006. Creates two additional new Class F felonies for failure to report in person and reporting an intent to reside in another state but remaining in the state without notifying the Sheriff, effective June 1, 2007, and applying to offenses committed on or after that date. Modifies intent required for new felony offenses in GS 14-208.11A to require an intent to assist the offender in eluding arrest. Modifies changes to GS 14-208.12A to require the registrant to petition the superior court to terminate the registration period. Sets out standards for ruling on the petition, provides for notice to the district attorney, and for re-petitioning in the event of denial. Deletes new GS 14-208.16 (residential restrictions). Enacts new GS 14-208.24A making it a Class F felony for a person with a lifetime registration requirement to work at any place where the person would instruct, supervise, or care for minors, effective December 1, 2006. Amends GS 14-208.28 to require reporting on behalf of juveniles semiannually instead of annually. Enacts new GS 15A-1341(d) requiring probation officers to conduct a search of the defendant's name against the registration information compiled under the sex offender registration act. Enacts a new Part 5 of GS Chapter 14, Article 27A requiring the Department of Correction (DOC) to use a specified electronic monitoring system for certain lifetime registrants. Provides for use of an alternate system. Creates a new Class F felony offense for failing to enroll and a new Class E felony for intentionally tampering with, removing, or vandalizing a device. Provides for an enrollment fee of \$90, and for fee waiver. Provides that DOC must establish the program by January 1, 2007. Effective when it becomes law, with specified exception. Requires the DOC to (1) issue a Request for Proposal for electronic monitoring equipment and monitoring services and (2) to develop a graduated risk assessment program that identifies persons who may not be lifetime registrants, but may need extraordinary supervision under similar conditions as a lifetime registrant. Makes conforming and technical changes.

July 12, 2006

H 1896. SEX OFFENDER REGISTRATION CHANGES. Filed 5/10/06. Senate committee substitute makes the following changes to 4th edition. Amends GS 14-208.9A (verification of registration information) effective December 1, 2006, to authorize the sheriff to attempt to verify the offender's address, provide a procedure for the sheriff to obtain an updated photograph of the offender, and enact a new Class 1 misdemeanor for failing to comply with the sheriff's request for a new photograph. Adds a new Article 10A to GS Chapter 14, pertaining to Human Trafficking. Enacts new felony offenses that apply when a person: (1) knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude; (2) knowingly and willfully holds another in

involuntary servitude; or (3) knowingly subjects or maintains another in sexual servitude. All of the new felony offenses are Class F felonies if the victim is an adult and Class C felonies if the victim is a minor. Repeals GS 14-43.2, the current provision criminalizing involuntary servitude. Makes it a Class 1 misdemeanor for a party to a contract for labor to fail to report a claim of involuntary servitude that has been reported to him or her. Amends the kidnapping statute (GS 14-39) to add the new felonies to the list of prohibited purposes of the confinement, restraint, or removal. Includes the new sexual servitude felonies in the definition of a sexually violent offense in GS 14-208.6(5), thus triggering sex offender reporting for these offenses. The new Article is effective December 1, 2006, and applies to offenses committed on or after that date. Makes technical changes and conforms title.

July 19, 2006

H 1896. SEX OFFENDER REGISTRATION CHANGES. Filed 5/10/06. Senate committee substitute makes the following changes to 5th edition. (1) Amends GS 14-208.7 (registration requirements for residents with reportable convictions) to revise proposed subsection (b) to require that the sheriff provide the registrant with written proof of registration at the time of registration. (2) Changes effective date of new GS 14-208.11(a)(7) (making it a Class F felony for a person to willfully fail to report in person to the sheriff's office as required by listed statutes) and new GS 14-208.11(a)(8) (making it a Class F felony to remain in State after reporting an intent to move to another state) from June 1, 2007, to December 1, 2006. (3) Enacts new GS 14-208.11(c), effective December 1, 2006, to provide that a person who is unable to meet the registration or verification requirements will be deemed to have complied with those requirements if the person: (a) is incarcerated in, or in the custody of, a correctional facility; (b) notifies the official in charge of the facility of their registration status; and (c) meets the registration requirements within ten days after release from confinement or custody. (4) Modifies proposed GS 14-208.24A (restricting a sexual predator's work and volunteer activities) to broaden the section's application to prohibit any person required to register (was, applied only to individual who is classified as a sexually violent predator, is a recidivist, or is a person convicted of an aggravated offense). Further revises proposed GS 14-208.24A(a) to prohibit the person from working for a third party or as a sole proprietor at any place where the person's responsibilities or activities would include instruction, supervision, or care of minors. Deletes the list of locations to which restrictions apply. Enacts new GS 14-208.24A(b) to also make it a Class F felony for any person to knowingly care for or accept custody of a minor at a residence where a person required to register resides. (5) Revises Section 16 to give the Department of Correction (DOC) the option of entering into a contract through an approved contracting alliance or consortium for a passive Global Positioning System, with prior approval of the State Chief Information Officer, in lieu of issuing an RFP for the System. In the event that an RFP is issued, requires that a contract be awarded by October 1, 2006. Also changes the deadline for DOC to report to General Assembly Committees from October 15, 2006, to November 1, 2006.

Effective December 1, 2006, makes the following changes: (6) Rewrites the definition of "reportable offense" in GS 14-208.6(4) to include a final conviction in another state of an offense that requires registration under the sex offender registration law of that state. (7) Enacts new GS 20-9.3 to require that the Division of Motor Vehicles provide notice of the sex offender registration requirements to applicants for drivers licenses, permits, and identification cards. (8) Adds new GS 20-9(i) and 20-37.7(b1) to set out requirements and procedures relating to checks by the Division of Motor Vehicles of the National Sex Offender Public Registry when someone from another state applies for a drivers license or a special identification card. (9) Enacts new GS 14-255(b) to make it a Class H felony for a person responding to an official inquiry by an agent of the State Bureau of Investigation to willfully falsify or conceal a material fact, make a false statement, or use any false writing that contains a false statement. Makes conforming changes to GS 15A-830(a)(7).

July 20, 2006

H 1896. SEX OFFENDER REGISTRATION CHANGES. Filed 5/10/06. Senate amendment makes the following change to 6th edition. Names the act "Sex Offender Registration Changes/Jessica's Law."

July 26, 2006

H 1896. PROTECT CHILDREN/SEX OFFENDER LAW CHANGES (NEW). Filed 5/10/06. Conference report recommends the following changes to 7th edition to reconcile matters in controversy. Changes title to *AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; (8) TO MAKE IT A CLASS G FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL OR A CHILD CARE CENTER; (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "AN ACT TO PROTECT NORTH CAROLINA'S CHILDREN/SEX OFFENDER LAW CHANGES.* Recodifies new GS 14-208.24A (sexual predator prohibited from working or volunteering for child-involved activities) as new GS 14-208.17. Adds new GS 14-208.16 to prohibit a person who is registered as a sex offender or required to register as a sex offender from knowingly residing within 1,000 feet of property on which any public or nonpublic school or child care center is located. Violation is punishable as a Class G felony. Prohibition does not apply to child care centers located on or within 1,000 feet of property of an institution of higher education where the registrant is a student or employed. Provides that ownership of or use of property within 1,000 feet of the registrant's registered address that occur after a registrant establishes residency at the registered address does not constitute a violation of the section. New GS 14-208.16 is effective for persons registered or required to register on or after December 1, 2006, but it does not apply to person who has established a residence before this date as set out in subsection (d) of section. Modifies proposed new GS 20-9(i) to prohibit the Division of Motor Vehicles from issuing a drivers license to "an applicant who has resided in this State for less than 12 months" until it has searched the National Sex Offender Registry as set out in act (was, "an applicant from another state"); makes similar change to proposed new GS 20-37.7(b1) relating to issuance of special identification card. Deletes proposed amendment to GS 14-225 that would have made it a Class H felony to provide false information to a State Bureau of Investigation agent.

August 22, 2006

SL 2006-247 (H 1896). PROTECT CHILDREN/SEX OFFENDER LAW CHANGES. *AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; (8) TO MAKE IT A CLASS G FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL OR A CHILD CARE CENTER; (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "AN ACT TO PROTECT NORTH CAROLINA'S CHILDREN/SEX OFFENDER LAW*

CHANGES.” Summarized in *Daily Bulletin* 5/10/06, 6/12/06, 7/6/06, 7/12/06, 7/19/06, 7/20/06, and 7/26/06. Enacted August 16, 2006. Subsection 15.(k) is effective July 1, 2006. The requirement to enroll in a satellite-based program is not mandatory until January 1, 2007. The remainder of Section 15 and Sections 14, 16–18, 21, and 22 are effective August 16, 2006. The remainder is effective December 1, 2006, except as otherwise provided.