

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1445

Short Title: Sex Offender Amendments. (Public)

Sponsors: Representatives Blust; Capps, Dollar, McGee, Setzer, Vinson, and Wiley.

Referred to: Judiciary I.

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A VICTIM OF A SEXUALLY VIOLENT OFFENSE OR THE VICTIM'S FAMILY MAY OBTAIN A CIVIL NO-CONTACT ORDER AGAINST A REGISTERED OFFENDER WHO RESIDES OR WORKS AT A PLACE OF EMPLOYMENT WITHIN A QUARTER MILE OF THE VICTIM AND TO PROVIDE THAT A REGISTERED OFFENDER SHALL NOT RESIDE WITHIN ONE-QUARTER OF A MILE OF AN ELEMENTARY SCHOOL OR A CHILD CARE FACILITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 50C-1 is amended by adding the following new subdivisions to read:

"(3a) Registered offender means a person who is required to register under Article 27A of Chapter 14 of the General Statutes.

"(4b) Sexually violent offense is as defined in G.S. 14-208.6."

**SECTION 2.** G.S. 50C-2(a) reads as rewritten:

"(a) An action is commenced under this Chapter by filing a verified complaint for a civil no-contact order in district court or by filing a motion in any existing civil action, by any of the following:

(1) A person who is a victim of unlawful conduct that occurs in this ~~State~~State or who is a victim of a sexually violent offense.

(2) A competent adult who resides in this State on behalf of a minor child or an incompetent adult who is a victim of unlawful conduct that occurs in this ~~State~~State or who is a victim of a sexually violent offense."

**SECTION 3.** Chapter 50C-5 is amended by adding a new section to read:

**"§ 50C-5.1. Civil no-contact order for victim of sexually violent offense against registered offender; remedy.**

(a) The court may also issue temporary or permanent civil no-contact orders as authorized in this Chapter if it makes the following findings:

- 1           (1) The victim is the victim of a sexually violent offense.  
2           (2) The respondent is a registered offender.  
3           (3) The respondent resides or works at a place of employment located  
4                 within a quarter of a mile of the victim.  
5       (b) The court may grant one or more of the following forms of relief in its orders  
6 under this section:  
7           (1) Order the respondent to refrain from entering or remaining present at  
8                 the victim's residence, school, place of employment, or other specified  
9                 places at times when the victim is present.  
10          (2) Order other relief deemed necessary and appropriate by the court.  
11       (c) A civil no-contact order issued under this section shall include the following  
12 notice, printed in conspicuous type: 'A knowing violation of a civil no-contact order  
13 shall be punishable as contempt of court which may result in a fine or imprisonment'."

14           **SECTION 4.** G.S. 50C-7 reads as rewritten:

15 **"§ 50C-7. Permanent civil no-contact order.**

16       Upon a finding that the ~~victim~~-victim: (i) has suffered unlawful conduct committed  
17 by the ~~respondent~~,-respondent, or (ii) is the victim of a sexually violent offense and the  
18 respondent is a registered offender who resides or works at a place of employment  
19 located within a quarter of a mile of the victim, a permanent civil no-contact order may  
20 issue if the court additionally finds that process was properly served on the respondent,  
21 the respondent has answered the complaint and notice of hearing was given, or the  
22 respondent is in default. No permanent civil no-contact order shall be issued without  
23 notice to the respondent."

24           **SECTION 5.** Part 1 of Article 27A of Chapter 14 of the General Statutes is  
25 amended by adding a new section to read:

26 **"§ 14-208.6D. Prohibit registered offender from living within certain distance of**  
27 **an elementary school or child care facility.**

28       A person who is required to register under this Article shall not reside within  
29 one-quarter mile of an elementary school or a child care facility as defined in  
30 G.S. 110-86."

31           **SECTION 6.** This act becomes effective October 1, 2005.