

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH30422-Safz-55B (04/13)

Short Title: Sex Offender Registration Changes.

(Public)

Sponsors: Representatives Goforth, Ray, and Glazier (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **"§ 14-208.9. Change of address; change of academic status or educational**
24 **employment status.**

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

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

43 (c) If a person required to register changes his or her academic status either by
44 enrolling as a student or by terminating enrollment as a student, then the person shall

1 report in person to the sheriff of the county with whom the person registered and
2 provide written notice of the person's new status not later than the tenth day after the
3 change to the sheriff of the county with whom the person registered. The written notice
4 shall include the name and address of the institution of higher education at which the
5 student is or was enrolled. Upon receipt of the notice, the sheriff shall immediately
6 forward this information to the Division.

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

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

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

18 **"§ 14-208.9A. Verification of registration information.**

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

21 (1) Every year on the anniversary of a person's initial registration date, the
22 Division shall mail a nonforwardable verification form to the last
23 reported address of the ~~person~~ person and shall also notify the sheriff
24 of the county of the offender's last reported address that the
25 verification form has been mailed.

26 (2) The person shall return the verification form in person to the sheriff
27 within 10 days after the receipt of the form.

28 (3) The verification form shall be signed by the person and shall indicate
29 whether the person still resides at the address last reported to the
30 sheriff. If the person has a different address, then the person shall
31 indicate that fact and the new address.

32 (3a) The person shall include a current photograph of himself or herself
33 with the verification form. The photograph must be easy to view and
34 must provide a true and accurate likeness of the offender. If, in the
35 sheriff's discretion, the photograph does not satisfy that criterion then
36 the sheriff may take a photograph of the offender to include with the
37 verification form.

38 (4) If the person fails to return the verification form in person to the sheriff
39 within 10 days after receipt of the form, the person is subject to the
40 penalties provided in G.S. 14-208.11. If the ~~verification form is~~
41 ~~returned to the sheriff as undeliverable,~~ person fails to report in person
42 and provide the written verification as provided by this section, the
43 sheriff shall make a reasonable attempt to verify that the person is
44 residing at the registered address. If the person cannot be found at the

1 registered address and has failed to report a change of address, the
2 person is subject to the penalties provided in G.S. 14-208.11, unless
3 the person reports in person to the sheriff and proves that the person
4 has not changed his or her residential address.

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

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

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

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

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

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

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

30 "**§ 14-208.12A. Termination of registration requirement.**

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

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

38 (c) If a person failed to comply with the provisions of this Article during the
39 10-year registration period, the District Attorney in the jurisdiction in which the person
40 resides or the Attorney General may petition the court not to terminate the registration
41 requirement and to require the person to continue to maintain registration under the
42 provisions of this Article for an additional 10-years. If the court finds that the person has
43 willfully failed to comply with the provisions of this Article during the 10-year
44 registration period, the court may grant the petition not to terminate the registration and

1 shall enter an order requiring the person to continue to maintain the registration
2 requirements for an additional period of 10 years."

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

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

8 **"§ 14-208.16. Residential and work restrictions.**

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

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

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

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

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

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

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

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

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

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

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