

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 1896  
Corrected Copy 5/17/06  
Committee Substitute Favorable 6/12/06**

Short Title: Sex Offender Registration Changes.

(Public)

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Sponsors:

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Referred to:

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May 11, 2006

A BILL TO BE ENTITLED

1 AN ACT TO ADD STATUTORY RAPE OF A THIRTEEN-, FOURTEEN-, OR  
2 FIFTEEN-YEAR OLD BY A PERSON AT LEAST SIX YEARS OLDER TO THE  
3 LIST OF OFFENSES REQUIRING SEX OFFENDER REGISTRATION; TO  
4 REQUIRE OFFENDERS TO PROVIDE IN-PERSON REGISTRATION,  
5 ANNUAL VERIFICATION, AND NOTIFICATION OF CHANGES; TO  
6 REQUIRE NOTIFICATION TO AN OFFENDER'S REGISTERING SHERIFF OF  
7 AN OFFENDER'S OUT-OF-COUNTY EMPLOYMENT WHERE A  
8 TEMPORARY RESIDENCE IS ESTABLISHED; TO PROVIDE AN OFFENDER  
9 OF EARLIER NOTICE OF HIS ANNUAL OBLIGATION TO VERIFY  
10 REGISTRATION; TO REQUIRE SHERIFFS TO TAKE PHOTOGRAPHS OF  
11 OFFENDERS AT THE TIME OF REGISTRATION; TO AUTHORIZE SHERIFFS  
12 TO VERIFY A REGISTRANT'S ADDRESS AND TO UPDATE A  
13 REGISTRANT'S PHOTOGRAPH; TO ADD A WILLFUL REQUIREMENT TO  
14 THE CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH THE  
15 REGISTRATION REQUIREMENTS UNDER G.S. 14-208.11; TO MAKE IT A  
16 CLASS H FELONY TO HARBOR OR OTHERWISE AID A SEX OFFENDER  
17 WHO IS IN NONCOMPLIANCE WITH THE REGISTRATION  
18 REQUIREMENTS; TO AUTHORIZE THE EXTENSION OF THE  
19 REGISTRATION PERIOD FOR UP TO TEN YEARS FOR WILLFUL FAILURE  
20 TO COMPLY WITH REGISTRATION REQUIREMENTS; TO MAKE IT A  
21 CLASS F FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE  
22 THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL, A CHILD CARE  
23 CENTER, OR A PUBLIC SWIMMING POOL; TO EXPAND THE DEFINITION  
24 OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL  
25 BATTERY; AND TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO  
26 STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX  
27 OFFENDERS.  
28

1 The General Assembly of North Carolina enacts:

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

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

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

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

25 **"§ 14-208.6A. Lifetime registration requirements for criminal offenders.**

26 It is the objective of the General Assembly to establish a 10-year registration  
27 requirement for persons convicted of certain offenses against minors or sexually violent  
28 offenses. It is the further objective of the General Assembly to establish a more  
29 stringent set of registration requirements for recidivists, persons who commit  
30 aggravated offenses, and for a subclass of highly dangerous sex offenders who are  
31 determined by a sentencing court with the assistance of a board of experts to be sexually  
32 violent predators.

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

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

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

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

3       "**§ 14-208.6B. Registration requirements for juveniles transferred to and convicted**  
4       **in superior court.**

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

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

10          **SECTION 4.(a)** Part 2 of Article 27A of Chapter 14 is amended by adding a  
11          new section to read:

12       "**§ 14-208.8A. Notification requirement for out-of-county employment if**  
13       **temporary residence established.**

14       (a) Notice Required. – A person required to register under G.S. 14-208.7 shall  
15       notify the sheriff of the county with whom the person is registered of the person's place  
16       of employment and temporary residence, which includes a hotel, motel, or other  
17       transient lodging place, if the person meets both of the following conditions:

18           (1) Is employed or carries on a vocation in a county in the State other than  
19           the county in which the person is registered for more than 10 business  
20           days within a 30-day period, or for an aggregate period exceeding 30  
21           days in a calendar year, on a part-time or full-time basis, with or  
22           without compensation or government or educational benefit.

23           (2) Maintains a temporary residence, including in that county for more  
24           than 10 business days within a 30-day period, or for an aggregate  
25           period exceeding 30 days in a calendar year.

26       (b) Time Period. – The notice required by subsection (a) of this section shall be  
27       provided within 48 hours after the person knows or should know that he or she will be  
28       working and maintaining a temporary residence in a county other than the county in  
29       which the person resides for more than 10 business days within a 30-day period, or  
30       within 10 days after the person knows or should know that he or she will be working  
31       and maintaining a temporary residence in a county other than the county in which the  
32       person resides for an aggregate period exceeding 30 days in a calendar year.

33       (c) Notice to Division. – Upon receiving the notice required under subsection (a)  
34       of this section, the sheriff shall immediately forward the information to the Division.  
35       The Division shall notify the sheriff of the county where the person is working and  
36       maintaining a temporary residence of the person's place of employment and temporary  
37       address in that county."

38          **SECTION 4.(b)** This section becomes effective June 1, 2007.

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

41       "**(d) In-Person Registration Required. – Any person required to register under this**  
42       section shall report in person at the appropriate sheriff's office to comply with the  
43       registration requirements set out in this section."

44          **SECTION 5.(b)** This section becomes effective December 1, 2006.

1           **SECTION 6.(a)** G.S. 14-208.9 reads as rewritten:

2   "**§ 14-208.9. Change of address; change of academic status or educational**  
3   **employment status.**

4       (a) In-State Address Change. – If a person required to register changes ~~address,~~  
5 address within the same county, the person shall report in person and provide written  
6 notice of the new address not later than the tenth day after the change to the sheriff of  
7 the county with whom the person had last registered. that county. Upon receipt of the  
8 notice, the sheriff shall immediately forward this information to the Division. If the  
9 person moves to another county in this State, ~~the~~ he or she shall report in person to the  
10 sheriff of the new county and provide written notice of the new address. The person  
11 shall also provide written notice of the new address to the sheriff of the county from  
12 which the person had last registered not later than the tenth day after moving to the new  
13 county. When the Division receives information that a person is moving from one  
14 county to another county in this State, the Division shall inform the sheriff of the new  
15 county of the person's new residence.

16       (b) Out-of-State Address Change. – If a person required to register moves to  
17 another state, the person shall provide written notice of the new address not later than 10  
18 days after the change to the sheriff of the county with whom the person had last  
19 registered. The person shall report in person to provide the written notice. Upon receipt  
20 of the notice, the sheriff shall ~~notify~~ inform the person that the person must comply with  
21 the registration requirements in the new state of residence. The sheriff shall also  
22 immediately forward the change of address information to the Division, and the  
23 Division shall inform the appropriate state official in the state to which the registrant  
24 moves of the person's new address.

25       (c) Change of Academic Status. – If a person required to register changes his or  
26 her academic status either by enrolling as a student or by terminating enrollment as a  
27 student, then the person shall report in person to the sheriff of the county with whom the  
28 person registered and provide written notice of the person's new status not later than the  
29 tenth day after the change to the sheriff of the county with whom the person registered.  
30 The written notice shall include the name and address of the institution of higher  
31 education at which the student is or was enrolled. Upon receipt of the notice, the sheriff  
32 shall immediately forward this information to the Division.

33       (d) Change of Employment Status. – If a person required to register changes his  
34 or her employment status either by obtaining employment at an institution of higher  
35 education or by terminating employment at an institution of higher education, then the  
36 person shall report in person to the sheriff of the county with whom the person  
37 registered and provide written notice of the person's new status not later than the tenth  
38 day after the change to the sheriff of the county with whom the person registered. The  
39 written notice shall include the name and address of the institution of higher education  
40 at which the person is or was employed. Upon receipt of the notice, the sheriff shall  
41 immediately forward this information to the Division."

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

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

1 "§ 14-208.9A. Verification of registration information-information; additional  
2 verification and photograph may be required.

3 (a) Annual Verification. – The information in the county registry shall be verified  
4 annually for each registrant as follows:

5 (1) ~~Every year on~~ Thirty days prior to the anniversary of a person's initial  
6 registration date, the Division shall annually mail a nonforwardable  
7 verification form to the last reported address of the person-person and  
8 shall also notify the sheriff of the county of the offender's last reported  
9 address that the verification form has been mailed.

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

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

16 (3a) At the time the person returns the verification form, the sheriff shall  
17 take a photograph of the registrant to include with the verification  
18 form.

19 (4) If the person fails to return the verification form in person to the sheriff  
20 within 10 days after receipt of the form, the person is subject to the  
21 penalties provided in G.S. 14-208.11. ~~If the verification form is~~  
22 ~~returned to the sheriff as undeliverable,~~ person fails to report in person  
23 and provide the written verification as provided by this section, the  
24 sheriff shall make a reasonable attempt to verify that the person is  
25 residing at the registered address. If the person cannot be found at the  
26 registered address and has failed to report a change of address, the  
27 person is subject to the penalties provided in G.S. 14-208.11, unless  
28 the person reports in person to the sheriff and proves that the person  
29 has not changed his or her residential address.

30 (b) Additional Verification May Be Required. – During the period that an  
31 offender is required to be registered under this Article, the sheriff is authorized to  
32 attempt to verify that the offender continues to reside at the address last registered by  
33 the offender.

34 (c) Additional Photograph May Be Required. – If it appears to the sheriff that the  
35 current photograph of the sex offender no longer provides a true and accurate likeness  
36 of the sex offender, upon in person notice from the sheriff, the sex offender shall allow  
37 the sheriff to take another photograph of the sex offender at the time of the sheriff's  
38 request. If requested by the sheriff, the sex offender shall appear in person at the  
39 sheriff's office during normal business hours within 72 hours of being requested to do so  
40 and shall allow the sheriff to take another photograph of the sex offender. A person who  
41 willfully fails to comply with this subsection is guilty of a Class 1 misdemeanor."

42 **SECTION 7.(b)** This section becomes effective December 1, 2006, and  
43 applies to offenses that occur on or after that date.

44 **SECTION 8.(a)** G.S. 14-208.11(a) reads as rewritten:

1       (a) A person required by this Article to register who willfully does any of the  
2 following is guilty of a Class F felony:

- 3           (1)  ~~Fails to register.~~ Fails to register as required by this Article.  
4           (2)  ~~Fails to notify the last registering sheriff of a change of~~  
5  ~~address.~~ address as required by this Article.  
6           (3) Fails to return a verification notice as required under G.S. 14-208.9A.  
7           (4) Forges or submits under false pretenses the information or verification  
8 notices required under this Article.  
9           (5) Fails to inform the registering sheriff of enrollment or termination of  
10 enrollment as a student.  
11           (6) Fails to inform the registering sheriff of employment at an institution  
12 of higher education or termination of employment at an institution of  
13 higher education."

14       **SECTION 8.(b)** This section becomes effective December 1, 2006, and  
15 applies to offenses committed on or after that date.

16       **SECTION 9.(a)** G.S. 14-208.11(a), as amended by Section 9 of this act, is  
17 amended by adding a new subdivision to read:

18       "(7) Fails to notify the registering sheriff of out-of-county employment if  
19 temporary residence is established as required under G.S. 14-208.8A."

20       **SECTION 9.(b)** This section becomes effective June 1, 2007, and applies to  
21 offenses committed on or after that date.

22       **SECTION 9.1.(a)** Article 27A of Chapter 14 of the General Statutes is  
23 amended by adding a new section to read:

24       "§ 14-208.11A. Duty to report noncompliance of a sex offender; penalty for failure  
25 to report in certain circumstances.

26       (a) Any person who has reason to believe that an offender required to register  
27 under this Article is not complying, or has not complied with the requirements of this  
28 Article and who, with the intent to assist the offender in eluding a law enforcement  
29 agency that is seeking to find the offender to question the offender about, or to arrest the  
30 offender for his or her noncompliance with the requirements of this Article and who  
31 does any of the following is guilty of a Class H felony:

- 32           (1) Withholds information from, or does not notify, the law enforcement  
33 agency about the offender's noncompliance with the requirements of  
34 this Article and, if known, the whereabouts of the offender.  
35           (2) Harbors, or attempts to harbor, or assists another person in harboring,  
36 or attempting to harbor, the offender.  
37           (3) Conceals, or attempts to conceal, or assist another person in  
38 concealing, or attempting to conceal, the offender.  
39           (4) Provides information to the law enforcement agency regarding the  
40 offender that the person knows to be false information.

41       (b) This section does not apply if the offender is incarcerated in or is in the  
42 custody of a local, State, private, or federal correctional facility."

43       **SECTION 9.1.(b)** This section becomes effective December 1, 2006, and  
44 applies to offenses committed on or after that date.

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

2   "**§ 14-208.12A. Termination of registration requirement.**

3       (a) Automatic Termination. – The requirement that a person register under this  
4 Part automatically terminates 10 years from the date of initial county registration if the  
5 person has complied with the provisions of this Article during the 10-year registration  
6 period and the person has not been convicted of a subsequent offense requiring  
7 registration under this Article.

8       (b) Maintain Registration Until Registration Requirement Complete. – If there is  
9 a subsequent offense, the county registration records shall be retained until the  
10 registration requirement for the subsequent offense is terminated.

11       (c) Extension of Registration for Willful Failure to Comply. – If a person  
12 willfully failed to comply with the provisions of this Article during the 10-year  
13 registration period, the district attorney in the jurisdiction in which the person resides  
14 may petition the court not to terminate the registration requirement and to require the  
15 person to continue to maintain registration under the provisions of this Article for a  
16 period not to exceed 10 years. If the court finds that the person has willfully failed to  
17 comply with the provisions of this Article during the 10-year registration period, the  
18 court may grant the petition not to terminate the registration and shall enter an order  
19 requiring the person to continue to maintain the registration requirements for a period  
20 not to exceed 10 years."

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

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

26   "**§ 14-208.16. Residential restrictions.**

27       (a) A person required to register under this Part, or Part 3 of this Article, shall not  
28 knowingly reside within 1,000 feet of the property on which any public or nonpublic  
29 school, child care center, or public swimming pool is located.

30       (b) As used in this section, 'school' does not include home schools as defined in  
31 G.S. 115C-563 or institutions of higher education.

32       (c) This section does not apply to child care centers that are located on or within  
33 1,000 feet of the property of an institution of higher education where the registrant is a  
34 student or is employed.

35       (d) Changes in the ownership of or use of property within 1,000 feet of a  
36 registrant's registered address that occur after a registrant establishes residency at the  
37 registered address shall not form the basis for finding that an offender is in violation of  
38 this section. For purposes of this subsection, residency is established when the registrant  
39 purchases a residence, enters into a specifically enforceable contract to purchase a  
40 residence, or enters into a written lease contract for a residence.

41       (e) Violation of this section is a Class F Felony."

42           **SECTION 11.(b)** This section becomes effective December 1, 2006, and  
43 applies to all persons registered or required to register on or after that date. This section  
44 does not apply to persons who have established a residence prior to the effective date of

1 this section by purchasing the residency or entering into a written lease contract for the  
2 residency. Residences established through a written lease contract prior to the effective  
3 date of this act may not be continued beyond the definite period of time specified in the  
4 lease at its execution.

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

6 "(5) 'Sexual contact' means (i) touching the sexual organ, anus, breast,  
7 groin, or buttocks of any person, ~~or~~(ii) a person touching another  
8 person with their own sexual organ, anus, breast, groin, or  
9 ~~buttocks~~buttocks, or (iii) a person ejaculating, emitting, or placing  
10 semen, urine, or feces upon any part of another person."

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

13 **SECTION 13.** The Department of Correction shall study and develop a plan  
14 for offering mental health treatment for incarcerated sex offenders designed to reduce  
15 the likelihood of recidivism. The Department shall study appropriate and effective  
16 mental health treatment techniques and alternatives. Services must be best practices, as  
17 determined by the Department. The Department will consult various stakeholders from  
18 organizations dedicated to the prevention of sexual assault, victims' advocacy  
19 organizations, and experts in the field of treatment of sexual offenders. The Department  
20 shall consider the fiscal impact, if any, of implementing the plan developed pursuant to  
21 this study.

22 The Department shall make a preliminary report to the Joint Legislative  
23 Oversight Committee on Mental Health, Developmental Disabilities, and Substance  
24 Abuse Services no later than January 15, 2007, and a final report to the Joint Legislative  
25 Oversight Committee on Mental Health, Developmental Disabilities, and Substance  
26 Abuse Services and the General Assembly on or before October 1, 2007.

27 **SECTION 14.** The provisions of this act are severable. If any provision is  
28 held invalid by a court of competent jurisdiction, the invalidity does not affect other  
29 provisions of the act that can be given effect without the invalid provision.

30 **SECTION 15.** Except as otherwise provided in this act, this act is effective  
31 when it becomes law.