

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1904

Short Title: Sex Offender/Cannot Go Onto School Gds. (Public)

Sponsors: Representatives Ray, Goforth, Farmer-Butterfield (Primary Sponsors); B. Allen, L. Allen, Blust, Brown, Capps, Clary, Coates, Dollar, England, Faison, Fisher, Frye, Glazier, Goodwin, Grady, Harrell, Harrison, Hilton, Hollo, Holloway, Howard, Johnson, Ed Jones, LaRoque, Lewis, Lucas, Luebke, McGee, Moore, Pate, Preston, Rapp, Setzer, Sherrill, Spear, Starnes, Steen, Stiller, Underhill, Vinson, Weiss, Wiley, and Wray.

Referred to: Judiciary IV.

May 11, 2006

A BILL TO BE ENTITLED

1 AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A REGISTERED OFFENDER
2 TO BE ON EDUCATIONAL PROPERTY OR WITHIN FIVE HUNDRED FEET
3 OF A SCHOOL EXCEPT IN CERTAIN CIRCUMSTANCES AS
4 RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX
5 OFFENDER REGISTRATION LAWS.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 39 of Chapter 14 of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 14-321.2. Unlawful for certain registered offenders to be on educational**
11 **property except in certain circumstances.**

12 (a) The following definitions apply in this section:

13 (1) Educational property. – Defined in G.S.14-269.2(a).

14 (2) Minor. – A person who is less than 18 years old.

15 (3) Registered offender. – A person: (i) who is required to register under
16 Part 3 of Article 27A of Chapter 14 of the General Statutes or (ii) who
17 is required to register under Part 2 of Article 27A of Chapter 14 of the
18 General Statutes and who has committed an offense involving the
19 physical, mental, or sexual abuse of a minor.

20 (4) School. – Defined in G.S. 14-269.2(a).

21 (b) Except as provided in subsections (c) and (d) of this section, it is unlawful for
22 a registered offender knowingly to be on educational property or to be within 500 feet
23 of a school while minors are present in the school or on the educational property.

1 (c) A registered offender may be on educational property or within 500 feet of a
2 school in the following circumstances provided the registered offender has complied
3 with the provisions of subsection (d) of this section:

4 (1) The registered offender is the parent or guardian of a minor who is
5 enrolled in the school and is attending a conference at the school with
6 school personnel in his or her parental capacity to discuss academic,
7 social, health, or other student issues regarding the minor.

8 (2) The registered offender is the parent or guardian of a minor who is
9 enrolled in the school, the minor is participating in a legitimate activity
10 at the school or on educational property such as an athletic event or
11 other competition, school play, or other extracurricular activity, and
12 the registered offender is attending the activity for a legitimate purpose
13 in his or her capacity as the minor's parent.

14 (d) A registered offender who goes onto educational property or within 500 feet
15 of a school in any of the circumstances described in subsection (c) of this section must
16 notify the principal of the school of his or her presence at the school or educational
17 property or have permission to be present from the superintendent or the chair of the
18 school board or, in the case of a private school, from the principal. In the case of a
19 public school, if permission is granted, the superintendent or chair of the school board
20 must inform the principal of the school where the registered offender will be present.
21 Notification includes the nature of the registered offender's visit and the hours in which
22 the registered offender will be present in the school or on the educational property. The
23 registered offender is responsible for notifying the principal's office when he or she
24 arrives at the school or educational property and when he or she departs from school or
25 educational property. If the registered offender is to be present in the vicinity of minors,
26 the registered offender has the duty to remain under the direct supervision of a school
27 official.

28 (e) A violation of this section is a Class F felony."

29 **SECTION 2.** This act becomes effective December 1, 2006, and applies to
30 offenses committed on or after that date.