

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1698

Short Title: Conform to Adam Walsh Law. (Public)

Sponsors: Representatives Ray, Goforth (Primary Sponsors); Barnhart, Brown, Coates, Cole, Dockham, Faison, Howard, Hurley, Langdon, Rapp, Setzer, Spear, Tarleton, Tillis, Walend, and Wiley.

Referred to: Judiciary III, if favorable, Appropriations.

April 19, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT MANY OF THE PROVISIONS OF THE ADAM WALSH
3 CHILD PROTECTION AND SAFETY ACT OF 2006.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-208.7 reads as rewritten:

6 "**§ 14-208.7. Registration.**

7 (a) A person who is a State resident and who has a reportable conviction shall be
8 required to maintain registration with the sheriff of the county where the person ~~resides.~~
9 resides, where the person is an employee, and where the person is a student. For initial
10 registration purposes only, a person shall also register in the county in which the person
11 was convicted if that county is different from the county of residence. If the person
12 moves to North Carolina from outside this State, the person shall register within 40
13 three business days of establishing residence in this State, or whenever the person has
14 been present in the State for 15 days, whichever comes first. If the person is a current
15 resident of North Carolina, the person shall ~~register:~~initially register:

16 (1) ~~Within 10 days of release from a penal institution or arrival in a county~~
17 ~~to live outside a penal institution~~Before completing a sentence of
18 imprisonment with respect to the offense giving rise to the registration
19 requirement; or

20 (2) Immediately upon conviction for a reportable offense where an active
21 term of imprisonment was not imposed.

22 Registration shall be maintained for a period of at least 10 years following the date of
23 initial county registration.

24 (a1) A person who is a nonresident student or a nonresident worker and who has a
25 reportable conviction, or is required to register in the person's state of residency, is
26 required to maintain registration with the sheriff of the county where the person works
27 or attends school. In addition to the information required under subsection (b) of this

1 section, the person shall also provide information regarding the person's school or place
2 of employment as appropriate and the person's address in his or her state of residence.

3 (b) The Division shall provide each sheriff with forms for registering persons as
4 required by this Article. The registration form shall require:

5 (1) The person's full name, each alias, date of birth, sex, race, height,
6 weight, eye color, hair color, social security number, drivers license
7 number, and ~~home address;~~the address of each residence at which the
8 person resides or will reside;

9 (2) The type of offense for which the person was convicted, the date of
10 conviction, and the sentence imposed;

11 (3) A current photograph;

12 (4) The person's ~~fingerprints;~~fingerprints and palm prints;

13 (5) A statement indicating whether the person is a student or expects to
14 enroll as a student within a year of registering. If the person is a
15 student or expects to enroll as a ~~student within a year of~~
16 ~~registration,~~student, then the registration form shall also require the
17 name and address of the educational institution at which the person is a
18 student or expects to enroll as a student; and

19 (6) A statement indicating whether the person is employed or expects to
20 be ~~employed at an institution of higher education within a year of~~
21 ~~registering,~~employed. If the person is employed or expects to be
22 ~~employed at an institution of higher education within a year of~~
23 ~~registration,~~employed, then the registration form shall also require the
24 name and address of the ~~educational institution~~place at which the
25 person is or expects to be ~~employed.~~employed; and

26 (7) The license plate number and a description of any vehicle owned or
27 operated by the person.

28 The sheriff shall photograph the individual at the time of registration and take
29 fingerprints from the individual at the time of registration both of which will be kept as
30 part of the registration form. The registrant will not be required to pay any fees for the
31 photograph or fingerprints taken at the time of registration.

32 (b1) In addition to the information required on the registration form under
33 subsection (b) of this section, the person shall also provide to the sheriff a DNA sample.

34 (c) When a person registers, the sheriff with whom the person registered shall
35 immediately send the registration information to the Division in a manner determined
36 by the Division. The sheriff shall retain the original registration form and other
37 information collected and shall compile the information that is a public record under
38 this Part into a county registry.

39 (d) Any person required to register under this section shall report in person at the
40 appropriate sheriff's office to comply with the registration requirements set out in this
41 section. The sheriff shall provide the registrant with written proof of registration at the
42 time of registration."

43 **SECTION 2.** G.S. 14-208.8 reads as rewritten:

44 "**§ 14-208.8. Prerelease notification.**

1 (a) At least 10 days, but not earlier than 30 days, before a person who will be
2 subject to registration under this Article is due to be released from a penal institution, an
3 official of the penal institution shall:

- 4 (1) Inform the person of the person's duty to register under this Article and
5 require the person to sign a written statement that the person was so
6 informed or, if the person refuses to sign the statement, certify that the
7 person was so informed;
- 8 (2) Obtain the registration information required under G.S. 14-208.7(b)(1),
9 (2), (5), and (6), as well as the address where the person expects to
10 reside upon the person's release; ~~and~~
- 11 (3) Send the Division and the sheriff of the county in which the person
12 expects to reside the information collected in accordance with
13 subdivision (2) of this ~~subsection~~ subsection; and
- 14 (4) Ensure that the person is registered.

15 (b) If a person who is subject to registration under this Article does not receive an
16 active term of imprisonment, the court pronouncing sentence shall conduct, at the time
17 of sentencing, the notification procedures specified in subsection (a) of this
18 ~~section~~ section and shall ensure that the person is registered."

19 **SECTION 3.** G.S. 14-208.9 reads as rewritten:

20 "**§ 14-208.9. Change of address; change of academic status or educational**
21 **employment status.**

22 (a) If a person required to register changes address, the person shall report in
23 person and provide written notice of the new address not later than ~~the tenth day~~ three
24 business days after the change to the sheriff of the county with whom the person had
25 last registered. Upon receipt of the notice, the sheriff shall immediately forward this
26 information to the Division. If the person moves to another county in this State, the
27 Division shall inform the sheriff of the new county of the person's new residence.

28 (b) If a person required to register intends to move to another state, the person
29 shall report in person to the sheriff of the county of current residence at least ~~10~~
30 days three business days before the date the person intends to leave this State to establish
31 residence in another state or jurisdiction. The person shall provide to the sheriff a
32 written notification that includes all of the following information: the address,
33 municipality, county, and state of intended residence.

- 34 (1) If it appears to the sheriff that the record photograph of the sex
35 offender no longer provides a true and accurate likeness of the sex
36 offender, then the sheriff shall take a photograph of the offender to
37 update the registration.
- 38 (2) The sheriff shall inform the person that the person must comply with
39 the registration requirements in the new state of residence. The sheriff
40 shall also immediately forward the information included in the
41 notification to the Division, and the Division shall inform the
42 appropriate state official in the state to which the registrant moves of
43 the person's notification and new address.

1 (b1) A person who indicates his or her intent to reside in another state or
2 jurisdiction and later decides to remain in this State shall, within ~~10 days~~three business
3 days after the date upon which the person indicated he or she would leave this State,
4 report in person to the sheriff's office to which the person reported the intended change
5 of residence, of his or her intent to remain in this State. If the sheriff is notified by the
6 sexual offender that he or she intends to remain in this State, the sheriff shall promptly
7 report this information to the Division.

8 (c) If a person required to register changes his or her academic status either by
9 enrolling as a student or by terminating enrollment as a student, then the person shall,
10 within ~~10 days~~three business days, report in person to the sheriff of the county with
11 whom the person registered and provide written notice of the person's new status. The
12 written notice shall include the name and address of the institution of higher education
13 at which the student is or was enrolled. The sheriff shall immediately forward this
14 information to the Division.

15 (d) If a person required to register changes his or her employment status either by
16 obtaining employment ~~at an institution of higher education~~ or by terminating
17 ~~employment at an institution of higher education~~employment, then the person shall,
18 within ~~10 days~~three business days, report in person to the sheriff of the county with
19 whom the person registered and provide written notice of the person's new status not
20 later than ~~the tenth day~~three business days after the change to the sheriff of the county
21 with whom the person registered. The written notice shall include the name and address
22 of the ~~institution of higher education~~place at which the person is or was employed. The
23 sheriff shall immediately forward this information to the Division."

24 **SECTION 4.** G.S. 14-208.9A(a) reads as rewritten:

25 "(a) The information in the county registry shall be verified semiannually for each
26 registrant as follows:

- 27 (1) Every year on the anniversary of a person's initial registration date, and
28 again six months after that date, the Division shall mail a
29 nonforwardable verification form to the last reported address of the
30 person.
- 31 (2) The person shall return the verification form in person to the sheriff
32 within ~~10 days~~three business days after the receipt of the form.
- 33 (3) The verification form shall be signed by the person and shall indicate
34 whether the person still resides at the address last reported to the
35 sheriff. If the person has a different address, then the person shall
36 indicate that fact and the new address.
- 37 (3a) If it appears to the sheriff that the record photograph of the sex
38 offender no longer provides a true and accurate likeness of the sex
39 offender, then the sheriff shall take a photograph of the offender to
40 include with the verification form.
- 41 (4) If the person fails to return the verification form in person to the sheriff
42 within ~~10 days~~three business days after receipt of the form, the person
43 is subject to the penalties provided in G.S. 14-208.11. If the person
44 fails to report in person and provide the written verification as

1 provided by this section, the sheriff shall make a reasonable attempt to
2 verify that the person is residing at the registered address. If the person
3 cannot be found at the registered address and has failed to report a
4 change of address, the person is subject to the penalties provided in
5 G.S. 14-208.11, unless the person reports in person to the sheriff and
6 proves that the person has not changed his or her residential address."

7 **SECTION 5.** Article 27A of Chapter 14 of the General Statutes is amended
8 by adding a new section to read:

9 **"§ 14-208.9B. Law enforcement actions to be taken when sex offender fails to**
10 **comply with registration requirements.**

11 If a person required to register under this Article fails to comply with the provisions
12 of this Article and a law enforcement agency is aware of that failure, then the
13 appropriate law enforcement officer shall notify the Division of the failure to comply.
14 The Division shall revise the statewide registry to reflect the nature of the failure. The
15 Division and the appropriate law enforcement agency shall take any appropriate action
16 to ensure compliance."

17 **SECTION 6.** G.S. 14-208.10 reads as rewritten:

18 **"§ 14-208.10. Registration information that is public record; access to registration**
19 **information.**

20 (a) The following information regarding a person required to register under this
21 Article is public record and shall be available for public inspection: name, sex, address,
22 physical description, picture, conviction date, offense for which registration was
23 required, the sentence imposed as a result of the conviction, and registration status. ~~The~~
24 ~~information obtained under G.S. 14-208.22 regarding a person's medical records or~~
25 ~~documentation of treatment for the person's mental abnormality or personality disorder~~
26 ~~shall not be a part of the public record.~~

27 The sheriff shall release any other relevant information that is necessary to protect
28 the public concerning a specific person, but shall not release the identity of the victim of
29 the offense that required registration under this Article.

30 (b) Any person may obtain a copy of an individual's registration form, a part of
31 the county registry, or all of the county registry, by submitting a written request for the
32 information to the sheriff. ~~However, the identity of the victim of an offense that requires~~
33 ~~registration under this Article shall not be released.~~ The sheriff may charge a reasonable
34 fee for duplicating costs and for mailing costs when appropriate.

35 (c) The following information shall not be a part of the public record and shall
36 not be released:

- 37 (1) The information obtained under G.S. 14-208.22 regarding a person's
38 medical records or documentation of treatment for the person's mental
39 abnormality or personality disorder.
- 40 (2) The identity of the victim of an offense that requires registration under
41 this Article.
- 42 (3) The social security number of the registrant.
- 43 (4) Any reference to arrests of the registrant that did not result in
44 conviction."

1 **SECTION 7.** G.S. 14-208.14 reads as rewritten:

2 "**§ 14-208.14. Statewide registry; Division of Criminal Statistics designated**
3 **custodian of statewide registry.**

4 (a) The Division of Criminal Statistics shall compile and keep current a central
5 statewide sex offender registry. The Division is the State agency designated as the
6 custodian of the statewide registry. As custodian the Division has the following
7 responsibilities:

8 (1) To receive from the sheriff or any other law enforcement agency or
9 penal institution all sex offender registrations, changes of address,
10 changes of academic or educational employment status, and prerelease
11 notifications required under this Article or under federal law. The
12 Division shall also receive notices of any violation of this Article,
13 including a failure to register or a failure to report a change of address.

14 (2) To provide all need-to-know law enforcement agencies (local, State,
15 campus, federal, and those located in other states) immediately upon
16 receipt by the Division of any of the following: registration
17 information, a prerelease notification, a change of address, a change of
18 academic or educational employment status, or notice of a violation of
19 this Article.

20 (2a) To notify the appropriate law enforcement unit at an institution of
21 higher education as soon as possible upon receipt by the Division of
22 relevant information based on registration information or notice of a
23 change of academic or ~~educational~~-employment status. If an ~~institution~~
24 ~~of higher education~~ employer of a registrant does not have a law
25 enforcement unit, then the Division shall provide the information to
26 the local law enforcement agency that has jurisdiction for the
27 ~~campus~~ employer.

28 (3) To coordinate efforts among law enforcement agencies and penal
29 institutions to ensure that the registration information, changes of
30 address, prerelease notifications, and notices of failure to register or to
31 report a change of address are conveyed in an appropriate and timely
32 manner.

33 (4) To provide public access to the statewide registry in accordance with
34 this Article.

35 (5) To develop a community notification program pursuant to
36 G.S. 14-208.10A.

37 (b) The statewide registry shall include the following:

38 (1) Registration information obtained by a sheriff or penal institution
39 under this Article or from any other local or State law enforcement
40 agency.

41 (2) Registration information received from a state or local law
42 enforcement agency or penal institution in another state.

43 (3) Registration information received from a federal law enforcement
44 agency or penal institution.

- 1 (4) A DNA sample of each registrant.
2 (5) A photocopy of a valid drivers license or identification card issued to
3 the registrant by North Carolina, or another state if the registrant does
4 not have a valid drivers license or identification card from this State.
5 (6) The text of the provision of law defining the criminal offense for
6 which each person is registered.
7 (7) The criminal history of each registrant, including the date of all arrests
8 and convictions; the status of parole, probation, or supervised release;
9 registration status; and the existence of any outstanding arrest warrants
10 for each registrant."

11 **SECTION 8.** Article 27A of Chapter 14 of the General Statutes is amended
12 by adding a new section to read:

13 **"§ 14-208.10A. Community notification program.**

14 (a) Except as provided in subsection (b) of this section, immediately after a
15 person registers or updates a registration, the sheriff shall provide that information to the
16 Division. The Division shall include that information in the statewide registry, other
17 than information exempted from disclosure by this Article or another provision of law.
18 The Division shall also provide that information to the following:

- 19 (1) The appropriate law enforcement agencies, including probation and
20 post-release supervision agencies.
21 (2) Each school and public housing agency in each area in which the
22 registrant resides, is an employee, or is a student.
23 (3) The sheriff of each county where the registrant resides, is an employee,
24 or student, and each county from or to which a change of residence,
25 employment, or student status occurs.
26 (4) Any agency responsible for conducting employment-related
27 background checks.
28 (5) Social service entities responsible for protecting minors in the child
29 welfare system.
30 (6) Volunteer organizations in which contact with minors or other
31 vulnerable individuals might occur.
32 (7) Any organization, company, or individual who requests such
33 notification pursuant to procedures established by the Division.

34 (b) Notwithstanding subsection (a) of this section, an organization or individual
35 described in subdivision (6) or (7) of subsection (a) of this section, may opt to receive
36 the notification described in subsection (a) of this section no less frequently than once
37 every five business days."

38 **SECTION 9.** This act becomes effective December 1, 2007, and applies to
39 offenses committed on or after that date.