

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 836\*  
Committee Substitute Favorable 5/5/09

Short Title: Removal of Electronic Monitoring Device. (Public)

Sponsors:

Referred to:

March 30, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR  
3 CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING  
4 DEVICE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 30 of Chapter 14 of the General Statutes is amended by  
7 adding a new section to read:

8 "§ 14-226.3. Interference with electronic monitoring devices.

9 (a) For purposes of this section, the term "electronic monitoring device" includes any  
10 electronic device that is used to track the location of a person.

11 (b) It is unlawful for any person to knowingly and without authority remove, destroy, or  
12 circumvent the operation of an electronic monitoring device that is being used for the purpose  
13 of monitoring a person who is:

14 (1) Complying with a house arrest program;

15 (2) Wearing an electronic monitoring device as a condition of bond or pretrial  
16 release;

17 (3) Wearing an electronic monitoring device as a condition of probation; or

18 (4) Wearing an electronic monitoring device as a condition of parole or  
19 post-release supervision.

20 (c) It is unlawful for any person to knowingly and without authority request or solicit  
21 any other person to remove, destroy, or circumvent the operation of an electronic monitoring  
22 device that is being used for the purposes described in subsection (b) of this section.

23 (d) Violation of this section by a person who is required to comply with electronic  
24 monitoring as a result of a conviction for a criminal offense is a felony one class lower than the  
25 underlying felony or a misdemeanor one class lower than the underlying misdemeanor, except  
26 that, if the underlying felony is a Class I, then violation of this section is a Class A1  
27 misdemeanor. Violation of this section by a person who is required to comply with electronic  
28 monitoring as a condition of bond or pretrial release is a Class 1 misdemeanor. Violation of this  
29 section by any other person is a Class 2 misdemeanor."

30 SECTION 2. This act becomes effective December 1, 2009, and applies to acts  
31 committed on or after that date.

