

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 374

Short Title: Sex Offender/Expand Residential Restriction. (Public)

Sponsors: Representatives McGrady and B. Turner (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

March 19, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW THAT IMPOSES RESIDENTIAL RESTRICTIONS ON  
SEX OFFENDERS TO PROVIDE THAT A SEX OFFENDER IS PROHIBITED FROM  
RESIDING WITHIN ONE THOUSAND FEET OF A SITE WHERE AN ORGANIZED  
RESIDENTIAL YOUTH CAMP IS LOCATED.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-208.16 reads as rewritten:

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

(a) A registrant under this Article shall not knowingly reside within 1,000 feet of the property on which any public or nonpublic ~~school or school~~, child care ~~center~~ center, or organized residential youth camp is located. This subsection applies to any registrant who did not establish his or her residence, in accordance with subsection (d) of this section, prior to August 16, 2006.

(b) As used in this section, "school" does not include home schools as defined in G.S. 115C-563 or institutions of higher education. The term "child care center" is defined by G.S. 110-86(3); however, for purposes of this section, the term "child care center" does include the permanent locations of organized clubs of Boys and Girls Clubs of America. The term "organized residential youth camp" means a program or facility that (i) is established for the primary purpose of providing an outdoor group living experience, (ii) has both educational and youth development objectives, and (iii) provides permanent or semi-permanent lodging, meals, and activities for eight or more children over four or more consecutive nights on an annual basis. The term "registrant" means a person who is registered, or is required to register, under this Article.

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

(d) Changes in the ownership of or use of property within 1,000 feet of a registrant's registered address that occur after a registrant establishes residency at the registered address shall not form the basis for finding that an offender is in violation of this section. For purposes of this subsection, a residence is established when the registrant does any of the following:

- (1) Purchases the residence or enters into a specifically enforceable contract to purchase the residence.
- (2) Enters into a written lease contract for the residence and for as long as the person is lawfully entitled to remain on the premises.
- (3) Resides with an immediate family member who established residence in accordance with this subsection. For purposes of this subsection, "immediate



1 family member" means a child or sibling who is 18 years of age or older, or a  
2 parent, grandparent, legal guardian, or spouse of the registrant.  
3 (e) Nothing in this section shall be construed as creating a private cause of action against  
4 a real estate agent or landlord for any act or omission arising out of the residential restriction in  
5 this section.  
6 (f) A violation of this section is a Class G felony."  
7 **SECTION 2.** This act is effective when it becomes law and applies to all persons  
8 registered or required to register on or after that date. This act does not apply to a person who has  
9 established a residence prior to the effective date of this act in accordance with  
10 G.S. 14-208.16(d)(1), (2), or (3).