

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 374  
Committee Substitute Favorable 4/30/19

Short Title: Sex Offender/Expand Residential Restriction.

(Public)

Sponsors:

Referred to:

March 19, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW THAT IMPOSES RESIDENTIAL RESTRICTIONS ON  
3 SEX OFFENDERS TO PROVIDE THAT CERTAIN SEX OFFENDERS ARE  
4 PROHIBITED FROM RESIDING WITHIN ONE THOUSAND FEET OF A SITE WHERE  
5 AN ORGANIZED RESIDENTIAL YOUTH CAMP IS LOCATED.

6 The General Assembly of North Carolina enacts:

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

8 "§ 14-208.16. Residential restrictions.

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

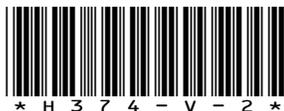
13 (a1) A registrant under this Article, who is required to register for an offense described in  
14 subsection (a2) of this section, shall not knowingly reside within 1,000 feet of the property on  
15 which any organized residential youth camp is located.

16 (a2) Subsection (a1) of this section applies to persons required to register under this Article  
17 if either of the following applies:

18 (1) The person has committed any offense in Article 7B of this Chapter or any  
19 federal offense or offense committed in another state, which if committed in  
20 this State is substantially similar to an offense in Article 7B of this Chapter,  
21 and a finding has been made in any criminal or civil proceeding that the person  
22 presents, or may present, a danger to minors under the age of 18.

23 (2) The person has committed any offense where the victim of the offense was  
24 under the age of 18 years at the time of the offense.

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



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

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

8 (1) Purchases the residence or enters into a specifically enforceable contract to  
9 purchase the residence.

10 (2) Enters into a written lease contract for the residence and for as long as the  
11 person is lawfully entitled to remain on the premises.

12 (3) Resides with an immediate family member who established residence in  
13 accordance with this subsection. For purposes of this subsection, "immediate  
14 family member" means a child or sibling who is 18 years of age or older, or a  
15 parent, grandparent, legal guardian, or spouse of the registrant.

16 (e) Nothing in this section shall be construed as creating a private cause of action against  
17 a real estate agent or landlord for any act or omission arising out of the residential restriction in  
18 this section.

19 (f) A violation of this section is a Class G felony."

20 **SECTION 2.** This act becomes effective December 1, 2019, and applies to all  
21 persons registered or required to register on or after that date. This act does not apply to a person  
22 who has established a residence prior to the effective date of this act in accordance with  
23 G.S. 14-208.16(d)(1), (2), or (3).