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Short Title: Amend Sex Off. Certain Premises.

(Public)

Sponsors:

Referred to:

May 4, 2016

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAW REGARDING SEX OFFENDERS ON CERTAIN PREMISES
TO ADDRESS THE RULING IN *DOE V. COOPER*.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-208.18 reads as rewritten:
"§ 14-208.18. Sex offender unlawfully on premises.

(a) It shall be unlawful for any person required to register under this Article, if the offense requiring registration is described in subsection (c) of this section, to knowingly be at any of the following locations:

- (1) On the premises of any place intended primarily for the use, care, or supervision of minors, including, but not limited to, schools, children's museums, child care centers, nurseries, and playgrounds.
- (2) Within 300 feet of any location intended primarily for the use, care, or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors, including, but not limited to, places described in subdivision (1) of this subsection that are located in malls, shopping centers, or other property open to the general public.
- (3) At any place where minors ~~gather for regularly scheduled educational, recreational, or social programs~~ frequently congregate, including, but not limited to, arcades, amusement parks, recreation parks, and swimming pools, when minors are present.

(b) Notwithstanding any provision of this section, a person subject to subsection (a) of this section who is the parent or guardian of a minor may take the minor to any location that can provide emergency medical care treatment if the minor is in need of emergency medical care.

(c) ~~Subsection The subdivisions of subsection (a) of this section is are applicable only to persons required to register under this Article who have committed any of the following offenses:~~ as follows:

- (1) Subdivisions (1) and (3) of subsection (a) of this section apply to persons required to register under this Article who have committed any of the following offenses:
 - a. Any offense in Article 7B of this Chapter or any federal offense or offense committed in another state, which if committed in this State, is substantially similar to an offense in Article 7B of this Chapter.



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- 1 ~~(2)b.~~ Any offense where the victim of the offense was under the age of ~~16-18~~
2 years at the time of the offense.
- 3 (2) Subdivision (2) of subsection (a) of this section applies to persons required to
4 register under this Article if either of the following applies:
- 5 a. The person has committed any offense in Article 7B of this Chapter or
6 any federal offense or offense committed in another state, which if
7 committed in this State is substantially similar to an offense in Article
8 7B of this Chapter, and a finding has been made in any criminal or civil
9 proceeding that the person presents, or may present, a danger to minors
10 under the age of 18.
- 11 b. The person has committed any offense where the victim of the offense
12 was under the age of 18 years at the time of the offense.
- 13 (d) A person subject to subsection (a) of this section who is a parent or guardian of a
14 student enrolled in a school may be present on school property if all of the following conditions
15 are met:
- 16 (1) The parent or guardian is on school property for the purpose for one of the
17 following:
- 18 a. To attend a conference at the school with school personnel to discuss
19 the academic or social progress of the parents' or guardians' child; or
- 20 b. The presence of the parent or guardian has been requested by the
21 principal or his or her designee for any other reason relating to the
22 welfare or transportation of the child.
- 23 (2) The parent or guardian complies with all of the following:
- 24 a. Notice: The parent or guardian shall notify the principal of the school of
25 the parents' or guardians' registration under this Article and of his or her
26 presence at the school unless the parent or guardian has permission to be
27 present from the superintendent or the local board of education, or the
28 principal has granted ongoing permission for regular visits of a routine
29 nature. If permission is granted by the superintendent or the local board
30 of education, the superintendent or chairman of the local board of
31 education shall inform the principal of the school where the parents' or
32 guardians' will be present. Notification includes the nature of the
33 parents' or guardians' visit and the hours when the parent or guardian
34 will be present at the school. The parent or guardian is responsible for
35 notifying the principal's office upon arrival and upon departure. Any
36 permission granted under this sub-subdivision shall be in writing.
- 37 b. Supervision: At all times that a parent or guardian is on school property,
38 the parent or guardian shall remain under the direct supervision of
39 school personnel. A parent or guardian shall not be on school property
40 even if the parent or guardian has ongoing permission for regular visits
41 of a routine nature if no school personnel are reasonably available to
42 supervise the parent or guardian on that occasion.
- 43 (e) A person subject to subsection (a) of this section who is eligible to vote may be present
44 at a location described in subsection (a) used as a voting place as defined by G.S. 163-165 only for
45 the purposes of voting and shall not be outside the voting enclosure other than for the purpose of
46 entering and exiting the voting place. If the voting place is a school, then the person subject to
47 subsection (a) shall notify the principal of the school that he or she is registered under this Article.
- 48 (f) A person subject to subsection (a) of this section who is eligible under G.S. 115C-378
49 to attend public school may be present on school property if permitted by the local board of
50 education pursuant to G.S. 115C-390.11(a)(2).

(g) A juvenile subject to subsection (a) of this section may be present at a location described in that subsection if the juvenile is at the location to receive medical treatment or mental health services and remains under the direct supervision of an employee of the treating institution at all times.

(g1) Notwithstanding any provision of this section, a person subject to subsection (a) of this section who is required to wear an electronic monitoring device shall wear an electronic monitoring device that provides exclusion zones around the premises of all elementary and secondary schools in North Carolina.

(h) A violation of this section is a Class H felony."

SECTION 2. The changes made in Section 2 of this act are effective unless either or both of the decisions of the United States District Court for the Middle District of North Carolina holding G.S. 14-208.18(a)(2) and G.S. 14-408.18(a)(3) unconstitutional, as they existed prior to the enactment of this act, are reversed, enjoined, made inoperable, or made ineffective by a higher court on appeal, in which case the prior versions of the statute to which the decision pertained is again effective.

SECTION 3. This act becomes effective September 1, 2016, and applies to offenses committed on or after that date.