

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1896
Corrected Copy 5/17/06

Short Title: Sex Offender Registration Changes. (Public)

Sponsors: Representatives Goforth, Ray, Glazier, Farmer-Butterfield (Primary Sponsors); B. Allen, L. Allen, Brown, Clary, Coates, England, Faison, Fisher, Frye, Grady, Harrison, Hilton, Holloway, Hollo, Ed Jones, Luebke, McGee, Moore, Pate, Preston, Rapp, Setzer, Sherrill, Starnes, Steen, Stiller, Sutton, Underhill, Vinson, Weiss, Wiley, and Wray.

Referred to: Judiciary IV.

May 11, 2006

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE LAWS REGARDING THE SEX OFFENDER AND
3 PUBLIC PROTECTION REGISTRATION PROGRAMS AND TO MAKE
4 CHANGES TO OTHER STATUTES REGARDING SEX OFFENDERS, AS
5 RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX
6 OFFENDER REGISTRATION LAWS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** G.S. 14-208.6(5) reads as rewritten:

9 "(5) 'Sexually violent offense' means a violation of G.S. 14-27.2 (first
10 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first
11 degree sexual offense), G.S. 14-27.5 (second degree sexual offense),
12 G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual
13 offense), G.S. 14-27.7 (intercourse and sexual offense with certain
14 victims), G.S. 14-27.7A (statutory rape or sexual offense of person
15 who is 13, 14, or 15 years old), G.S. 14-178 (incest between near
16 relatives), G.S. 14-190.6 (employing or permitting minor to assist in
17 offenses against public morality and decency), G.S. 14-190.9(a1)
18 (felonious indecent exposure), G.S. 14-190.16 (first degree sexual
19 exploitation of a minor), G.S. 14-190.17 (second degree sexual
20 exploitation of a minor), G.S. 14-190.17A (third degree sexual
21 exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a
22 minor), G.S. 14-190.19 (participating in the prostitution of a minor),
23 G.S. 14-202.1 (taking indecent liberties with children), or
24 G.S. 14-202.3 (Solicitation of child by computer to commit an
25 unlawful sex act). The term also includes the following: a solicitation

1 or conspiracy to commit any of these offenses; aiding and abetting any
2 of these offenses."

3 **SECTION 1.(b)** This section becomes effective December 1, 2006, and
4 applies to offenses committed on or after that date.

5 **SECTION 2.(a)** G.S. 14-208.6A reads as rewritten:

6 "**§ 14-208.6A. Lifetime registration requirements for criminal offenders.**

7 It is the objective of the General Assembly to establish a 10 year registration
8 requirement for persons convicted of certain offenses against minors or sexually violent
9 offenses. It is the further objective of the General Assembly to establish a more
10 stringent set of registration requirements for recidivists, persons who commit
11 aggravated offenses, and for a subclass of highly dangerous sex offenders who are
12 determined by a sentencing court with the assistance of a board of experts to be sexually
13 violent predators.

14 To accomplish this objective, there are established two registration programs: the
15 Sex Offender and Public Protection Registration Program and the Sexually Violent
16 Predator Registration Program. Any person convicted of an offense against a minor or
17 of a sexually violent offense as defined by this Article shall register in person as an
18 offender in accordance with Part 2 of this Article. Any person who is a recidivist, who
19 commits an aggravated offense, or who is determined to be a sexually violent predator
20 shall register in person as such in accordance with Part 3 of this Article.

21 The information obtained under these programs shall be immediately shared with the
22 appropriate local, State, federal, and out-of-state law enforcement officials and penal
23 institutions. In addition, the information designated under G.S. 14-208.10(a) as public
24 record shall be readily available to and accessible by the public. However, the identity
25 of the victim is not public record and shall not be released as a public record."

26 **SECTION 2.(b)** This section becomes effective December 1, 2006.

27 **SECTION 3.(a)** G.S. 14-208.6B reads as rewritten:

28 "**§ 14-208.6B. Registration requirements for juveniles transferred to and convicted**
29 **in superior court.**

30 A juvenile transferred to superior court pursuant to G.S. 7B-2200 who is convicted
31 of a sexually violent offense or an offense against a minor as defined in G.S. 14-208.6
32 shall register in person in accordance with this Article just as an adult convicted of the
33 same offense must register."

34 **SECTION 3.(b)** This section becomes effective December 1, 2006.

35 **SECTION 4.(a)** G.S. 14-208.7 is amended by adding a new subsection to
36 read:

37 "(a2) A person required to register pursuant to subsection (a) of this section and
38 who is employed or carries on a vocation in a county in the State other than the county
39 in which the person resides, on a part-time or full-time basis, with or without
40 compensation or government or educational benefit, for more than 10 business days
41 within a 30-day period, or for an aggregate period exceeding 30 days in a calendar year,
42 shall maintain registration with the sheriff of the county where the person works. In
43 addition to the information required under subsection (b) of this section, the person shall

1 also provide information regarding the person's place of employment and the person's
2 address in his or her county of residence."

3 **SECTION 4.(b)** This section becomes effective December 1, 2006, and
4 applies to offenses committed on or after that date.

5 **SECTION 5.(a)** G.S. 14-208.7 is amended by adding a new subsection to
6 read:

7 "(d) No fee shall be required to register when a person first registers as required
8 under this section. After the initial registration required for an offense or offenses, a
9 registrant shall pay a civil fee of one hundred dollars (\$100.00) annually to the sheriff
10 with whom the person is registered. If a registrant's county of registration changes prior
11 to the annual due date of the fee, the registrant shall pay the fee at the time of
12 registration in the new county and then annually thereafter. The fee shall be retained by
13 the sheriff and shall be used by the sheriff for the administration of this Article. Inability
14 to pay the required fee shall not relieve the person from the requirement to register
15 pursuant to this section. Collection of unpaid fees shall be through civil process."

16 **SECTION 5.(b)** This section becomes effective December 1, 2006, and
17 applies to all persons registered or required to register on or after that date.

18 **SECTION 6.(a)** G.S. 14-208.7 is amended by adding a new subsection to
19 read:

20 "(e) Any person required to register under this section shall report in person at the
21 appropriate sheriff's office to comply with the registration requirements set out in this
22 section."

23 **SECTION 6.(b)** This section becomes effective December 1, 2006.

24 **SECTION 7.(a)** G.S. 14-208.9 reads as rewritten:

25 "**§ 14-208.9. Change of address; change of academic status or educational**
26 **employment status.**

27 (a) If a person required to register changes address, the person shall report in
28 person and provide written notice of the new address not later than the tenth day after
29 the change to the sheriff of the county with whom the person had last registered. Upon
30 receipt of the notice, the sheriff shall immediately forward this information to the
31 Division. If the person moves to another county in this State, he or she shall report in
32 person to the sheriff of the new county as well as the sheriff of the county from which
33 the person had last registered not later than the tenth day after moving to the new county
34 and provide written notice of the new address. ~~the~~ When the Division receives
35 information that a person is moving from one county to another county in this State, the
36 Division shall inform the sheriff of the new county of the person's new residence.

37 (b) If a person required to register moves to another state, the person shall
38 provide written notice of the new address not later than 10 days after the change to the
39 sheriff of the county with whom the person had last registered. The person shall report
40 in person to provide the written notice. Upon receipt of the notice, the sheriff shall
41 ~~notify~~ inform the person that the person must comply with the registration requirements
42 in the new state of residence. The sheriff shall also immediately forward the change of
43 address information to the Division, and the Division shall inform the appropriate state
44 official in the state to which the registrant moves of the person's new address.

1 (c) If a person required to register changes his or her academic status either by
2 enrolling as a student or by terminating enrollment as a student, then the person shall
3 report in person to the sheriff of the county with whom the person registered and
4 provide written notice of the person's new status not later than the tenth day after the
5 change to the sheriff of the county with whom the person registered. The written notice
6 shall include the name and address of the institution of higher education at which the
7 student is or was enrolled. Upon receipt of the notice, the sheriff shall immediately
8 forward this information to the Division.

9 (d) If a person required to register changes his or her employment status either by
10 obtaining employment at an institution of higher education or by terminating
11 employment at an institution of higher education, then the person shall report in person
12 to the sheriff of the county with whom the person registered and provide written notice
13 of the person's new status not later than the tenth day after the change to the sheriff of
14 the county with whom the person registered. The written notice shall include the name
15 and address of the institution of higher education at which the person is or was
16 employed. Upon receipt of the notice, the sheriff shall immediately forward this
17 information to the Division."

18 **SECTION 7.(b)** This section becomes effective December 1, 2006.

19 **SECTION 8.(a)** G.S. 14-208.9A reads as rewritten:

20 "**§ 14-208.9A. Verification of registration information.**

21 (a) The information in the county registry shall be verified annually for each
22 registrant as follows:

- 23 (1) Every year on the anniversary of a person's initial registration date, the
24 Division shall mail a nonforwardable verification form to the last
25 reported address of the ~~person~~ person and shall also notify the sheriff
26 of the county of the offender's last reported address that the
27 verification form has been mailed.
- 28 (2) The person shall return the verification form in person to the sheriff
29 within 10 days after the receipt of the form.
- 30 (3) The verification form shall be signed by the person and shall indicate
31 whether the person still resides at the address last reported to the
32 sheriff. If the person has a different address, then the person shall
33 indicate that fact and the new address.
- 34 (3a) The person shall include a current photograph of himself or herself
35 with the verification form. The photograph must be easy to view and
36 must provide a true and accurate likeness of the offender. If, in the
37 sheriff's discretion, the photograph does not satisfy that criterion then
38 the sheriff may take a photograph of the offender to include with the
39 verification form.
- 40 (4) If the person fails to return the verification form in person to the sheriff
41 within 10 days after receipt of the form, the person is subject to the
42 penalties provided in G.S. 14-208.11. If the ~~verification form is~~
43 ~~returned to the sheriff as undeliverable,~~ person fails to report in person
44 and provide the written verification as provided by this section, the

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

7 (b) A sheriff may require that a person verify his or her information in the sex
8 offender registry more frequently than required by this Article. A sheriff may also
9 require that a person provide an updated photograph of himself or herself, if, in the
10 sheriff's discretion, the current photograph is difficult to view or no longer provides a
11 true and accurate likeness of the person. If the person refuses to provide a photograph,
12 then the sheriff may take a photograph of the person to be included with the person's
13 registration information."

14 **SECTION 8.(b)** This section becomes effective December 1, 2006.

15 **SECTION 9.(a)** G.S. 14-208.11(a) reads as rewritten:

16 "(a) A person required by this Article to register who does any of the following is
17 guilty of a Class F felony:

- 18 (1) Fails to ~~register~~ register as required by this Article.
- 19 (2) Fails to notify the last registering sheriff of a change of
20 ~~address~~ address as required by this Article.
- 21 (3) Fails to return a verification notice as required under G.S. 14-208.9A.
- 22 (4) Forges or submits under false pretenses the information or verification
23 notices required under this Article.
- 24 (5) Fails to inform the registering sheriff of enrollment or termination of
25 enrollment as a student.
- 26 (6) Fails to inform the registering sheriff of employment at an institution
27 of higher education or termination of employment at an institution of
28 higher education."

29 **SECTION 9.(b)** This section becomes effective December 1, 2006, and
30 applies to offenses committed on or after that date.

31 **SECTION 10.(a)** G.S. 14-208.12A reads as rewritten:

32 "**§ 14-208.12A. Termination of registration requirement.**

33 (a) The requirement that a person register under this Part automatically
34 terminates 10 years from the date of initial county registration if the person has
35 complied with the provisions of this Article during the 10-year registration period and
36 the person has not been convicted of a subsequent offense requiring registration under
37 this Article.

38 (b) If there is a subsequent offense, the county registration records shall be
39 retained until the registration requirement for the subsequent offense is terminated.

40 (c) If a person failed to comply with the provisions of this Article during the
41 10-year registration period, the District Attorney in the jurisdiction in which the person
42 resides or the Attorney General may petition the court not to terminate the registration
43 requirement and to require the person to continue to maintain registration under the
44 provisions of this Article for an additional 10-years. If the court finds that the person has

1 willfully failed to comply with the provisions of this Article during the 10-year
2 registration period, the court may grant the petition not to terminate the registration and
3 shall enter an order requiring the person to continue to maintain the registration
4 requirements for an additional period of 10 years."

5 **SECTION 10.(b)** This section becomes effective December 1, 2006, and
6 applies to persons for whom the period of registration would terminate on or after that
7 date.

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

10 **"§ 14-208.16. Residential and work restrictions.**

11 (a) A person required to register under this Part, or Part 2 of this Article, shall not
12 knowingly reside or work within 1,000 feet of the property on which any public school,
13 private or parochial school, licensed day care center, any other child care facility, public
14 swimming pool, or private swimming pool is located.

15 (b) As used in this section, 'school' does not include institutions of higher
16 education.

17 (c) As used in this section, 'private swimming pool' does not include swimming
18 pools located at a private residence.

19 (d) This section does not apply to licensed day care centers or other child care
20 facilities that are located on, or within 1,000 feet of the property of an institution of
21 higher education where the registrant is a student or is employed.

22 (e) Changes in the ownership or use of a person or entity that occupies property
23 within 1,000 feet of a registrant's registered address, which occur after a registrant
24 establishes residency or accepts employment shall not form the basis for finding that an
25 offender is in violation of the residence restrictions of this section. For purposes of this
26 subsection, residency is established when the registrant purchases the residency or
27 enters into a written lease contract for the residency.

28 (f) Violation of this section is a Class F Felony."

29 **SECTION 11.(b)** This section becomes effective December 1, 2006, and
30 applies to all persons registered or required to register on or after that date. This section
31 does not apply to persons who have established a residence prior to the effective date of
32 this act by purchasing the residency or entering into a written lease contract for the
33 residency. Residences established through a written lease contract prior to the effective
34 date of this act may not be continued beyond the definite period of time specified in the
35 lease at its execution.

36 **SECTION 12.(a)** G.S. 14-27.1(5) reads as rewritten:

37 "(5) 'Sexual contact' means (i) touching the sexual organ, anus, breast,
38 groin, or buttocks of any person, ~~or~~ (ii) a person touching another
39 person with their own sexual organ, anus, breast, groin, or
40 ~~buttocks~~ buttocks, or (iii) a person ejaculating, emitting, or placing
41 semen, urine, or feces upon any part of another person."

42 **SECTION 12.(b)** This section becomes effective December 1, 2006, and
43 applies to offenses committed on or after that date.

44 **SECTION 13.** This act is effective when it becomes law.