

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH80187-LH-84 (01/25)

Short Title: Jessica Lunsford Act for NC.

(Public)

Sponsors: Representatives Howard, Clary, Moore, and Thomas (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE THAT CERTAIN CRIMINAL OFFENSES OF RAPE OR
3 FIRST-DEGREE SEXUAL OFFENSE COMMITTED AGAINST A CHILD ARE
4 PUNISHABLE BY EITHER LIFE IMPRISONMENT WITHOUT PAROLE OR A
5 MANDATORY ACTIVE SENTENCE OF TWENTY-FIVE YEARS AND
6 LIFETIME SATELLITE-BASED MONITORING, TO CREATE THE CRIMINAL
7 OFFENSE OF LEWD OR LASCIVIOUS MOLESTATION OF A CHILD TO BE
8 PUNISHABLE BY LIFE IMPRISONMENT WITHOUT PAROLE OR A
9 MANDATORY ACTIVE SENTENCE OF TWENTY-FIVE YEARS AND
10 LIFETIME SATELLITE-BASED MONITORING, TO INCREASE THE
11 CRIMINAL PENALTIES FOR SEXUAL EXPLOITATION OF A MINOR AND
12 PROMOTING PROSTITUTION OF A MINOR, TO AMEND THE SEX
13 OFFENDER REGISTRATION REQUIREMENTS TO BE MORE STRINGENT,
14 TO REQUIRE COMMUNITY NOTIFICATION REGARDING THE PRESENCE
15 OF A SEXUALLY VIOLENT PREDATOR OR REPEAT SEX OFFENDER IN
16 THE AREA, TO AMEND THE LAW REGARDING BAIL FOR VIOLATIONS
17 OF PROBATION AND POST-RELEASE SUPERVISION, TO CREATE A NEW
18 CRIMINAL OFFENSE THAT MAKES IT UNLAWFUL FOR A SEX OFFENDER
19 TO BE ON CERTAIN PREMISES INCLUDING THOSE WHERE A
20 REASONABLE PERSON WOULD KNOW CHILDREN REGULARLY
21 CONGREGATE, AND TO REQUIRE CRIMINAL BACKGROUND CHECKS OF
22 CONTRACTUAL PERSONNEL BEFORE ALLOWING THEM TO GO ON
23 SCHOOL GROUNDS, HAVE DIRECT CONTACT WITH STUDENTS, OR
24 HAVE ACCESS TO SCHOOL FUNDS.

25 The General Assembly of North Carolina enacts:

26 **SECTION 1.** G.S. 14-27.2 reads as rewritten:

27 "§ 14-27.2. **First-degree rape.**

1 (a) A person is guilty of rape in the first degree if the person engages in vaginal
2 intercourse:

- 3 (1) With a victim who is a child under the age of 13 years and the
4 defendant is at least 12 years old and is at least four years older than
5 the victim; or
6 (2) With another person by force and against the will of the other person,
7 and:
8 a. Employs or displays a dangerous or deadly weapon or an article
9 which the other person reasonably believes to be a dangerous or
10 deadly weapon; or
11 b. Inflicts serious personal injury upon the victim or another
12 person; or
13 c. The person commits the offense aided and abetted by one or
14 more other persons.

15 (a1) A person is guilty of rape in the first degree if the person is at least 18 years
16 of age and engages in vaginal intercourse with a victim who is a child under the age of
17 13 years.

18 (b) Any person who commits an offense defined in subsection (a) of this section
19 is guilty of a Class B1 felony.

20 (b1) Any person who commits an offense defined in subsection (a1) of this section
21 is guilty of a Class B1 felony. Notwithstanding G.S. 15A-1340.1 or any other provision
22 of law, the court, in its discretion, shall impose one of the following sentences on a
23 person convicted of an offense under subsection (a1) of this section:

24 (1) Life imprisonment without parole; or

25 (2) Twenty-five years mandatory active punishment to be followed by
26 satellite-based monitoring for life pursuant to Part 5 of Article 27A of
27 Chapter 14 of the General Statutes.

28 (c) Upon conviction, a person convicted under this section has no rights to
29 custody of or rights of inheritance from any child born as a result of the commission of
30 the rape, nor shall the person have any rights related to the child under Chapter 48 or
31 Subchapter 1 of Chapter 7B of the General Statutes."

32 **SECTION 2.** G.S. 14-27.4 reads as rewritten:

33 **"§ 14-27.4. First-degree sexual offense.**

34 (a) A person is guilty of a sexual offense in the first degree if the person engages
35 in a sexual act:

- 36 (1) With a victim who is a child under the age of 13 years and the
37 defendant is at least 12 years old and is at least four years older than
38 the victim; or
39 (2) With another person by force and against the will of the other person,
40 and:
41 a. Employs or displays a dangerous or deadly weapon or an article
42 which the other person reasonably believes to be a dangerous or
43 deadly weapon; or

- 1 b. Inflicts serious personal injury upon the victim or another
2 person; or
3 c. The person commits the offense aided and abetted by one or
4 more other persons.

5 (a1) A person is guilty of sexual offense in the first degree if the person is at least
6 18 years of age and engages in a sexual act with a victim who is a child under the age of
7 13 years.

8 (b) Any person who commits an offense defined in subsection (a) of this section
9 is guilty of a Class B1 felony.

10 **(b1) Any person who commits an offense defined in subsection (a1) of this section**
11 **is guilty of a Class B1 felony. Notwithstanding G.S. 15A-1340.1 or any other provision**
12 **of law, the court, in its discretion, shall impose one of the following sentences on a**
13 **person convicted of an offense under subsection (a1) of this section:**

14 (1) Life imprisonment without parole; or

15 (2) Twenty-five years mandatory active punishment to be followed by
16 satellite-based monitoring for life pursuant to Part 5 of Article 27A of
17 Chapter 14 of the General Statutes."

18 **SECTION 3.** G.S. 14-190.16(d) reads as rewritten:

19 "(d) Punishment and Sentencing. – Violation of this section is a ~~Class D~~
20 ~~felony.~~Class C felony."

21 **SECTION 4.** G.S. 14-190.17(d) reads as rewritten:

22 "(d) Punishment and Sentencing. – Violation of this section is a ~~Class F~~
23 ~~felony.~~Class D felony."

24 **SECTION 5.** G.S. 14-190.17A(d) reads as rewritten:

25 "(d) Punishment and Sentencing. – Violation of this section is a ~~Class I~~
26 ~~felony.~~Class E felony."

27 **SECTION 6.** G.S. 14-190.18(c) reads as rewritten:

28 "(c) Punishment and Sentencing. – Violation of this section is a ~~Class D~~
29 ~~felony.~~Class C felony."

30 **SECTION 7.** Article 26 of Chapter 14 of the General Statutes is amended by
31 adding a new section to read:

32 **"§ 14-202.5. Lewd or lascivious molestation of a child.**

33 (a) Offense. – Any person who is 18 years of age or older who intentionally
34 touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or
35 the clothing covering them, of a person less than 12 years of age, or forces or entices a
36 person under 12 years of age to so touch the perpetrator, is guilty of a Class B1 felony
37 punishable as provided in subsection (b) of this section.

38 (b) Penalty. – Notwithstanding G.S. 15A-1340.17, the court shall impose either
39 of the following sentences for a violation of subsection (a) of this section:

40 (1) Life imprisonment without parole; or

41 (2) A term of 25 years of active punishment followed by post-release
42 supervision with satellite-based monitoring for the duration of the
43 defendant's natural life. When the court imposes a sentence under this
44 subdivision, the court shall order the following: (i) that the person

1 serve an active punishment of 25 years; (ii) that the person enroll in the
2 satellite-based monitoring program upon being placed on post-release
3 supervision; and (iii) that upon completion of post-release supervision,
4 the person shall continue to be enrolled in the satellite-based
5 monitoring program for the person's life and shall be placed on
6 unsupervised probation for the person's life, unless the requirement
7 that the person enroll in a satellite-based monitoring program is
8 terminated pursuant to G.S. 14-208.43."

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

10 "(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first
11 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first
12 degree sexual offense), G.S. 14-27.5 (second degree sexual offense),
13 G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual
14 offense), G.S. 14-27.7 (intercourse and sexual offense with certain
15 victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person
16 who is 13-, 14-, or 15-years-old where the defendant is at least six
17 years older), G.S. 14-43.13 (subjecting or maintaining a person for
18 sexual servitude), G.S. 14-178 (incest between near relatives),
19 G.S. 14-190.6 (employing or permitting minor to assist in offenses
20 against public morality and decency), G.S. 14-190.9(a1)(felonious
21 indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of
22 a minor), G.S. 14-190.17 (second degree sexual exploitation of a
23 minor), G.S. 14-190.17A (third degree sexual exploitation of a minor),
24 G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19
25 (participating in the prostitution of a minor), G.S. 14-202.1 (taking
26 indecent liberties with children), or G.S. 14-202.3 (Solicitation of child
27 by computer to commit an unlawful sex ~~act~~act), or G.S. 14-202.5
28 (lewd or lascivious molestation). The term also includes the following:
29 a solicitation or conspiracy to commit any of these offenses; aiding and
30 abetting any of these offenses."

31 **SECTION 9.** G.S. 14-208.6A reads as rewritten:

32 "**§ 14-208.6A. Lifetime registration requirements for criminal offenders.**

33 It is the objective of the General Assembly to establish a ~~10-year~~ 30-year registration
34 requirement for persons convicted of certain offenses against minors or sexually violent
35 offenses. It is the further objective of the General Assembly to establish a more
36 stringent set of registration requirements for recidivists, persons who commit
37 aggravated offenses, and for a subclass of highly dangerous sex offenders who are
38 determined by a sentencing court with the assistance of a board of experts to be sexually
39 violent predators.

40 To accomplish this objective, there are established two registration programs: the
41 Sex Offender and Public Protection Registration Program and the Sexually Violent
42 Predator Registration Program. Any person convicted of an offense against a minor or
43 of a sexually violent offense as defined by this Article shall register in person as an
44 offender in accordance with Part 2 of this Article. Any person who is a recidivist, who

1 commits an aggravated offense, or who is determined to be a sexually violent predator
2 shall register in person as such in accordance with Part 3 of this Article.

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

8 **SECTION 10.** G.S. 14-208.7 reads as rewritten:

9 **"§ 14-208.7. Registration.**

10 (a) A person who is a State resident and who has a reportable conviction shall be
11 required to maintain registration with the sheriff of the county where the person resides.
12 If the person moves to North Carolina from outside this State, the person shall register
13 within ~~10 days~~ 48 hours of establishing residence in this State, or whenever the person
14 has been present in the State for 15 days, whichever comes first. If the person is a
15 current resident of North Carolina, the person shall register:

- 16 (1) Within ~~10 days~~ 48 hours of release from a penal institution or arrival in
17 a county to live outside a penal institution; or
18 (2) Immediately upon conviction for a reportable offense where an active
19 term of imprisonment was not imposed.

20 Registration shall be maintained for a period of at least ~~10 years~~ 30 years following the
21 date of initial county registration.

22 (a1) A person who is a nonresident student or a nonresident worker and who has a
23 reportable conviction, or is required to register in the person's state of residency, is
24 required to maintain registration with the sheriff of the county where the person works
25 or attends school. In addition to the information required under subsection (b) of this
26 section, the person shall also provide information regarding the person's school or place
27 of employment as appropriate and the person's address in his or her state of residence.

28 (b) The Division shall provide each sheriff with forms for registering persons as
29 required by this Article. The registration form shall require:

- 30 (1) The person's full name, each alias, date of birth, sex, race, height,
31 weight, eye color, hair color, drivers license number, and home
32 address;
33 (2) The type of offense for which the person was convicted, the date of
34 conviction, and the sentence imposed;
35 (3) A current photograph;
36 (4) The person's fingerprints;
37 (5) A statement indicating whether the person is a student or expects to
38 enroll as a student within a year of registering. If the person is a
39 student or expects to enroll as a student within a year of registration,
40 then the registration form shall also require the name and address of
41 the educational institution at which the person is a student or expects
42 to enroll as a student; and
43 (6) A statement indicating whether the person is employed or expects to
44 be employed at an institution of higher education within a year of

1 registering. If the person is employed or expects to be employed at an
2 institution of higher education within a year of registration, then the
3 registration form shall also require the name and address of the
4 educational institution at which the person is or expects to be
5 employed.

6 The sheriff shall photograph the individual at the time of registration and take
7 fingerprints from the individual at the time of registration both of which will be kept as
8 part of the registration form. The registrant will not be required to pay any fees for the
9 photograph or fingerprints taken at the time of registration.

10 (c) When a person registers, the sheriff with whom the person registered shall
11 immediately send the registration information to the Division in a manner determined
12 by the Division. The sheriff shall retain the original registration form and other
13 information collected and shall compile the information that is a public record under
14 this Part into a county registry.

15 (d) Any person required to register under this section shall report in person at the
16 appropriate sheriff's office to comply with the registration requirements set out in this
17 section. The sheriff shall provide the registrant with written proof of registration at the
18 time of registration."

19 **SECTION 11.** G.S. 14-208.9 reads as rewritten:

20 "**§ 14-208.9. Change of address; change of academic status or educational**
21 **employment status.**

22 (a) If a person required to register changes address, the person shall report in
23 person and provide written notice of the new address not later than ~~the tenth day~~ 48
24 hours after the change to the sheriff of the county with whom the person had last
25 registered. Upon receipt of the notice, the sheriff shall immediately forward this
26 information to the Division. If the person moves to another county in this State, the
27 Division shall inform the sheriff of the new county of the person's new residence.

28 (b) If a person required to register intends to move to another state, the person
29 shall report in person to the sheriff of the county of current residence at least ~~10 days~~ 48
30 hours before the date the person intends to leave this State to establish residence in
31 another state or jurisdiction. The person shall provide to the sheriff a written notification
32 that includes all of the following information: the address, municipality, county, and
33 state of intended residence.

34 (1) If it appears to the sheriff that the record photograph of the sex
35 offender no longer provides a true and accurate likeness of the sex
36 offender, then the sheriff shall take a photograph of the offender to
37 update the registration.

38 (2) The sheriff shall inform the person that the person must comply with
39 the registration requirements in the new state of residence. The sheriff
40 shall also immediately forward the information included in the
41 notification to the Division, and the Division shall inform the
42 appropriate state official in the state to which the registrant moves of
43 the person's notification and new address.

1 (b1) A person who indicates his or her intent to reside in another state or
2 jurisdiction and later decides to remain in this State shall, within ~~10 days~~48 hours after
3 the date upon which the person indicated he or she would leave this State, report in
4 person to the sheriff's office to which the person reported the intended change of
5 residence, of his or her intent to remain in this State. If the sheriff is notified by the
6 sexual offender that he or she intends to remain in this State, the sheriff shall promptly
7 report this information to the Division.

8 (c) If a person required to register changes his or her academic status either by
9 enrolling as a student or by terminating enrollment as a student, then the person shall,
10 within ~~10 days~~48 hours report in person to the sheriff of the county with whom the
11 person registered and provide written notice of the person's new status. The written
12 notice shall include the name and address of the institution of higher education at which
13 the student is or was enrolled. The sheriff shall immediately forward this information to
14 the Division.

15 (d) If a person required to register changes his or her employment status either by
16 obtaining employment at an institution of higher education or by terminating
17 employment at an institution of higher education, then the person shall, within ~~10~~
18 ~~days~~48 hours report in person to the sheriff of the county with whom the person
19 registered and provide written notice of the person's new status not later than the tenth
20 day after the change to the sheriff of the county with whom the person registered. The
21 written notice shall include the name and address of the institution of higher education
22 at which the person is or was employed. The sheriff shall immediately forward this
23 information to the Division."

24 **SECTION 12.** G.S. 14-208.9A reads as rewritten:

25 "**§ 14-208.9A. Verification of registration information.**

26 (a) The information in the county registry shall be verified semiannually for each
27 registrant as follows:

- 28 (1) Every year on the anniversary of a person's initial registration date, and
29 again six months after that date, the Division shall mail a
30 nonforwardable verification form to the last reported address of the
31 person.
- 32 (2) The person shall return the verification form in person to the sheriff
33 within ~~10 days~~48 hours after the receipt of the form.
- 34 (3) The verification form shall be signed by the person and shall indicate
35 whether the person still resides at the address last reported to the
36 sheriff. If the person has a different address, then the person shall
37 indicate that fact and the new address.
- 38 (3a) If it appears to the sheriff that the record photograph of the sex
39 offender no longer provides a true and accurate likeness of the sex
40 offender, then the sheriff shall take a photograph of the offender to
41 include with the verification form.
- 42 (4) If the person fails to return the verification form in person to the sheriff
43 within ~~10 days~~48 hours after receipt of the form, the person is subject
44 to the penalties provided in G.S. 14-208.11. If the person fails to report

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

8 (b) Additional Verification May Be Required. – During the period that an
9 offender is required to be registered under this Article, the sheriff is authorized to
10 attempt to verify that the offender continues to reside at the address last registered by
11 the offender.

12 (c) Additional Photograph May Be Required. – If it appears to the sheriff that the
13 current photograph of the sex offender no longer provides a true and accurate likeness
14 of the sex offender, upon in-person notice from the sheriff, the sex offender shall allow
15 the sheriff to take another photograph of the sex offender at the time of the sheriff's
16 request. If requested by the sheriff, the sex offender shall appear in person at the
17 sheriff's office during normal business hours within ~~72 hours~~48 hours of being
18 requested to do so and shall allow the sheriff to take another photograph of the sex
19 offender. A person who willfully fails to comply with this subsection is guilty of a Class
20 1 misdemeanor."

21 **SECTION 13.** G.S. 14-208.12A reads as rewritten:

22 **"§ 14-208.12A. Request for termination of registration requirement.**

23 (a) A person required to register under this Part may petition the superior court in
24 the district where the person resides to terminate the registration requirement ~~40 years~~
25 30 years from the date of initial county registration if the person has not been convicted
26 of a subsequent offense requiring registration under this Article.

27 (a1) The court may grant the relief if:

- 28 (1) The petitioner demonstrates to the court that he or she has not been
29 arrested for any crime that would require registration under this Article
30 since completing the sentence,
- 31 (2) The requested relief complies with the provisions of the federal Jacob
32 Wetterling Act, as amended, and any other federal standards applicable
33 to the termination of a registration requirement or required to be met as
34 a condition for the receipt of federal funds by the State, and
- 35 (3) The court is otherwise satisfied that the petitioner is not a current or
36 potential threat to public safety.

37 (a2) The district attorney in the district in which the petition is filed shall be given
38 notice of the petition at least three weeks before the hearing on the matter. The
39 petitioner may present evidence in support of the petition and the district attorney may
40 present evidence in opposition to the requested relief or may otherwise demonstrate the
41 reasons why the petition should be denied.

42 (a3) If the court denies the petition, the person may again petition the court for
43 relief in accordance with this section one year from the date of the denial of the original
44 petition to terminate the registration requirement. If the court grants the petition to

1 terminate the registration requirement, the clerk of court shall forward a certified copy
2 of the order to the Division to have the person's name removed from the registry.

3 (b) If there is a subsequent offense, the county registration records shall be
4 retained until the registration requirement for the subsequent offense is terminated by
5 the court under subsection (a1) of this section."

6 **SECTION 14.** Article 27A of Chapter 14 of the General Statutes is amended
7 by adding a new section to read:

8 "**§ 14-208.18. Unlawful for sex offender to be on certain premises where children**
9 **are or where a reasonable person knows that children regularly**
10 **congregate.**

11 (a) It is unlawful for any person convicted of an offense that requires registration
12 under this Article to be on the premises of any of the following: a school, child care
13 center, park, playground, children's museum, library, business that a reasonable person
14 knows is a place where children regularly congregate, or any other facility that a
15 reasonable person knows is a place where children regularly congregate.

16 (b) A violation of this section is a Class F felony."

17 **SECTION 15.** Article 27A of Chapter 14 of the General Statutes is amended
18 by adding a new section to read:

19 "**§ 14-208.25A. Community and public notification.**

20 (a) Law enforcement agencies shall inform members of the community and the
21 public of the presence of any person required to register under this Part as a recidivist,
22 as a sexually violent predator, or because the person has committed an aggravated
23 offense. Upon notification of the presence of a registrant under this Part, the sheriff of
24 the county where the registrant establishes or maintains a permanent or temporary
25 residence shall notify members of the community and the public of the presence of the
26 registrant in a manner deemed appropriate by the sheriff. Within 48 hours after
27 receiving notification of the presence of a registrant under this Part, the sheriff of the
28 county where the registrant temporarily or permanently resides shall notify each
29 licensed day care center, elementary school, middle school, and high school within a
30 one-mile radius of the registrant's temporary or permanent residence of the registrant's
31 presence. The information to be provided under this section shall not include the name
32 of any victim of the registrant but shall include all of the following:

33 (1) The name of the registrant.

34 (2) A description of the registrant, including a photograph.

35 (3) The registrant's current address, including the name of the county or
36 municipality, if known.

37 (4) The circumstances of the registrant's offense.

38 (5) Whether the victim of the offense was, at the time of the offense, a
39 minor or an adult.

40 (b) The sheriff may coordinate the community and public notification efforts
41 with the Division. Statewide notification to the public is authorized, as deemed
42 appropriate by local law enforcement personnel and the Division.

1 (c) The Division shall notify the public of all registrants under this Part through
2 the Internet. The Internet notice shall include the information required by subsection (a)
3 of this section.

4 (d) The Division shall adopt a protocol to assist law enforcement agencies in
5 their efforts to notify the community and public of the presence of persons required to
6 register under this Part."

7 **SECTION 16.** G.S. 14-208.27 reads as rewritten:

8 **"§ 14-208.27. Change of address.**

9 If a juvenile who is adjudicated delinquent and required to register changes address,
10 the juvenile court counselor for the juvenile shall provide written notice of the new
11 address not later than ~~the tenth day~~48 hours after the change to the sheriff of the county
12 with whom the juvenile had last registered. Upon receipt of the notice, the sheriff shall
13 immediately forward this information to the Division. If the juvenile moves to another
14 county in this State, the Division shall inform the sheriff of the new county of the
15 juvenile's new residence."

16 **SECTION 17.** G.S. 14-208.28 reads as rewritten:

17 **"§ 14-208.28. Verification of registration information.**

18 The information provided to the sheriff shall be verified semiannually for each
19 juvenile registrant as follows:

- 20 (1) Every year on the anniversary of a juvenile's initial registration date
21 and six months after that date, the sheriff shall mail a verification form
22 to the juvenile court counselor assigned to the juvenile.
- 23 (2) The juvenile court counselor for the juvenile shall return the
24 verification form to the sheriff within ~~10 days~~48 hours after the receipt
25 of the form.
- 26 (3) The verification form shall be signed by the juvenile court counselor
27 and the juvenile and shall indicate whether the juvenile still resides at
28 the address last reported to the sheriff. If the juvenile has a different
29 address, then that fact and the new address shall be indicated on the
30 form."

31 **SECTION 18.** G.S. 14-208.40(a) reads as rewritten:

32 "(a) The Department of Correction shall establish a sex offender monitoring
33 program that uses a continuous satellite-based monitoring system and shall create
34 guidelines to govern the program. The program shall be designed to monitor ~~two~~three
35 categories of offenders as follows:

- 36 (1) Any offender who is convicted of a reportable conviction as defined by
37 G.S. 14-208.6(4) and who is required to register under Part 3 of Article
38 27A of Chapter 14 of the General Statutes because the defendant is
39 classified as a sexually violent predator, is a recidivist, or was
40 convicted of an aggravated offense as those terms are defined in
41 G.S. 14-208.6. An offender in this category who is ordered by the
42 court to submit to satellite-based monitoring is subject to that
43 requirement for the person's natural life, unless the requirement is
44 terminated pursuant to G.S. 14-208.43.

- 1 (2) Any offender who satisfies all of the following criteria: (i) is convicted
2 of a reportable conviction as defined by G.S. 14-208.6(4), (ii) is
3 required to register under Part 2 of Article 27A of Chapter 14 of the
4 General Statutes, (iii) has committed an offense involving the physical,
5 mental, or sexual abuse of a minor, and (iv) based on the Department's
6 risk assessment program requires the highest possible level of
7 supervision and monitoring. An offender in this category who is
8 ordered by the court to submit to satellite-based monitoring is subject
9 to that requirement only for the period of time ordered by the court and
10 is not subject to a requirement of lifetime satellite-based monitoring.
- 11 (3) Any offender who is convicted of any of the following offenses and
12 sentenced to a term of 25 years active punishment and satellite-based
13 monitoring for the duration of the defendant's natural life pursuant to
14 G.S. 14-202.5(b)(2):
- 15 a. G.S.14-24.2(a1)(First-degree rape of a child less than 13 years
16 of age by an offender who is at least 18 years of age).
- 17 b. G.S. 14-24.4(a1)(First-degree sexual offense of a child less than
18 13 years of age by an offender who is at least 18 years of age).
- 19 c. G.S. 14-202.5 (Lewd or lascivious molestation of a child)."

20 **SECTION 19.** G.S. 14-208.41 is amended by adding a new subsection to

21 read:

22 "(c) Any person described by G.S. 14-208.40(a)(3), upon completion of the 25
23 years of active punishment shall enroll in a satellite-based monitoring program with the
24 Division of Community Corrections office in the county where the person resides. The
25 person shall enroll in the satellite-based monitoring program for the entire period of
26 post-release supervision and shall remain enrolled in the satellite-based monitoring
27 program for the person's life, unless the requirement to enroll in the satellite-based
28 monitoring program is terminated pursuant to G.S. 14-208.42."

29 **SECTION 20.** G.S. 14-208.42 reads as rewritten:

30 "**§ 14-208.42. Lifetime registration offenders required to submit to satellite-based**
31 **monitoring for life and to continue on unsupervised probation upon**
32 **completion of sentence.**

33 Notwithstanding any other provision of law, when the court sentences an offender
34 who is in the category described by G.S. 14-208.40(a)(1) for a reportable conviction as
35 defined by G.S. 14-208.6(4), or an offender who is in the category described by
36 G.S. 14-208.40(a)(3), and orders the offender to enroll in a satellite-based monitoring
37 program, the court shall also order that the offender, upon completion of the offender's
38 sentence and any term of parole, post-release supervision, intermediate punishment, or
39 supervised probation that follows the sentence, continue to be enrolled in the
40 satellite-based monitoring program for the offender's life and be placed on unsupervised
41 probation unless the requirement that the person enroll in a satellite-based monitoring
42 program is terminated pursuant to G.S. 14-208.43."

43 **SECTION 21.** G.S. 14-208.43(a) reads as rewritten:

1 "(a) An offender described by G.S. 14-308.40(a)(1)~~14-208.40(a)(1)~~ or
2 G.S. 14-208.40(a)(3) who is required to submit to satellite-based monitoring for the
3 offender's life may file a request for termination of monitoring requirement with the
4 Post-Release Supervision and Parole Commission. The request to terminate the
5 satellite-based monitoring requirement and to terminate the accompanying requirement
6 of unsupervised probation may not be submitted until at least one year after the
7 offender: (i) has served his or her sentence for the offense for which the satellite-based
8 monitoring requirement was imposed, and (ii) has also completed any period of
9 probation, parole, or post-release supervision imposed as part of the sentence."

10 **SECTION 22.** G.S. 15A-1345(b) reads as rewritten:

11 "(b) Bail Following Arrest for Probation Violation. – If at any time during the
12 period of probation the probationer is arrested for a violation of any of the conditions of
13 probation, he must be taken without unnecessary delay before a judicial official to have
14 conditions of release pending a revocation hearing set in the same manner as provided
15 in G.S. 15A-534. If the probationer has been convicted of an offense at any time that
16 requires registration under Article 27A of Chapter 14 of the General Statutes or an
17 offense that would have required registration but for the effective date of the law
18 establishing the Sex Offender and Public Protection Registration Programs, the court
19 must make a finding that the probationer is not a danger to the public prior to release
20 with or without bail."

21 **SECTION 23.** G.S. 15A-1368.4 is amended by adding a new subsection to
22 read:

23 "(b1) Bail Following Arrest for Violation of Post-Release Supervision if Releasee
24 is a Sex Offender. – Notwithstanding subsection (b) of this section, if the releasee has
25 been convicted of an offense that requires registration under Article 27A of Chapter 14
26 of the General Statutes and is arrested for a violation in accordance with this section, the
27 releasee shall be detained without bond until the preliminary hearing is conducted."

28 **SECTION 24.** Part 6 of Article 22 of Chapter 115C of the General Statutes
29 is amended by adding a new section to read:

30 "§ 115C-332A. Background screening requirements for certain contractual
31 personnel.

32 (a) For purposes of this section, the term "contractual personnel" includes any
33 vendor, individual, or entity under contract with the local board of education. The term
34 also includes any other vendor, individual, or entity designated as contractual personnel
35 by the local school board or the other party to the contract.

36 (b) Each local school board shall require, as a term of any contract the local
37 school board enters, that a person who is contractual personnel undergo a criminal
38 history check that has been reviewed and approved by the local school board or other
39 party to the contract as appropriate before the person is allowed to do any of the
40 following:

41 (1) Is permitted on school grounds when students are present.

42 (2) Has direct contact with students.

43 (3) Has access to or control of school funds.

- 1 (c) The criminal history check required to comply with this section is a security
2 background investigation that satisfies the same criteria set out in G.S. 115C-332."
3 **SECTION 25.** This act becomes effective December 1, 2007, and applies to
4 offenses committed on or after that date.