

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 933
Committee Substitute Favorable 7/28/07

Short Title: Jessica Lunsford Act for NC.

(Public)

Sponsors:

Referred to:

March 21, 2007

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT CERTAIN CRIMINAL OFFENSES OF RAPE OR
2 FIRST-DEGREE SEXUAL OFFENSE COMMITTED AGAINST A CHILD ARE
3 PUNISHABLE BY EITHER LIFE IMPRISONMENT WITHOUT PAROLE OR A
4 MANDATORY ACTIVE SENTENCE OF TWENTY-FIVE YEARS AND
5 LIFETIME SATELLITE-BASED MONITORING, TO INCREASE THE
6 CRIMINAL PENALTIES FOR SEXUAL EXPLOITATION OF A MINOR AND
7 PROMOTING PROSTITUTION OF A MINOR, TO AMEND THE SEX
8 OFFENDER REGISTRATION REQUIREMENTS TO BE MORE STRINGENT,
9 TO REQUIRE COMMUNITY NOTIFICATION REGARDING THE PRESENCE
10 OF A SEXUALLY VIOLENT PREDATOR OR REPEAT SEX OFFENDER, TO
11 AMEND THE LAW REGARDING BAIL FOR VIOLATIONS OF PROBATION
12 AND POST-RELEASE SUPERVISION, TO CREATE A NEW CRIMINAL
13 OFFENSE THAT MAKES IT UNLAWFUL FOR A SEX OFFENDER TO BE ON
14 CERTAIN PREMISES, AND TO REQUIRE SEX OFFENDER REGISTRIES
15 CHECKS OF CONTRACTUAL PERSONNEL BEFORE ALLOWING THEM TO
16 HAVE DIRECT INTERACTION WITH STUDENTS.

17
18 The General Assembly of North Carolina enacts:

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

20 "§ 14-27.2. **First-degree rape.**

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

- 23 (1) With a victim who is a child under the age of 13 years and the
24 defendant is at least 12 years old and is at least four years older than
25 the victim; or
26 (2) With another person by force and against the will of the other person,
27 and:

- 1 a. Employs or displays a dangerous or deadly weapon or an article
- 2 which the other person reasonably believes to be a dangerous or
- 3 deadly weapon; or
- 4 b. Inflicts serious personal injury upon the victim or another
- 5 person; or
- 6 c. The person commits the offense aided and abetted by one or
- 7 more other persons.

8 (a1) A person is guilty of rape in the first degree if the person is at least 18 years
9 of age and engages in vaginal intercourse with a victim who is a child under the age of
10 13 years.

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

13 (b1) Any person who commits an offense defined in subsection (a1) of this section
14 is guilty of a Class B1 felony. Notwithstanding G.S. 15A-1340.17 or any other
15 provision of law, the court, in its discretion, shall impose one of the following sentences
16 on a person convicted of an offense under subsection (a1) of this section:

17 (1) Life imprisonment without parole; or

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

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

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

26 **"§ 14-27.4. First-degree sexual offense.**

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

29 (1) With a victim who is a child under the age of 13 years and the
30 defendant is at least 12 years old and is at least four years older than
31 the victim; or

32 (2) With another person by force and against the will of the other person,
33 and:

34 a. Employs or displays a dangerous or deadly weapon or an article
35 which the other person reasonably believes to be a dangerous or
36 deadly weapon; or

37 b. Inflicts serious personal injury upon the victim or another
38 person; or

39 c. The person commits the offense aided and abetted by one or
40 more other persons.

41 (a1) A person is guilty of sexual offense in the first degree if the person is at least
42 18 years of age and engages in a sexual act with a victim who is a child under the age of
43 13 years.

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

3 (b1) Any person who commits an offense defined in subsection (a1) of this section
4 is guilty of a Class B1 felony. Notwithstanding G.S. 15A-1340.17 or any other
5 provision of law, the court, in its discretion, shall impose one of the following sentences
6 on a person convicted of an offense under subsection (a1) of this section:

7 (1) Life imprisonment without parole; or

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

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

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

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

15 "(d) Punishment and Sentencing. – Violation of this section is a ~~Class F~~
16 ~~felony.~~Class E felony."

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

18 "(d) Punishment and Sentencing. – Violation of this section is a ~~Class I~~
19 ~~felony.~~Class H felony."

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

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

23 **SECTION 7.** G.S. 14-208.6A reads as rewritten:

24 "**§ 14-208.6A. Lifetime registration requirements for criminal offenders.**

25 It is the objective of the General Assembly to establish a ~~10-year~~30-year registration
26 requirement for persons convicted of certain offenses against minors or sexually violent
27 ~~offenses.~~offenses with an opportunity for those persons to petition in superior court to
28 shorten their registration time period after 10 years of registration. It is the further
29 objective of the General Assembly to establish a more stringent set of registration
30 requirements for recidivists, persons who commit aggravated offenses, and for a
31 subclass of highly dangerous sex offenders who are determined by a sentencing court
32 with the assistance of a board of experts to be sexually violent predators.

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

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

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

2 "**§ 14-208.7. Registration.**

3 (a) A person who is a State resident and who has a reportable conviction shall be
4 required to maintain registration with the sheriff of the county where the person resides.
5 If the person moves to North Carolina from outside this State, the person shall register
6 within ~~10 days~~ three business days of establishing residence in this State, or whenever
7 the person has been present in the State for 15 days, whichever comes first. If the person
8 is a current resident of North Carolina, the person shall register:

9 (1) Within ~~10 days~~ three business days of release from a penal institution
10 or arrival in a county to live outside a penal institution; or

11 (2) Immediately upon conviction for a reportable offense where an active
12 term of imprisonment was not imposed.

13 Registration shall be maintained for a period of at least ~~10 years~~ 30 years following the
14 date of initial county ~~registration~~ registration unless the person, after 10 years of
15 registration, successfully petitions the superior court to shorten his or her registration
16 time period under G.S. 14-208.12A.

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

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

25 (1) The person's full name, each alias, date of birth, sex, race, height,
26 weight, eye color, hair color, drivers license number, and home
27 address;

28 (2) The type of offense for which the person was convicted, the date of
29 conviction, and the sentence imposed;

30 (3) A current photograph;

31 (4) The person's fingerprints;

32 (5) A statement indicating whether the person is a student or expects to
33 enroll as a student within a year of registering. If the person is a
34 student or expects to enroll as a student within a year of registration,
35 then the registration form shall also require the name and address of
36 the educational institution at which the person is a student or expects
37 to enroll as a student; and

38 (6) A statement indicating whether the person is employed or expects to
39 be employed at an institution of higher education within a year of
40 registering. If the person is employed or expects to be employed at an
41 institution of higher education within a year of registration, then the
42 registration form shall also require the name and address of the
43 educational institution at which the person is or expects to be
44 employed.

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

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

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

14 **SECTION 9.** G.S. 14-208.9 reads as rewritten:

15 "**§ 14-208.9. Change of address; change of academic status or educational**
16 **employment status.**

17 (a) If a person required to register changes address, the person shall report in
18 person and provide written notice of the new address not later than ~~the tenth day~~ the
19 third business day after the change to the sheriff of the county with whom the person
20 had last registered. Upon receipt of the notice, the sheriff shall immediately forward this
21 information to the Division. If the person moves to another county in this State, the
22 Division shall inform the sheriff of the new county of the person's new residence.

23 (b) If a person required to register intends to move to another state, the person
24 shall report in person to the sheriff of the county of current residence at least ~~10 days~~
25 three business days before the date the person intends to leave this State to establish
26 residence in another state or jurisdiction. The person shall provide to the sheriff a
27 written notification that includes all of the following information: the address,
28 municipality, county, and state of intended residence.

29 (1) If it appears to the sheriff that the record photograph of the sex
30 offender no longer provides a true and accurate likeness of the sex
31 offender, then the sheriff shall take a photograph of the offender to
32 update the registration.

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

39 (b1) A person who indicates his or her intent to reside in another state or
40 jurisdiction and later decides to remain in this State shall, within ~~10 days~~ three business
41 days after the date upon which the person indicated he or she would leave this State,
42 report in person to the sheriff's office to which the person reported the intended change
43 of residence, of his or her intent to remain in this State. If the sheriff is notified by the

1 sexual offender that he or she intends to remain in this State, the sheriff shall promptly
2 report this information to the Division.

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

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

19 **SECTION 10.** 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 semiannually for each
22 registrant as follows:

- 23 (1) Every year on the anniversary of a person's initial registration date, and
24 again six months after that date, the Division shall mail a
25 nonforwardable verification form to the last reported address of the
26 person.
- 27 (2) The person shall return the verification form in person to the sheriff
28 within ~~10 days~~three business days after the receipt of the form.
- 29 (3) The verification form shall be signed by the person and shall indicate
30 whether the person still resides at the address last reported to the
31 sheriff. If the person has a different address, then the person shall
32 indicate that fact and the new address.
- 33 (3a) If it appears to the sheriff that the record photograph of the sex
34 offender no longer provides a true and accurate likeness of the sex
35 offender, then the sheriff shall take a photograph of the offender to
36 include with the verification form.
- 37 (4) If the person fails to return the verification form in person to the sheriff
38 within ~~10 days~~three business days after receipt of the form, the person
39 is subject to the penalties provided in G.S. 14-208.11. If the person
40 fails to report in person and provide the written verification as
41 provided by this section, the sheriff shall make a reasonable attempt to
42 verify that the person is residing at the registered address. If the person
43 cannot be found at the registered address and has failed to report a
44 change of address, the person is subject to the penalties provided in

1 G.S. 14-208.11, unless the person reports in person to the sheriff and
2 proves that the person has not changed his or her residential address.

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

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

16 **SECTION 11.** G.S. 14-208.12A reads as rewritten:

17 **"§ 14-208.12A. Request for termination of registration requirement.**

18 (a) ~~A Ten years from the date of initial county registration,~~ a person required to
19 register under this Part may petition the superior court in the district where the person
20 resides to terminate the 30-year registration requirement ~~10 years from the date of initial~~
21 ~~county registration~~ if the person has not been convicted of a subsequent offense
22 requiring registration under this Article.

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

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

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

38 (a3) If the court denies the petition, the person may again petition the court for
39 relief in accordance with this section one year from the date of the denial of the original
40 petition to terminate the registration requirement. If the court grants the petition to
41 terminate the registration requirement, the clerk of court shall forward a certified copy
42 of the order to the Division to have the person's name removed from the registry.

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

4 **SECTION 12.** Article 27A of Chapter 14 of the General Statutes is amended
5 by adding a new section to read:

6 "**§ 14-208.18. Unlawful for sex offender to be on premises that a reasonable person**
7 **knows are places where children regularly congregate without adult**
8 **supervision.**

9 (a) It is unlawful for any person convicted of an offense that requires registration
10 under this Article to be on a premise that a reasonable person knows is a place where
11 children regularly congregate without adult supervision.

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

13 **SECTION 13.** Article 27A of Chapter 14 of the General Statutes is amended
14 by adding a new section to read:

15 "**§ 14-208.25A. Community and public notification.**

16 The licensee for each licensed day care center, and the principal of each elementary
17 school, middle school, and high school shall register with the North Carolina Sex
18 Offender and Public Protection Registry to receive e-mail notification when a registered
19 sex offender moves within a one-mile radius of the licensed day care center or school."

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

21 "**§ 14-208.27. Change of address.**

22 If a juvenile who is adjudicated delinquent and required to register changes address,
23 the juvenile court counselor for the juvenile shall provide written notice of the new
24 address not later than ~~the tenth day~~the third business day after the change to the sheriff
25 of the county with whom the juvenile had last registered. Upon receipt of the notice, the
26 sheriff shall immediately forward this information to the Division. If the juvenile moves
27 to another county in this State, the Division shall inform the sheriff of the new county of
28 the juvenile's new residence."

29 **SECTION 15.** G.S. 14-208.28 reads as rewritten:

30 "**§ 14-208.28. Verification of registration information.**

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

33 (1) Every year on the anniversary of a juvenile's initial registration date
34 and six months after that date, the sheriff shall mail a verification form
35 to the juvenile court counselor assigned to the juvenile.

36 (2) The juvenile court counselor for the juvenile shall return the
37 verification form to the sheriff within ~~10 days~~three business days after
38 the receipt of the form.

39 (3) The verification form shall be signed by the juvenile court counselor
40 and the juvenile and shall indicate whether the juvenile still resides at
41 the address last reported to the sheriff. If the juvenile has a different
42 address, then that fact and the new address shall be indicated on the
43 form."

44 **SECTION 16.** G.S. 14-208.40(a) reads as rewritten:

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

5 (1) Any offender who is convicted of a reportable conviction as defined by
6 G.S. 14-208.6(4) and who is required to register under Part 3 of Article
7 27A of Chapter 14 of the General Statutes because the defendant is
8 classified as a sexually violent predator, is a recidivist, or was
9 convicted of an aggravated offense as those terms are defined in
10 G.S. 14-208.6. An offender in this category who is ordered by the
11 court to submit to satellite-based monitoring is subject to that
12 requirement for the person's natural life, unless the requirement is
13 terminated pursuant to G.S. 14-208.43.

14 (2) Any offender who satisfies all of the following criteria: (i) is convicted
15 of a reportable conviction as defined by G.S. 14-208.6(4), (ii) is
16 required to register under Part 2 of Article 27A of Chapter 14 of the
17 General Statutes, (iii) has committed an offense involving the physical,
18 mental, or sexual abuse of a minor, and (iv) based on the Department's
19 risk assessment program requires the highest possible level of
20 supervision and monitoring. An offender in this category who is
21 ordered by the court to submit to satellite-based monitoring is subject
22 to that requirement only for the period of time ordered by the court and
23 is not subject to a requirement of lifetime satellite-based monitoring.

24 (3) Any offender who is convicted of any of the following offenses and
25 sentenced to a term of 25 years active punishment and satellite-based
26 monitoring for the duration of the defendant's natural life pursuant to:
27 a. G.S. 14-24.2(a1)(First-degree rape of a child less than 13 years
28 of age by an offender who is at least 18 years of age).
29 b. G.S. 14-24.4(a1)(First-degree sexual offense of a child less than
30 13 years of age by an offender who is at least 18 years of age)."

31 **SECTION 17.** G.S. 14-208.41 is amended by adding a new subsection to
32 read:

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

40 **SECTION 18.** G.S. 14-208.42 reads as rewritten:

41 "**§ 14-208.42. Lifetime registration offenders required to submit to satellite-based**
42 **monitoring for life and to continue on unsupervised probation upon**
43 **completion of sentence.**

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

11 **SECTION 19.** G.S. 14-208.43(a) reads as rewritten:

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

21 **SECTION 20.** G.S. 15A-1345(b) reads as rewritten:

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

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

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

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

41 "**§ 115C-332A. Sex offender registries checks for certain contractual personnel.**

42 (a) For purposes of this section, the term "contractual personnel" includes any
43 individual or entity under contract with the local board of education whose contractual
44 job involves direct interaction with students as part of the job.

1 (b) Each local board of education shall require, as a term of any contract the local
2 board of education enters, that employers of a person who is contractual personnel
3 conduct an annual check of that person on the State Sex Offender and Public Protection
4 Registration Program, the State Sexually Violent Predator Registration Program, and the
5 National Sex Offender Registry. As a term of any contract, a local board of education
6 shall prohibit any contractual personnel listed on the State Sex Offender and Public
7 Protection Registration Program, the State Sexually Violent Predator Registration
8 Program, and the National Sex Offender Registry from having direct interaction with
9 students."

10 **SECTION 23.** This act becomes effective December 1, 2007, and applies to
11 offenses committed on or after that date. The maintenance of the registration period of
12 30 years required by G.S. 14-208.7, as amended by Section 8 of this act, applies to
13 registrations made on or after December 1, 2007.