

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2013-28
SENATE BILL 123

AN ACT TO CLARIFY THE EXISTING LAW PERTAINING TO SEX OFFENDERS
RESIDING NEAR SCHOOLS OR DAY CARE CENTERS.

Whereas, in 2006, the General Assembly enacted restrictions on registered sex offenders residing near schools and day care centers; and

Whereas, the law provided that the residential restrictions did not apply to *a person who has established a residence in accordance with the law prior to the effective date of the law* [August 16, 2006]; and

Whereas, the application portion of the law was in the session law, but not codified as part of the statute; and

Whereas, law enforcement officials mistakenly believe, based only upon the codified portion of the law which provides the conditions upon which a residence is established and not the effective date of the residency, that a registered sex offender can legally reside within 1,000 feet of a school or day care center if the offender moves in with a family member who had established residence at the location prior to the effective date of the law, even though the offender did not establish residence at that location prior to August 16, 2006; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-208.16(a) reads as rewritten:

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

SECTION 2. Section 11(c) of S.L. 2006-247 reads as rewritten:

"**SECTION 11.(c)** Subsection (a) of this section becomes effective December 1, 2006, and applies to all persons registered or required to register on or after that date. Subsection (a) of this section does not apply to a person who has established a residence prior to ~~the effective date of this subsection~~ August 16, 2006, in accordance with the provisions in G.S. 14-208.16(d)(1), (2), or (3) as enacted by this act. This subsection is effective ~~when this act becomes law~~ on August 16, 2006. The remainder of this section is effective on December 1, 2006, and applies to offenses committed on or after that date."



SECTION 3. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 8th day of April, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 4:33 p.m. this 16th day of April, 2013