

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 684
Committee Substitute Favorable 5/23/17

Short Title: Sex Offender Registry Fee.

(Public)

Sponsors:

Referred to:

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE EACH SEX OFFENDER TO PAY AN INITIAL REGISTRATION
3 FEE AND AN ANNUAL REGISTRATION FEE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The General Assembly recognizes that the release of certain
6 information about sex offenders to public agencies and the general public assists in protecting
7 the public safety. It is the intent of the General Assembly to offset the administrative costs to
8 law enforcement to maintain and update the sex offender registry by creating a civil fee for sex
9 offender registration.

10 **SECTION 2.** Part 2 of Article 27A of Chapter 14 of the General Statutes is
11 amended by adding a new section to read:

12 "**§ 14-208.7A. Registration fees.**

13 (a) Each person required to register under this Article shall pay an initial registration
14 fee of ninety dollars (\$90.00) at the time of the person's initial registration. Each sex offender
15 shall pay an annual registration fee of ninety dollars (\$90.00) on the anniversary of the
16 offender's initial registration date each year that the offender is required to register. The initial
17 fee is payable to the sheriff of the county in which the person initially registers. The annual fee
18 is paid to the sheriff who receives the person's verification form under G.S. 14-208.9A. The
19 sheriff shall transmit the proceeds of these fees to the county finance officer to be credited to
20 the sheriff's office. The fees shall be used only to offset the costs associated with the
21 registration of sex offenders.

22 (b) A person required to register under this Article must still register pursuant to this
23 Article without regard as to whether the person pays the fee assessed under this section. The
24 sheriff shall not refuse to register a person who does not pay the fee assessed by this section. At
25 the end of each calendar year, the sheriff shall report to the Attorney General all fees that have
26 been due and unpaid for more than one year and that the sheriff has not previously reported.
27 The Attorney General may recover those delinquent fees in a civil action. When the Attorney
28 General collects delinquent fees pursuant to this section, the Attorney General shall deduct the
29 actual costs of collection, not to exceed twenty percent (20%) of the amount collected, and
30 remit the remaining funds to the appropriate counties to be credited to the office of the sheriff
31 of that county. Notwithstanding any other provision of law, the Attorney General may bring a
32 civil action under this section within 10 years of the date fees were due.

33 (c) This section does not apply to juveniles required to register pursuant to Part 4 of
34 Article 27A of Chapter 14 of the General Statutes."

35 **SECTION 3.** G.S. 15A-1343(b2) reads as rewritten:



1 "(b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of
2 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – As special conditions of
3 probation, a defendant who has been convicted of an offense which is a reportable conviction
4 as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a
5 minor, must:

- 6 (1) Register as required by ~~G.S. 14-208.7~~ Article 27A of Chapter 14 of the
7 General Statutes, if the offense is a reportable conviction as defined by
8 G.S. 14-208.6(4).
- 9 (2) Participate in such evaluation and treatment as is necessary to complete a
10 prescribed course of psychiatric, psychological, or other rehabilitative
11 treatment as ordered by the court.
- 12 (3) Not communicate with, be in the presence of, or found in or on the premises
13 of the victim of the offense.
- 14 (4) Not reside in a household with any minor child if the offense is one in which
15 there is evidence of sexual abuse of a minor.
- 16 (5) Not reside in a household with any minor child if the offense is one in which
17 there is evidence of physical or mental abuse of a minor, unless the court
18 expressly finds that it is unlikely that the defendant's harmful or abusive
19 conduct will recur and that it would be in the minor child's best interest to
20 allow the probationer to reside in the same household with a minor child.
- 21 (6) Satisfy any other conditions determined by the court to be reasonably related
22 to his rehabilitation.
- 23 (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
24 Chapter 14 of the General Statutes, if the defendant is described by
25 G.S. 14-208.40(a)(1).
- 26 (8) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
27 Chapter 14 of the General Statutes, if the defendant is in the category
28 described by G.S. 14-208.40(a)(2), and the Division of Adult Correction of
29 the Department of Public Safety, based on the Division's risk assessment
30 program, recommends that the defendant submit to the highest possible level
31 of supervision and monitoring.
- 32 (9) Submit at reasonable times to warrantless searches by a probation officer of
33 the probationer's person and of the probationer's vehicle and premises while
34 the probationer is present, for purposes specified by the court and reasonably
35 related to the probation supervision, but the probationer may not be required
36 to submit to any other search that would otherwise be unlawful. For
37 purposes of this subdivision, warrantless searches of the probationer's
38 computer or other electronic mechanism which may contain electronic data
39 shall be considered reasonably related to the probation supervision.
40 Whenever the warrantless search consists of testing for the presence of
41 illegal drugs, the probationer may also be required to reimburse the Division
42 of Adult Correction of the Department of Public Safety for the actual cost of
43 drug screening and drug testing, if the results are positive.

44 Defendants subject to the provisions of this subsection shall not be placed on unsupervised
45 probation."

46 **SECTION 4.** G.S. 15A-1368.4(b1) reads as rewritten:

47 "(b1) Additional Required Conditions for Sex Offenders and Persons Convicted of
48 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the required
49 condition set forth in subsection (b) of this section, for a supervisee who has been convicted of
50 an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves

1 the physical, mental, or sexual abuse of a minor, controlling conditions, violations of which
2 may result in revocation of post-release supervision, are:

- 3 (1) Register as required by ~~G.S. 14-208.7~~ Article 27A of Chapter 14 of the
4 General Statutes, if the offense is a reportable conviction as defined by
5 G.S. 14-208.6(4).
- 6 (2) Participate in such evaluation and treatment as is necessary to complete a
7 prescribed course of psychiatric, psychological, or other rehabilitative
8 treatment as ordered by the Commission.
- 9 (3) Not communicate with, be in the presence of, or found in or on the premises
10 of the victim of the offense.
- 11 (4) Not reside in a household with any minor child if the offense is one in which
12 there is evidence of sexual abuse of a minor.
- 13 (5) Not reside in a household with any minor child if the offense is one in which
14 there is evidence of physical or mental abuse of a minor, unless a court of
15 competent jurisdiction expressly finds that it is unlikely that the defendant's
16 harmful or abusive conduct will recur and that it would be in the child's best
17 interest to allow the supervisee to reside in the same household with a minor
18 child.
- 19 (6) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
20 Chapter 14 of the General Statutes, if the offense is a reportable conviction
21 as defined by G.S. 14-208.6(4) and the supervisee is in the category
22 described by G.S. 14-208.40(a)(1).
- 23 (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
24 Chapter 14 of the General Statutes, if the offense is a reportable conviction
25 as defined by G.S. 14-208.6(4) and the supervisee is in the category
26 described by G.S. 14-208.40(a)(2).
- 27 (8) Submit at reasonable times to warrantless searches by a post-release
28 supervision officer of the supervisee's person and of the supervisee's vehicle
29 and premises while the supervisee is present, for purposes reasonably related
30 to the post-release supervision, but the supervisee may not be required to
31 submit to any other search that would otherwise be unlawful. For purposes
32 of this subdivision, warrantless searches of the supervisee's computer or
33 other electronic mechanism which may contain electronic data shall be
34 considered reasonably related to the post-release supervision. Whenever the
35 warrantless search consists of testing for the presence of illegal drugs, the
36 supervisee may also be required to reimburse the Division of Adult
37 Correction of the Department of Public Safety for the actual cost of drug
38 screening and drug testing, if the results are positive."

39 **SECTION 5.** G.S. 14-208.12A reads as rewritten:

40 **"§ 14-208.12A. Request for termination of registration requirement.**

41 ...

42 (a1) The court may grant the relief ~~if:~~ if all of the following are met:

- 43 (1) The petitioner demonstrates to the court that he or she has not been arrested
44 for any crime that would require registration under this Article since
45 completing the ~~sentence,~~ sentence.
- 46 (2) The requested relief complies with the provisions of the federal Jacob
47 Wetterling Act, as amended, and any other federal standards applicable to
48 the termination of a registration requirement or required to be met as a
49 condition for the receipt of federal funds by the ~~State,~~ and State.
- 50 (3) The court is otherwise satisfied that the petitioner is not a current or potential
51 threat to public safety.

1 (4) The petitioner demonstrates to the court that he or she has paid the initial
2 registration fee, if the petitioner initially registered after October 1, 2017,
3 and subsequent annual registration fees, beginning October 1, 2017, as
4 required by G.S. 14-208.7A.

5 "

6 **SECTION 6.** This act becomes effective December 1, 2017.