



# N.C. House of Representatives

**Rep. Debbie Clary**

Room 303 Legislative Office Building

Raleigh, NC 27603

---

For Immediate Release

July 27, 2006

Contact: **Rep. Debbie Clary**

**(919) 715-2002**

## **HB 1896: Protect Children/Sex Offender Law Changes Bullet Summary**

### **Sex Offender Registration Changes**

- Adds (1) statutory rape of a person who is 13, 14, or 15 years old by a person who is at least 6 years older and (2) subjecting or maintaining a person in sexual servitude to the list of offenses that require sex offender registration.
- Requires a person who moves to North Carolina to register in North Carolina if the person had to register as a sex offender in the other state and without regard to whether the offense would have required registration if it had been committed in North Carolina.
- Requires that sex offender registration, verification, notice of address change, notice of change in academic status, and notice of change in employment status at an institution of higher education all be done in person at the sheriff's office.
- Requires semiannual verification. Under current law, an offender is required to verify registration information only on an annual basis and by mail.
- Requires juvenile court counselors to provide verification information on behalf of juvenile registrants, by mail, semiannually (currently an annual requirement).
- Requires an offender to notify the sheriff in the offender's county of registration when the offender will be working for a specified period of time in another county and will maintain a temporary residence in that county, which may include a hotel or other transient lodging. The sheriff is then required to notify the Department of Justice, which will, in turn notify the sheriff of the county in which the offender will be working. This provision becomes effective June 1, 2007.
- An offender must notify the sheriff in person of the intent to move out of state at least 10 days before the departure date. The person is required to provide, in writing, the address, municipality, county, and state of intended residence.
- Requires sheriff to provide offender with written proof of registration.
- Authorizes sheriff to require an offender to verify his information more frequently than otherwise required and to take a photograph of an offender if the current photograph on file no longer provides a true and accurate likeness. If sheriff requests that offender appear in person at sheriff's office to be photographed, he must appear within 72 hours.
- Requires a registered offender to petition the court in order to terminate registration. Under current law, registration on the 10-year registry terminates

automatically at the end of 10 years. Under this act, the court may terminate registration if (1) the petitioner has not been arrested for any crime that would require registration since completing his sentence, (2) the relief complies with any federal standards applicable to termination or are required to be met as a condition for the receipt of federal funds, and (3) the court is otherwise satisfied the petitioner is not a threat to public safety. If the offender's petition is denied, the offender must wait one year before petitioning the court again.

**Criminal Offenses** – *Except as otherwise noted, all new offenses and changes to existing offenses become effective December 1, 2006, and apply to offenses committed on or after that date.*

- Adds a "willful" requirement to the criminal penalties for failure to comply with registration requirements.
- "Harboring." – Creates a new Class H felony for harboring a sex offender. A person is guilty of this offense if the person (1) has reason to believe an offender is in violation of the registration requirements, (2) has the intent to assist the offender in eluding arrest, and (3) withholds information from law enforcement, harbors or conceals, or attempts to harbor or conceal, the offender, or provides false information to law enforcement.
- Residential Restrictions – Creates a new Class G felony for a person who is registered or required to register to knowingly reside within 1,000 feet of a public or nonpublic school or child care center. Persons who have established a residence prior to the effective date of the act are grandfathered.
- Work/Volunteer Restrictions. – Creates a new Class F felony for a person who is required to register to work for any person or as a sole proprietor, with or without compensation, at any place where a minor is present and the person's responsibilities would include the instruction, supervision, or care of a minor or minors.
- Limitation on Residential Use. – Creates a new Class F felony for a person to conduct any activity at the person's residence where the person cares for minors of another knowing that a person who resides at the same location is required to register.
- Amend "Sexual Battery." – Expands the definition of 'sexual contact', which is the term defining the physical act in the offense of sexual battery, to include "ejaculating, emitting, or placing semen, urine, or feces upon any part of another person." Under current law, sexual battery is the only misdemeanor (Class A1) requiring sex offender registration.
- "Human Trafficking." – Creates a new criminal offense for a person to recruit, entice, harbor, transport, provide, or obtain by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude. The offense is a Class F felony if the victim is an adult and a Class C felony if the victim is a minor.
- "Sexual Servitude." – Creates a new criminal offense for subjecting or maintaining a person in sexual servitude. Sexual servitude is any sexual activity performed or provided, or for which anything of value is given or promised, which is induced or obtained by coercion or deception, or which is obtained from a person under the

age of 18. This offense is a Class F felony if the victim is an adult, and it is a Class C felony if the victim is a minor.

- Amend "Involuntary Servitude." – Under current law, subjecting a person to involuntary servitude is a Class F felony. This act amends the offense by making it a Class C felony if the victim is a minor. Otherwise, the offense is the same.
- Amend "Kidnapping." – Amend the offense of kidnapping to include human trafficking and subjecting or maintaining a person in sexual servitude.
- "Tampering with GPS Device." – Failure to enroll as required in the GPS monitoring program is a Class F felony.
- "Tampering with GPS Device." – Intentionally tampering with, removing, or vandalizing a GPS device is a Class E felony.
- Willful failure of an offender to appear within 72 hours at the sheriff's office to be photographed, upon the sheriff's request, is a Class 1 misdemeanor.
- Willful failure to report in person to the sheriff's office for registration, verification, or notification of address change, academic status change, or employment status at an institution of higher education change, is a Class F felony.
- Willful failure of a registered offender to report his or her intent to reside in another state but remains in the State without reporting in person to the sheriff is a Class F felony.
- Willful failure to notify a person's registering sheriff of out-of county employment if temporary residence is established is a Class F felony.<sup>1</sup>

### **Probation/Parole/Post-Release Supervision**

- Requires probation officers to conduct a search of a probationer's name who has been assigned to them against the registration information compiled under the sex offender registration act.

### **GPS Monitoring**

- Requires a sex offender who is classified as a sexually violent predator, is a recidivist, or was convicted of an aggravated offense to be enrolled in a GPS monitoring program for life and, after completing any period of supervised probation, be placed on unsupervised probation for life. A person required to submit to lifetime GPS monitoring may file a request for termination with the Post-Release Supervision and Parole Commission at least one year after having served his or her sentence and having completed any period of probation, parole, or post-release supervision.
- Requires offenders who have committed an offense involving the physical, mental, or sexual abuse of a minor, and who require the highest level of supervision based on the Department of Correction sex offender risk assessment program to be subject to GPS monitoring for a time period ordered by the court. The Post-Release Supervision and Parole Commission has no authority to terminate a monitoring requirement for an offender enrolled in GPS monitoring under this provision. There

---

<sup>1</sup> This new offense becomes effective June 1, 2007, and applies to offenses committed on or after that date.

is a \$90 fee for enrolling in the program. Upon motion and cause, the court may waive the fee.

### **Department of Correction**

- Allows DOC to issue a Request for Proposal, or contract directly through a contract alliance or consortium, for passive and active GPS.
- Requires DOC to develop, no later than January 1, 2007, a graduated risk assessment program that identifies sex offenders that may need extraordinary supervision.
- Requires DOC to study and develop a plan of mental health treatment programs for incarcerated sex offenders designed to reduce the likelihood of recidivism.

### **Division of Motor Vehicles**

- Requires DMV to provide notice to all applicants for a drivers license, learner's permit, or ID card of the obligation for sex offenders to register.
- Requires DMV to search the National Sex Offender Public Registry to determine whether an applicant who has resided in North Carolina for less than 12 months is currently registered in another state. If so, then no license or ID card may be issued until the person is registered in this State. If the person does not appear on the registry, then an acknowledgement of the State's registration law must be signed. It also provides a procedure if DMV is unable to search the registry at the time of application.
- Provides a procedure to petitioning the court if DMV refuses to issue a license or revokes a license that was improperly issued because a later search revealed the person's unregistered status.