

May 10, 2006

H 1902. GPS MONITORING OF SOME SEX OFFENDERS/FUNDS. Filed 5/10/06. *TO REQUIRE ACTIVE GPS MONITORING OF ANY SEX OFFENDER WHO REQUIRES THE HIGHEST LEVEL OF SUPERVISION AND MONITORING IF THE OFFENDER IS RELEASED ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION FOR THE SUPERVISORY PERIOD OF THAT PROBATION, PAROLE, OR POST-RELEASE SUPERVISION AND TO APPROPRIATE FUNDS TO IMPLEMENT THE GPS MONITORING SYSTEM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.*

Sections 1, 3, and 4 amend GS 15A-1343(b2), GS 15A-1344, and GS 15A-1368.4 respectively by adding new subsections that require mandatory active GPS electronic monitoring (as set forth in section 5 of the act in proposed new GS 15A-1380.6, summarized below) of two categories of sex offenders: (1) any offender who is classified as a sexually violent predator or a recidivist, or who was convicted of an aggravated offense as those terms are defined by G.S. 14-208.6; and (2) any offender required to register as a sex offender for a ten-year period, who committed an offense involving the physical, mental, or sexual abuse of a minor, and who is recommended by the Department of Correction for the highest level of supervision and monitoring based on the Department's risk assessment program.

Section 2 amends GS 15A-1343(c2) by imposing the \$90 fee for electronic monitoring devices on sex offenders required to submit to active GPS monitoring.

Section 5 enacts new GS 15A-1380.6, which describes the active electronic monitoring device as one that actively monitors the offender, identifies the offender's location and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations. Sex offenders for whom active GPS monitoring is mandatory must submit to the monitoring for the entire supervisory period of their probation, parole, or post-release supervision. If an active GPS electronic monitoring system will not work because of technological or geographical limitations, then a passive electronic monitoring system that will work may be substituted.

Section 6 directs the Department of Correction to contract for passive and active GPS systems in time to have the systems in place by January 1, 2007.

Section 7 appropriates \$1,307,218 to the Department of Correction for the 2006-07 fiscal year to implement active and passive electronic monitoring systems.

The act is effective January 1, 2007, with the exception of the appropriation, which is effective July 1, 2006.

Intro. by Ray, Goforth, Glazier.

GS 15A, APPROP

June 7, 2006

H 1902. GPS MONITORING OF SOME SEX OFFENDERS/FUNDS. Filed 5/10/06. House committee substitute makes the following changes to 1st edition. Enacts new Part 5 of Article 27A of GS Chapter 14 to: (1) require that the Department of Correction (DOC) establish a sex offender monitoring program that uses a continuous satellite-based monitoring system to monitor certain

individuals required to register under Part 3 of Article 27A of GS Chapter 14; (2) require that persons subject to electronic monitoring pay a fee of \$90 (deletes amendments to GS 15A-1343(c2) which also imposed fee); (3) authorize a court to exempt a person from paying the monitoring fee or to require that the fee be paid in advance; (4) establish standards for satellite-based monitoring; and (5) authorize DOC to contract with a single vendor for the hardware services needed to comply with monitoring requirements. Makes conforming changes to proposed GS 15A-1343(b2)(7) and GS 15A-1368.4 and deletes proposed GS 15A-1343(b2)(8) and GS 15A-1368.4(b2), which also required electronic monitoring for defendants required to register under Part 2 of Article 27A. Enacts new GS 15A-1343.2 (f1) and amends proposed GS 15A-1344(e2) to refer to the electronic monitoring requirements of new Part 5. Deletes proposed GS 15A-1380.6 (which set forth similar monitoring standards). Decreases 2006-07 appropriation from the General Fund to the Department of Correction from \$1,307,218 to \$771,539 and requires that funds be used to implement electronic monitoring systems to supervise up to 100 (was, 300) offenders.