

May 9, 2006

S 1204. JESSICA'S LAW/STRENGTHEN SEX OFFENDER LAWS. Filed 5/9/06. *TO AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS AND TO APPROPRIATE FUNDS TO IMPLEMENT AN ACTIVE AND PASSIVE ELECTRONIC MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS PLACED ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.* Amends GS 14-208.6A and 14-208.6B (registration requirements for certain criminal offenders) to require that registration be in person. Amends GS 14-208.7 to require nonresidents who have reportable convictions to register within 48 hours (was, within 10 days) of establishing residence in North Carolina, to require residents with reportable convictions to register within 48 hours (was, within 10 days) of release from a penal institution or arrival in a county to live outside a penal institution, to require registrations to be maintained for a period of at least ten years, and to require persons who are required to register to report in person to the appropriate sheriff's office to comply with the registration requirements. Amends GS 14-208.9 to require persons who are required to register to report in person to the sheriff's office and to provide written notice of their new addresses within 48 hours (was, within 10 days) of a change of address. Imposes similar requirements with respect to persons who are required to register and who intend to move to another state. Requires these persons to provide specified information and a current photograph to the sheriff's office. Requires registered offenders to report in person to the sheriff's office within 48 hours of enrolling as a student, terminating enrollment as a student, obtaining employment at an institution of higher education, or terminating employment at an institution of higher education. Amends GS 14-208.27 to require juvenile court counselors to report any change of address of registered juvenile delinquents and to return verification forms within 48 hours.

Amends GS 14-208.9A to require semiannual verification of each registrant's information in the county registry (was, annual verification). Requires registrants to return verification form to the sheriff in person within 48 hours of receipt of the form and to provide a current photograph that provides a true and accurate likeness of the offender. Amends GS 14-208.11(a) to make failure to report in person to the sheriff's office as required by GS 14-208.7, 14-208.9, or 14-208.9A a class F felony. Amends GS 14-208.28 to required semiannual verification of information regarding juvenile registrants.

Enacts new GS 14-208.11A making it a class H felony for any person to fail to notify, provide false information to, or withhold information from a law enforcement agency regarding an offender's noncompliance with these registration requirements or the offender's whereabouts if the person has reason to believe that an offender who is required to register has not or is not complying with these requirements and the person intends to assist the offender in eluding a law enforcement agency that is seeking to find or arrest the offender in connection with the offender's noncompliance with these registration requirements. Also makes it a class H felony for any person to harbor, attempt to harbor, assist another person in harboring or attempting to harbor, conceal, attempt to conceal, or assist another person in concealing or attempting to conceal an offender if the person has reason to believe that an offender who is required to register has not or is not complying with these requirements and the person intends to assist the offender in eluding a law enforcement agency that is seeking to find or arrest the offender in connection with the offender's noncompliance with these registration requirements.

GS 14-208.12A currently provides that the registration requirement terminates automatically 10 years after the date of initial registration. This act amends GS 14-208.12A to allow a court to terminate the registration requirement, upon the offender's petition and notice to the district attorney, at any time after 10 years after the date of initial registration if the offender has served his or her sentence and has not been convicted of a subsequent offense requiring registration, the requested relief complies with the federal Jacob Wetterling Act and any other applicable federal standards, and the court is satisfied that the petitioner is not a current or potential threat to public safety.

Enacts new GS 14-208.25A requiring law enforcement agencies to provide community and public notification regarding the presence of a person who is required to register as a recidivist, as a sexual predator, or as a person who has committed an aggravated offense. Establishes

specific requirements for notification to licensed day care centers and schools within a one-mile radius of the registrant's residence.

Enacts new GS 14-208.24A making it a class F felony for sexual predators to work or volunteer at any place where children regularly congregate.

Enacts new GS 14-259A making it a class F felony to alter, tamper with, damage, or destroy any electronic monitoring equipment used to monitor a person who has been placed on probation, house arrest, post-release supervision, parole, study release, or work release.

Enacts new GS 15A-1341(d) to require probation officers to search the sex offender registration data base maintained by the Department of Justice's Division of Criminal Statistics when a defendant is placed on probation.

Amends GS 15A-1343(b2) to require as a condition of special probation that a defendant submit to electronic monitoring under GS 15A-1380.6 if the defendant is classified as a sexually violent predator or a recidivist or has been convicted of an aggravated offense. Amends GS 15A-1343(c2) to make conforming changes. Enacts new GS 15A-1344(e2) to require court to require electronic monitoring of a defendant if the defendant's probation is extended due to the defendant's violation of probation and the defendant is classified as a sexually violent predator or a recidivist or was convicted of an aggravated offense. Enacts new GS 15A-1368.4(b2) requiring electronic monitoring of persons who are placed on post-release supervision and are required to register as a sexually violent predator, a recidivist, or due to conviction of an aggravated offense. Enacts new GS 15A-1380.6 requiring the Department of Correction (DOC) to use an electronic monitoring system that actively monitors the offender, identifies the offender's location, and timely reports the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations. DOC may use a passive electronic system that works within the technological or geographical limitations if an active monitoring system will not work. Specifies procedures for issuance of requests for proposals (RFPs) for electronic monitoring equipment and services. The RFPs must be issued by August 1, 2006, for contract terms to begin January 1, 2007. Requires DOC to report to the House and Senate appropriations chairs and to the House and Senate Appropriations Subcommittees on Justice and Public Safety regarding responses to the RFPs.

Requires DOC to develop by January 1, 2007, a graduated risk assessment program that identifies, assesses, and closely monitors high-risk sex offenders who require extraordinary supervision and may be placed on probation, parole, or post-release supervision only on the conditions specified in GS 15A-1343(b2) or GS 15A-1368.4(b1) but are not sexually violent predators, recidivists, or persons convicted of an aggravated offense. Effective July 1, 2006, appropriates \$1,307,218 for 2006-07 from the General Fund to DOC to implement the active and passive electronic monitoring systems required under the act.

Except as noted above, this act is effective December 1, 2006, and applies to offenses committed on or after that date.

Intro. by Allran, Atwater, Bingham, Purcell.

GS 14, 15A, APPROP

June 19, 2006

S 1204. JESSICA'S LAW/STRENGTHEN SEX OFFENDER LAWS. Filed 5/9/06. Senate committee substitute makes the following changes to 1st edition. (1) Reinstates ten-day time deadline established in GS 14-208.7, GS 14-208.9, and GS 14-208.9A for NC residents with reportable criminal convictions to register upon relocating to NC, after a change in offender's address or academic or educational employment status, and to periodically verify registration information (1st edition shortened existing deadlines to 48 hours). Also reinstates ten-day deadline set forth in GS 14-208.27 and GS 14-208.28(2) for a counselor to return to the sheriff the verification of a juvenile delinquent's registration and to notify the sheriff of a juvenile delinquent's change of address. (2) Amends GS 14-208.9 and GS 14-208.9A to authorize the sheriff to take a photograph of a sex offender during any registration required by a change of address or in the offender's academic or educational employment status or during required periodic registrations, if the record photograph of the sex offender does not provide an accurate likeness of offender (was, required that offender provide a current photograph). (3) Revises GS 14-208.12A to remove extraneous word "court" and to require that the clerk of court (was, the

petitioner) forward a certified copy of the order terminating registration to the Division of Criminal Statistics. (4) Makes stylistic changes to GS 14-208.11A(a). (5) Deletes proposed GS 14-208.25A (requiring law enforcement agencies to provide community and public notification regarding the presence of a registered offender). (6) Revises proposed GS 14-208.24A(a) to delete statutory references and to prohibit offenders required to register under those circumstances listed from working or volunteering at any location where a minor is present if the offender's responsibilities include instruction, supervision, or care of a minor (was, prohibited an offender from working or volunteering at a place where children regularly congregate).

Enacts new Part 5 of Article 27A of GS Chapter 14 entitled "Sex Offender Monitoring," which is identical to Section 16.7(a) of the 3rd edition of S 1741 (Modify Appropriations Act of 2005). New Part 5 establishes the following requirements. (1) GS 14-208.33 requires that the Department of Correction (DOC) establish a sex offender monitoring program that uses a continuous satellite-based monitoring system to monitor the following two categories of sex offenders convicted of a reportable conviction: (a) 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 GS 14-208.6; and (b) 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 DOC for the highest level of supervision and monitoring based on the Department's risk assessment program. (2) GS 14-208.34 requires that in developing the guidelines for the program, DOC must require that those offenders enrolled in the program submit to an active continuous satellite monitoring program unless an active program is infeasible. (3) GS 14-208.35 requires that offenders remain enrolled in the monitoring program for life, unless the offender's request to terminate the program is granted under the circumstances outlined in new GS 14-208.36. (4) GS 14-208.37 makes it a Class E felony for a covered person to fail to enroll in a monitoring program and a Class C felony for any person to tamper with, remove, or vandalize a monitoring device issued to an offender. (5) GS 14-208.38 establishes a one-time monitoring fee of \$90 to be assessed against individuals enrolled in the monitoring program and authorizes a court to exempt a person from paying the monitoring fee. Makes conforming amendments to various provisions in GS Chapters 15A and 143B to refer to monitoring program. Requires that the program be implemented by January 1, 2007. Deletes proposed GS 15A-1368.4(b2) and GS 15A-1380.6, which imposed less comprehensive electronic monitoring requirements.

Increases the proposed appropriation for 2006-07 from the General Fund to DOC from \$1,307,218 to \$1,707,218, to implement the active and passive electronic monitoring systems required under the act. Revises title.