

March 15, 2007

S 869. SEX OFFENDER/REGISTER E-MAIL ADDRESS (=H 764). Filed 3/15/07. TO ADD FELONY CHILD ABUSE TO THE LIST OF SEX OFFENDER REGISTRY OFFENSES WHEN THE OFFENSE INVOLVES PROSTITUTION OF A JUVENILE OR THE COMMISSION OF A SEXUAL ACT UPON A JUVENILE, TO REQUIRE THAT A SEX OFFENDER REGISTER HIS OR HER ELECTRONIC MAIL ADDRESS OR OTHER ONLINE IDENTIFIER IN THE STATEWIDE SEX OFFENDER REGISTRY, TO ALLOW LIMITED RELEASE OF ONLINE IDENTIFIER INFORMATION IN THE SEX OFFENDER REGISTRY TO CERTAIN ENTITIES THAT PROVIDE ELECTRONIC MAIL SERVICES AND OTHER INTERNET SERVICES FOR THE PURPOSE OF SCREENING ONLINE USERS, TO PROVIDE THAT THE COURT MAY ORDER A CONVICTED SEX OFFENDER WHO FAILS TO REGISTER AS A SEX OFFENDER TO FORFEIT CERTAIN LICENSING PRIVILEGES, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP PROCEDURES TO ENSURE TIMELY NOTIFICATION OF THE DIVISION OF CRIMINAL STATISTICS AND SHERIFFS OF PERSONS REQUIRED TO REGISTER WHO ARE NOT SENTENCED TO ACTIVE TIME, AND TO APPROPRIATE FUNDS FOR THE GOVERNOR'S CRIME COMMISSION TO USE TO AWARD AS MATCHING GRANTS TO ELIGIBLE SHERIFFS' OFFICES TO ENHANCE AND SUPPORT THEIR EFFORTS TO ENFORCE THE STATE'S SEX OFFENDER LAWS.

Identical to H 764, filed 3/14/07.

Intro. by Boseman.

GS 14, 93B

May 8, 2007

S 869. SEX OFFENDER/REGISTER E-MAIL ADDRESS. Filed 3/15/07. Senate committee substitute makes the following changes to 1st edition. Deletes the appropriation from the General Fund to the Department of Crime Control and Public Safety in the sum of \$500,000 for fiscal year 2007-08 to be allocated to the Governor's Crime Commission for grants to eligible sheriffs' offices to assist with enforcement of the state's sex offender laws. Instead provides that an unspecified amount of funds is authorized to be allocated to the Governor's Crime Commission for such grants. Makes conforming changes. Modifies GS 14-208.6 to expand the definition of *online identifier*, which a sex offender must provide as part of registration information, to include screen name and user ID. Modifies new GS 14-208.15A to provide circumstances under which an entity (business or organization that provides Internet or other electronic communications service) is immune from civil or criminal liability when acting in good faith to comply with regulations governing the release of registry information regarding a registered offender's online identifier to an entity. Modifies effective date to provide that statutory changes apply to persons who are on the sex offender registry as of December 1, 2007, and any person required by law to be on the registry on or after that date.

July 12, 2007

S 869. SEX OFFENDER/REGISTER E-MAIL ADDRESS. Filed 3/15/07. Senate committee substitute makes the following changes to 2nd edition. Modifies proposed GS 14-208.6(1n) to provide that an *online identifier* does not include a Social Security number, date of birth, or pin number. Modifies proposed new GS 14-208.9(e) to require the reporting of changes to a person's online identifier within 10 days (was, before using the online identifier). Modifies proposed GS 14-208.7(b)(1), GS 14-208.9(e), and GS 14-208.9A(a)(5) to delete the requirement that the person execute a consent form that authorizes an entity to provide the sheriff and Division of Criminal Statistics (division) any information pertaining to the person that is necessary to determine the veracity of the changed or new online identifier. Amends GS 14-208.9A(a)(3) to require the registry verification form to indicate whether the person still uses or intends to use any of the online identifiers last reported to the sheriff, and requires providing any new or different identifiers to the sheriff. Modifies proposed new GS 14-208.14(a)(5) to require the division to maintain a system allowing an entity to access a list of online identifiers of persons (was, allowing an entity to compare the database of registered users of that entity to the list of online identifiers of persons) in the central sex offender registry. Modifies proposed new GS 14-208.15A to remove the requirement that the fee be included with the request to access the database and the

provision allowing the fee to be charged for each request. Also removes the requirement that an entity notify the division when a comparison of the online identifier information and the entity users indicates that a registered offender's online identifier is being used on the entity's system. Adds the requirement that an entity report to the Cyber Tipline at the National Center for Missing and Exploited Children or to appropriate law enforcement when the entity receives a complaint from a user that a person who has an online identifier subject to registration on the statewide registry is using the entity's services to solicit a minor by computer to commit an unlawful sex act. Modifies proposed new GS 93B-13.1 to provide that if an offender has a licensing privilege revoked for more than two years, then the licensing board would have discretion to require the licensee to demonstrate competence before the license is reinstated; if the revocation period is less than two years, the board must reinstate the license. Also provides that if at the time the court revokes a license the occupational licensing board has taken disciplinary action lasting longer than the revocation period, then the board has no obligation to reinstate the license and the disciplinary action imposed continues in effect. Modifies the proposed grant program to require eligible sheriffs' offices to provide non-state matching funds equal to 25% of the grant amount awarded, half of which may be in-kind contributions (was, the grants must be awarded on a matching basis of one state dollar for every one non-state dollar). Changes the effective date of the provisions concerning funds allocated to the Governor's Crime Commission from July 1, 2007, to August 1, 2007. Also provides that offenders will be required to register their online identifiers beginning with any initial registrations or verifications that occur on or after December 1, 2007. Makes technical changes. Amends the title.

July 31, 2007

S 869. SEX OFFENDER/REGISTER E-MAIL ADDRESS. Filed 3/15/07. Senate amendment makes the following changes to 3rd edition. Appropriates \$250,000 for 2007-08 from the General Fund to the Department of Crime Control and Public Safety to be allocated to the Governor's Crime Commission for grants to eligible sheriffs' offices. Increases the required match for the grants from 25% to 50%.

July 17, 2008

S 869. CONFIDENTIAL INTERMEDIARY CHANGES (NEW). Filed 3/15/07. House committee substitute deletes the provisions of the 4th edition and replaces it with *AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTEES, ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTEES, ADULT FAMILY MEMBERS OF DECEASED ADOPTEES, ADULT FAMILY MEMBERS OF BIOLOGICAL PARENTS, AND ADULT ADOPTIVE PARENTS OF AN ADULT ADOPTEE WHO IS INCOMPETENT TO HAVE ACCESS TO CONFIDENTIAL INTERMEDIARY SERVICES.* Amends GS 48-1-101 to delete the definition of *lineal descendant of a deceased adoptee* and to change the definition of *confidential intermediary* to a licensed adoption agency staff person who may act as a third party to facilitate the sharing of information authorized by GS 48-9-104 (was, facilitate contact between an adult adoptee or the adult lineal descendant of a deceased adoptee and the biological parent).

Amends GS 48-9-101 to delete the provision defining an adult as an individual who has reached 21 years of age. Makes conforming changes.

Amends GS 48-9-104 to allow a child placing agency licensed by the Department of Health and Human Services (DHHS) or a county department of social services to agree to act as a confidential intermediary for any of the following: (1) adult adoptee, (2) adult biological parent, (3) adult biological sibling of an adult adoptee, (4) adult biological half sibling of an adult adoptee, (5) adult family member of a biological parent, (6) adult family member of a deceased adoptee, and (7) adult adoptive parent or legal guardian, if the adult adoptee is incompetent. Provides that a confidential intermediary may, without appointment by the court, obtain and share nonidentifying birth family health information with these specified classes of individuals. Allows a confidential intermediary, without appointment by the court, to obtain and share identifying information with an adult biological parent with the written consent of the parties to the contract or the sharing of the information and facilitate contact between the parties for an adult adoptee or an adult adoptive parent or legal guardian if the adult adoptee is incompetent. Allows a confidential intermediary,

without appointment by the court, to obtain and share identifying information with an adult adoptee with the written consent of the parties to the contract or the sharing of the information and facilitate contact between the parties for an (1) adult biological parent, (2) adult biological sibling of an adult adoptee, (3) adult biological half sibling of an adult adoptee, (4) adult family member of a biological parent, and (5) adult family member of a deceased adoptee. Requires a confidential intermediary to contact individuals in a manner reasonably calculated to prevent incidental disclosure of confidential information. Provides that if a confidential intermediary determines that the individual who is the subject of the search is deceased, the confidential intermediary is allowed to continue to search for other family members or siblings. Defines *family member* to mean a spouse, child, stepchild, parent, stepparent, grandparent, or grandchild.

Effective October 1, 2008.