

April 9, 2009

H 1317. SEX OFFENDER REGISTRY CHANGES. Filed 4/8/09. *TO PROVIDE FOR THE EFFECTIVE USE OF LAW ENFORCEMENT RESOURCES IN MONITORING REGISTERED SEX OFFENDERS.*

Amends GS 14-208.6 and GS 14-208.6A and amends Article 27A of GS Chapter 14 by enacting a new Part 2A to create three tiers of sexually violent offenses, with separate registration requirements for each tier, such that persons convicted of tier I offenses must register as sex offenders for 15 years, with the opportunity to petition for a shortened registration time after 10 years; persons convicted of tier II offenses (and certain recidivists) must register as sex offenders for 25 years; and persons convicted of tier III offenses, certain recidivists, and highly dangerous sex offenders (a term that is not defined in the bill or the current statutes) must register as sex offenders for life.

Tier I offenses consist of the following: GS 14-27.5A (sexual battery); GS 14-43.13 (subjection or maintaining a person for sexual servitude), where the facts of the case show the victim was not a minor at the time of the offense; GS 14-178 (incest between near relatives), where the facts of the case show the victim was not a minor at the time of the offense; GS 14-190.9(a1) (felonious indecent exposure); GS 14-190.17A (third degree sexual exploitation of a minor); GS 14-202(d), (e), (f), (g), or (h), or a second or subsequent violation of GS 14-202(a), (a1), or (c), only if the court sentencing the individual issues an order pursuant to GS 14-202(l) requiring the individual to register; GS 14-202.1 (taking indecent liberties with children) when there is no sexual contact; and GS 14-202.1 (taking indecent liberties with children) when there is sexual contact, but only if the court sentencing the individual finds that the victim was at least 13 years old, the offender was no more than eight years older than the victim, no force was used in the commission of the offense, and it is appropriate for the offense to be classified as a tier I offense. Tier II offenses consist of the following: GS 14-27.7 (intercourse and sexual offense with certain victims), where the facts of the case show the victim was at least 13, but less than 18, years old at the time of the offense; GS 14-27.7A(a) (statutory rape or sexual offense of person who is 13, 14, or 15, where defendant is at least six years older); GS 14-43.13 (subjecting or maintaining a person for sexual servitude), where the facts of the case show the victim was at least 13, but less than 18, years old at the time of the offense; GS 14-178 (incest between near relatives), where the facts of the case show the victim was at least 13, but less than 18, years old at the time of the offense; GS 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency); GS 14-190.16 (first-degree sexual exploitation of a minor); GS 14-190.17 (second degree sexual exploitation of a minor); GS 14-190.18 (promoting prostitution of a minor); GS 14-190.19 (participating in the prostitution of a minor); GS 14-202.1 (taking indecent liberties with children), where the facts of the case show the victim was at least 13, but less than 16, years old at the time of the offense and there was sexual contact with the victim; GS 14-202.3 (solicitation of child by computer to commit an unlawful sex act); GS 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile); and GS 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian) where the facts of the case show the victim was at least 13, but less than 18, years old at the time of the offense. Tier III offenses consist of the following: an offense against a minor; GS 14-27.2 (first-degree rape); GS 14-27.2A (rape of a child; adult offender); GS 14-27.3 (second degree rape); GS 14-27.4 (first-degree sexual offense); GS 14-27.4A (sex offense with a child; adult offender); GS 14-27.5 (second degree sexual offense); GS 14-27.6 (attempted rape or sexual offense); GS 14-27.7 (intercourse and sexual offense with certain victims), where the facts of the case show the victim was under the age of 13 at the time of the offense; GS 14-43.13 (subjecting or maintaining a person for sexual servitude) where the facts of the case show the victim was under the age of 13 at the time of the offense; GS 14-178 (incest between near relatives) where the facts of the case show the victim was under the age of 13 at the time of the offense; GS 14-202.1 (taking indecent liberties with children) where the facts of the case show the victim was under the age of 13 at the time of the offense and there was sexual contact with the victim; and GS 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian) where the facts of the case show the victim was under the age of 13 at the time of the offense.

Amends Article 27A of GS Chapter 14 by enacting new GS 14-208.22A, which requires any person who is classified as a sexually violent predator (as defined in the bill) or a tier III registrant

to notify the sheriff of the county in which the person is registered if the person intends to maintain a temporary residence for a time period specified in the bill. Makes this temporary address a public record, and makes it a Class F felony for such person not to notify the sheriff of the establishment of a temporary address.

Amends GS 14-208.24A to prohibit any tier I, tier II, or tier III registrant to knowingly be present at (in addition to the locations currently listed in the statute) a group home for children, amusement parks, arcades, or county or state fairs while the fair is being held, or any institutions of higher education, gyms, or fitness facilities that permit minors to use the facility. Also permits a tier I, tier II, or tier III registrant who is the parent or guardian of a minor to pick up or drop off the minor from school, child care centers, and nurseries. Makes technical and conforming changes. Effective December 1, 2009.

Intro. by Glazier, Goforth, R. Warren, Howard. GS 14

May 13, 2009

H 1317. SEX OFFENDER REGISTRY CHANGES. Filed 4/8/09. House committee substitute makes the following changes to 1st edition. Changes the title to *AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER PURSUANT TO THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS MUST ALSO REPORT IN PERSON TO AND NOTIFY THE APPROPRIATE SHERIFF OF THE ADDRESS OF ANY TEMPORARY RESIDENCES MAINTAINED BY THE REGISTRANT, TO INCLUDE ADDITIONAL LOCATIONS IN THE LIST OF PROTECTED PROPERTIES WHERE CERTAIN SEX OFFENDERS ARE NOT ALLOWED TO BE ON THE PREMISES OR ARE ALLOWED TO BE ON THE PREMISES ONLY IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THE RESTRICTIONS PROHIBITING THE PRESENCE OF CERTAIN SEX OFFENDERS ON CERTAIN PROPERTIES FREQUENTED BY MINORS ALSO APPLY TO ANY OUT-OF-STATE PERSON WHO COMES INTO NORTH CAROLINA IF THE OUT-OF-STATE PERSON IS REQUIRED TO REGISTER IN ANOTHER STATE UNDER THE REGISTRATION LAWS OF THAT STATE FOR AN OFFENSE SIMILAR TO ONE IN NORTH CAROLINA THAT PROHIBITS THE OFFENDER'S PRESENCE ON THE PROTECTED PROPERTY, AND TO MAKE VARIOUS CONFORMING CHANGES TO THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION STATUTES.*

Amends GS 14-208.6 to restore the definitions for *aggravated offense* and *sexually violent offense* that were deleted in the first edition.

The first edition added provisions categorizing reportable convictions as tier I, tier II, or tier III offenses; listed the statutory violations that constituted each tier level offense; and made conforming changes throughout GS Chapter 14 inserting references to tier I, tier II, and tier III offenses in categorizing offenses, registration requirements, and other reporting criteria. Deletes the three tier categorization and makes conforming changes to affected provisions in GS Chapter 14. Amends GS 14-208.7 to provide that the registration as a sex offender is to be maintained for a period of 30 years following the date of initial county registration (was, amended to 15 years in the previous edition).

Enacts new subsection (a1) to GS 14-208.9 requiring a person who must register as an offender under GS 14-208.7 to notify the sheriff of any temporary residence maintained for five or more calendar days in a 30-day period or for an aggregate period that exceeds 30 days in a calendar year. Provides additional reporting criteria regarding maintaining a temporary residence and includes the requirement that the registered person report in person to the sheriff when the registered person no longer lives at the temporary residence.

Restores the requirement that the information in the county register is to be verified semiannually (was, amended to annually in previous edition). Adds that the verification form must include information about any temporary residence maintained by the registrant. Makes additional conforming changes to require that a person who is required to register must provide notice of any temporary residence to the registering sheriff. Makes it a Class F felony to willfully fail to notify the registering sheriff of the establishment of a temporary residence. Makes it a Class A1 misdemeanor for a first offense in which a person willfully fails to report that the person has ceased to abide at a temporary residence. Provides that a second or subsequent offense a Class

H felony. Directs the Division of Criminal Statistics to also receive temporary residential addresses. Provides that the residential restrictions apply to maintaining temporary residences.

Provides that the provisions making it unlawful for sex offenders to be on certain prescribed premises apply to a nonresident person who comes to North Carolina and who is required to register in another state under that state's registration laws. Adds to the list of restricted premises, toy stores or toy departments located in a larger shopping area.

Provides that this act also applies to persons who are registered under Article 27A of GS Chapter 14 prior to December 1, 2009, and who continued to be registered on or after December 1, 2009 (was, applied to persons required to be registered under Article 27A on or after December 1, 2009). Provides that the criminal penalties enacted by this act apply to offenses occurring on or after December 1, 2009.

Also makes technical changes.