

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1317  
PROPOSED COMMITTEE SUBSTITUTE H1317-PCS10961-LH-3

Short Title: Sex Offender Registry Changes.

(Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER PURSUANT TO  
2 THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS  
3 MUST ALSO REPORT IN PERSON TO AND NOTIFY THE APPROPRIATE SHERIFF  
4 OF THE ADDRESS OF ANY TEMPORARY RESIDENCES MAINTAINED BY THE  
5 REGISTRANT, TO INCLUDE ADDITIONAL LOCATIONS IN THE LIST OF  
6 PROTECTED PROPERTIES WHERE CERTAIN SEX OFFENDERS ARE NOT  
7 ALLOWED TO BE ON THE PREMISES OR ARE ALLOWED TO BE ON THE  
8 PREMISES ONLY IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THE  
9 RESTRICTIONS PROHIBITING THE PRESENCE OF CERTAIN SEX OFFENDERS  
10 ON CERTAIN PROPERTIES FREQUENTED BY MINORS ALSO APPLY TO ANY  
11 OUT-OF-STATE PERSON WHO COMES INTO NORTH CAROLINA IF THE  
12 OUT-OF-STATE PERSON IS REQUIRED TO REGISTER IN ANOTHER STATE  
13 UNDER THE REGISTRATION LAWS OF THAT STATE FOR AN OFFENSE SIMILAR  
14 TO ONE IN NORTH CAROLINA THAT PROHIBITS THE OFFENDER'S PRESENCE  
15 ON THE PROTECTED PROPERTY, AND TO MAKE VARIOUS CONFORMING  
16 CHANGES TO THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION  
17 STATUTES.  
18

19 The General Assembly of North Carolina enacts:

20 **SECTION 1.** G.S. 14-208.6 reads as rewritten:

21 **"§ 14-208.6. Definitions.**

22 The following definitions apply in this Article:

- 23 (1a) "Aggravated offense" means any criminal offense that includes either of the  
24 following: (i) engaging in a sexual act involving vaginal, anal, or oral  
25 penetration with a victim of any age through the use of force or the threat of  
26 serious violence; or (ii) engaging in a sexual act involving vaginal, anal, or  
27 oral penetration with a victim who is less than 12 years old.  
28 (1b) "County registry" means the information compiled by the sheriff of a county  
29 in compliance with this Article.  
30 (1c) "Division" means the Division of Criminal Information of the Department of  
31 Justice.  
32 (1d) "Electronic mail" means the transmission of information or communication  
33 by the use of the Internet, a computer, a facsimile machine, a pager, a  
34 cellular telephone, a video recorder, or other electronic means sent to a



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- 1 person identified by a unique address or address number and received by that  
2 person.
- 3 (1e) "Employed" includes employment that is full-time or part-time for a period  
4 of time exceeding 14 days or for an aggregate period of time exceeding 30  
5 days during any calendar year, whether financially compensated,  
6 volunteered, or for the purpose of government or educational benefit.
- 7 (1f) "Entity" means a business or organization that provides Internet service,  
8 electronic communications service, remote computing service, online  
9 service, electronic mail service, or electronic instant message or chat  
10 services whether the business or organization is within or outside the State.
- 11 (1g) "Instant Message" means a form of real-time text communication between  
12 two or more people. The communication is conveyed via computers  
13 connected over a network such as the Internet.
- 14 (1h) "Institution of higher education" means any postsecondary public or private  
15 educational institution, including any trade or professional institution,  
16 college, or university.
- 17 (1i) "Internet" means the global information system that is logically linked  
18 together by a globally unique address space based on the Internet Protocol or  
19 its subsequent extensions; that is able to support communications using the  
20 Transmission Control Protocol/Internet Protocol suite, its subsequent  
21 extensions, or other Internet Protocol compatible protocols; and that  
22 provides, uses, or makes accessible, either publicly or privately, high-level  
23 services layered on the communications and related infrastructure described  
24 in this subdivision.
- 25 (1j) "Mailing address" means the location where a person receives his or her  
26 mail.
- 27 ~~(1j)~~(1k) "Mental abnormality" means a congenital or acquired condition of a  
28 person that affects the emotional or volitional capacity of the person in a  
29 manner that predisposes that person to the commission of criminal sexual  
30 acts to a degree that makes the person a menace to the health and safety of  
31 others.
- 32 ~~(1k)~~(1l) "Nonresident student" means a person who is not a resident of North  
33 Carolina but who is enrolled in any type of school in the State on a part-time  
34 or full-time basis.
- 35 ~~(1l)~~(1m) "Nonresident worker" means a person who is not a resident of North  
36 Carolina but who has employment or carries on a vocation in the State, on a  
37 part-time or full-time basis, with or without compensation or government or  
38 educational benefit, for more than 14 days, or for an aggregate period  
39 exceeding 30 days in a calendar year.
- 40 ~~(1m)~~(1n) "Offense against a minor" means any of the following offenses if the  
41 offense is committed against a minor, and the person committing the offense  
42 is not the minor's parent: G.S. 14-39 (kidnapping), G.S. 14-41 (abduction of  
43 children), and G.S. 14-43.3 (felonious restraint). The term also includes the  
44 following if the person convicted of the following is not the minor's parent: a  
45 solicitation or conspiracy to commit any of these offenses; aiding and  
46 abetting any of these offenses.
- 47 ~~(1n)~~(1o) "Online identifier" means electronic mail address, instant message screen  
48 name, user ID, chat or other Internet communication name, but it does not  
49 mean social security number, date of birth, or pin number.
- 50 (2) "Penal institution" means:

- 1 a. A detention facility operated under the jurisdiction of the Division of  
2 Prisons of the Department of Correction;
- 3 b. A detention facility operated under the jurisdiction of another state or  
4 the federal government; or
- 5 c. A detention facility operated by a local government in this State or  
6 another state.
- 7 (2a) "Personality disorder" means an enduring pattern of inner experience and  
8 behavior that deviates markedly from the expectations of the individual's  
9 culture, is pervasive and inflexible, has an onset in adolescence or early  
10 adulthood, is stable over time, and leads to distress or impairment.
- 11 (2b) "Recidivist" means a person who has a prior conviction for an offense that is  
12 described in G.S. 14-208.6(4).
- 13 (3) "Release" means discharged or paroled.
- 14 (4) "Reportable conviction" means:
- 15 a. A final conviction for an offense against a minor, a sexually violent  
16 offense, or an attempt to commit any of those offenses unless the  
17 conviction is for aiding and abetting. A final conviction for aiding  
18 and abetting is a reportable conviction only if the court sentencing  
19 the individual finds that the registration of that individual under this  
20 Article furthers the purposes of this Article as stated in  
21 G.S. 14-208.5.
- 22 b. A final conviction in another state of an offense, which if committed  
23 in this State, is substantially similar to an offense against a minor or a  
24 sexually violent offense as defined by this section, or a final  
25 conviction in another state of an offense that requires registration  
26 under the sex offender registration statutes of that state.
- 27 c. A final conviction in a federal jurisdiction (including a court martial)  
28 of an offense, which is substantially similar to an offense against a  
29 minor or a sexually violent offense as defined by this section.
- 30 d. A final conviction for a violation of G.S. 14-202(d), (e), (f), (g), or  
31 (h), or a second or subsequent conviction for a violation of  
32 G.S. 14-202(a), (a1), or (c), only if the court sentencing the  
33 individual issues an order pursuant to G.S. 14-202(l) requiring the  
34 individual to register.
- 35 (4a) "Residential address" means the address of a person's residence.
- 36 (5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree  
37 rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second  
38 degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex  
39 offense with a child; adult offender), G.S. 14-27.5 (second degree sexual  
40 offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or  
41 sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain  
42 victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is  
43 13-, 14-, or 15-years-old where the defendant is at least six years older),  
44 G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude),  
45 G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or  
46 permitting minor to assist in offenses against public morality and decency),  
47 G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first  
48 degree sexual exploitation of a minor), G.S. 14-190.17 (second degree  
49 sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual  
50 exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor),  
51 G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1

(taking indecent liberties with children), or G.S. 14-202.3 (Solicitation of child by computer to commit an unlawful sex act), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

(6) "Sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses directed at strangers or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(7) "Sheriff" means the sheriff of a county in this State.

(8) "Statewide registry" means the central registry compiled by the Division in accordance with G.S. 14-208.14.

(9) "Student" means a person who is enrolled on a full-time or part-time basis, in any postsecondary public or private educational institution, including any trade or professional institution, or other institution of higher education.

(10) "Temporary residence" means a place where a person abides that is a location other than the person's reported residential address."

**SECTION 2.** G.S. 14-208.7 reads as rewritten:

**"§ 14-208.7. Registration.**

(a) A person who is a State resident and who has a reportable conviction shall be required to maintain registration with the sheriff of the county where the person resides. If the person moves to North Carolina from outside this State, the person shall register within three business days of establishing residence in this State, or whenever the person has been present in the State for 15 days, whichever comes first. If the person is a current resident of North Carolina, the person shall register:

(1) Within three business days of release from a penal institution or arrival in a county to live outside a penal institution; or

(2) Immediately upon conviction for a reportable offense where an active term of imprisonment was not imposed.

Registration shall be maintained for a period of at least 30 years following the date of initial county registration unless the person, after 10 years of registration, successfully petitions the superior court to shorten his or her registration time period under G.S. 14-208.12A.

(a1) A person who is a nonresident student or a nonresident worker and who has a reportable conviction, or is required to register in the person's state of residency, is required to maintain registration with the sheriff of the county where the person works or attends school. In addition to the information required under subsection (b) of this section, the person shall also provide information regarding the person's school or place of employment as appropriate and the person's mailing and residential address in his or her state of residence.

(b) The Division shall provide each sheriff with forms for registering persons as required by this Article. The registration form shall require all of the following:

(1) The person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, and drivers license number, and home address. license number.

(1a) The person's mailing address and also the person's residential address if the person resides at a location other than the mailing address. If a person has multiple residential addresses, then the person shall provide the address for each residential address.

- 1 (2) The type of offense for which the person was convicted, the date of  
2 conviction, and the sentence imposed.
- 3 (3) A current photograph taken by the sheriff, without charge, at the time of  
4 registration.
- 5 (4) The person's fingerprints taken by the sheriff, without charge, at the time of  
6 registration.
- 7 (5) A statement indicating whether the person is a student or expects to enroll as  
8 a student within a year of registering. If the person is a student or expects to  
9 enroll as a student within a year of registration, then the registration form  
10 shall also require the name and address of the educational institution at  
11 which the person is a student or expects to enroll as a student.
- 12 (6) A statement indicating whether the person is employed or expects to be  
13 employed at an institution of higher education within a year of registering. If  
14 the person is employed or expects to be employed at an institution of higher  
15 education within a year of registration, then the registration form shall also  
16 require the name and address of the educational institution at which the  
17 person is or expects to be employed.
- 18 (7) Any online identifier that the person uses or intends to use.

19 (c) When a person registers, the sheriff with whom the person registered shall  
20 immediately send the registration information to the Division in a manner determined by the  
21 Division. The sheriff shall retain the original registration form and other information collected  
22 and shall compile the information that is a public record under this Part into a county registry.

23 (d) Any person required to register under this section shall report in person at the  
24 appropriate sheriff's office to comply with the registration requirements set out in this section.  
25 The sheriff shall provide the registrant with written proof of registration at the time of  
26 registration."

27 **SECTION 3.** G.S. 14-208.9 reads as rewritten:

28 "**§ 14-208.9. Change of address; notification of temporary residence; change of academic**  
29 **status or educational employment status; change of online identifier.**

30 (a) ~~If~~ Unless provided otherwise by law, if a person required to register changes the  
31 person's mailing address or residential address, the person shall report in person and provide  
32 written notice of the new address not later than the third business day after the change to the  
33 sheriff of the county with whom the person had last registered. If the person moves to another  
34 county, the person shall also report in person to the sheriff of the new county and provide  
35 written notice of the person's mailing address and residential address not later than the tenth  
36 day after the change of address. Upon receipt of the notice, the sheriff shall immediately  
37 forward this information to the Division. When the Division receives notice from a sheriff that  
38 a person required to register is moving to another county in the State, the Division shall inform  
39 the sheriff of the new county of the person's new residence.

40 (a1) A person required to register under G.S. 14-208.7 shall report in person to and  
41 notify the sheriff of the county with whom the person is registered if the person intends to  
42 maintain a temporary residence at the same location for a period of five or more calendar days  
43 within a 30-calendar-day period, or for an aggregate period exceeding 30 calendar days in a  
44 calendar year. The person shall report to that sheriff within 72 hours after the person knows or  
45 should know that he or she will be maintaining a temporary residence. Upon receipt of this  
46 notice, the sheriff shall immediately forward this information to the Division. The Division  
47 shall in turn forward this notification to all affected county sheriffs.

48 The person shall also report in person to the sheriff of the county with whom the person is  
49 registered when the person ceases to abide at the temporary residence. That notice shall be  
50 provided within 72 hours after the person ceases to abide at the temporary residence. Upon  
51 receipt of the notice, the sheriff shall immediately forward the information regarding the

1 termination of the temporary address to the Division and shall also remove the temporary  
2 address from the public registry.

3 (b) If a person required to register intends to move to another state, the person shall  
4 report in person to the sheriff of the county of current residence at least three business days  
5 before the date the person intends to leave this State to establish residence in another state or  
6 jurisdiction. The person shall provide to the sheriff a written notification that includes all of the  
7 following information: the mailing address, residential address, municipality, county, and state  
8 of intended residence.

9 (1) If it appears to the sheriff that the record photograph of the sex offender no  
10 longer provides a true and accurate likeness of the sex offender, then the  
11 sheriff shall take a photograph of the offender to update the registration.

12 (2) The sheriff shall inform the person that the person must comply with the  
13 registration requirements in the new state of residence. The sheriff shall also  
14 immediately forward the information included in the notification to the  
15 Division, and the Division shall inform the appropriate state official in the  
16 state to which the registrant moves of the person's notification and new  
17 mailing address and residential address.

18 (b1) A person who indicates his or her intent to reside in another state or jurisdiction and  
19 later decides to remain in this State shall, within three business days after the date upon which  
20 the person indicated he or she would leave this State, report in person to the sheriff's office to  
21 which the person reported the intended change of residence, of his or her intent to remain in  
22 this State. If the sheriff is notified by the sexual offender that he or she intends to remain in this  
23 State, the sheriff shall promptly report this information to the Division.

24 (c) If a person required to register changes his or her academic status either by enrolling  
25 as a student or by terminating enrollment as a student, then the person shall, within three  
26 business days, report in person to the sheriff of the county with whom the person registered and  
27 provide written notice of the person's new status. The written notice shall include the name and  
28 address of the institution of higher education at which the student is or was enrolled. The  
29 sheriff shall immediately forward this information to the Division.

30 (d) If a person required to register changes his or her employment status either by  
31 obtaining employment at an institution of higher education or by terminating employment at an  
32 institution of higher education, then the person shall, within three business days, report in  
33 person to the sheriff of the county with whom the person registered and provide written notice  
34 of the person's new status not later than the tenth day after the change to the sheriff of the  
35 county with whom the person registered. The written notice shall include the name and address  
36 of the institution of higher education at which the person is or was employed. The sheriff shall  
37 immediately forward this information to the Division.

38 (e) If a person required to register changes an online identifier, or obtains a new online  
39 identifier, then the person shall, within 10 days, report in person to the sheriff of the county  
40 with whom the person registered to provide the new or changed online identifier information to  
41 the sheriff. The sheriff shall immediately forward this information to the Division."

42 **SECTION 4.** G.S. 14-208.9A reads as rewritten:

43 **"§ 14-208.9A. Verification of registration information.**

44 (a) The information in the county registry shall be verified semiannually for each  
45 registrant as follows:

46 (1) Every year on the anniversary of a person's initial registration date, and  
47 again six months after that date, the Division shall mail a nonforwardable  
48 verification form to the last reported mailing address of the person.

49 (2) The person shall return the verification form in person to the sheriff within  
50 three business days after the receipt of the form.

- 1 (3) The verification form shall be signed by the person and shall indicate the  
2 following:  
3 a. Whether the person still resides at the address last reported to the  
4 ~~sheriff.~~ sheriff as the person's residential address. If the person has a  
5 different residential address, then the person shall indicate that fact  
6 and the new residential address.  
7 b. Whether the person still uses or intends to use any online identifiers  
8 last reported to the sheriff. If the person has any new or different  
9 online identifiers, then the person shall provide those online  
10 identifiers to the sheriff.  
11 c. Whether the person still receives his or her mail at the mailing  
12 address last reported to the sheriff as the person's mailing address. If  
13 the person has a different mailing address, then the person shall  
14 indicate that fact and the new mailing address.  
15 d. Whether the person still maintains any temporary residence  
16 previously reported. If the person verifies that the person no longer  
17 maintains a previously reported temporary residence and has not  
18 been at that temporary residence for the previous 30 days, the sheriff  
19 shall remove the address of the temporary residence from the public  
20 registry and shall notify the Division of that fact.

21 (3a) If it appears to the sheriff that the record photograph of the sex offender no  
22 longer provides a true and accurate likeness of the sex offender, then the  
23 sheriff shall take a photograph of the offender to include with the  
24 verification form.

25 (4) If the person fails to return the verification form in person to the sheriff  
26 within three business days after receipt of the form, the person is subject to  
27 the penalties provided in G.S. 14-208.11. If the person fails to report in  
28 person and provide the written verification as provided by this section, the  
29 sheriff shall make a reasonable attempt to verify that the person is residing at  
30 the registered residential address or at a reported temporary residential  
31 address. If the person cannot be found at the registered residential address or  
32 a reported temporary residential address and has failed to report a change of  
33 residential address or a reported temporary residential address, the person is  
34 subject to the penalties provided in G.S. 14-208.11, unless the person reports  
35 in person to the sheriff and proves that the person has not changed his or her  
36 residential address.

37 (b) Additional Verification May Be Required. – During the period that an offender is  
38 required to be registered under this Article, the sheriff is authorized to attempt to verify that the  
39 offender continues to reside at the residential or temporary residential address last registered by  
40 the offender.

41 (c) Additional Photograph May Be Required. – If it appears to the sheriff that the  
42 current photograph of the sex offender no longer provides a true and accurate likeness of the  
43 sex offender, upon in-person notice from the sheriff, the sex offender shall allow the sheriff to  
44 take another photograph of the sex offender at the time of the sheriff's request. If requested by  
45 the sheriff, the sex offender shall appear in person at the sheriff's office during normal business  
46 hours within three business days of being requested to do so and shall allow the sheriff to take  
47 another photograph of the sex offender. A person who willfully fails to comply with this  
48 subsection is guilty of a Class 1 misdemeanor."

49 **SECTION 5.** G.S. 14-208.10(a) reads as rewritten:

50 "(a) The following information regarding a person required to register under this Article  
51 is public record and shall be available for public inspection: name, sex, ~~address,~~ mailing

1 address, residential address, address of any temporary residence maintained by the person  
2 unless removed by the sheriff pursuant to G.S. 14-208.9(a1) or G.S. 14-208.9A(a)(3)d.,  
3 physical description, picture, conviction date, offense for which registration was required, the  
4 sentence imposed as a result of the conviction, and registration status. The information obtained  
5 under G.S. 14-208.22 regarding a person's medical records or documentation of treatment for  
6 the person's mental abnormality or personality disorder shall not be a part of the public record.

7 The sheriff shall release any other relevant information that is necessary to protect the  
8 public concerning a specific person, but shall not release the identity of the victim of the  
9 offense that required registration under this Article."

10 **SECTION 6.** G.S. 14-208.11(a) reads as rewritten:

11 "(a) A person required by this Article to register who willfully does any of the following  
12 is guilty of a Class F felony:

- 13 (1) Fails to register as required by this Article.
- 14 (2) Fails to notify the last registering sheriff of a change of mailing address or  
15 residential address as required by this Article.
- 16 (3) Fails to return a verification notice as required under G.S. 14-208.9A.
- 17 (4) Forges or submits under false pretenses the information or verification  
18 notices required under this Article.
- 19 (5) Fails to inform the registering sheriff of enrollment or termination of  
20 enrollment as a student.
- 21 (6) Fails to inform the registering sheriff of employment at an institution of  
22 higher education or termination of employment at an institution of higher  
23 education.
- 24 (7) Fails to report in person to the sheriff's office as required by G.S. 14-208.7,  
25 14-208.9, and 14-208.9A.
- 26 (8) Reports his or her intent to reside in another state or jurisdiction but remains  
27 in this State without reporting to the sheriff in the manner required by  
28 G.S. 14-208.9.
- 29 (9) Fails to notify the registering sheriff of out-of-county employment if  
30 temporary residence is established as required under G.S. 14-208.8A.
- 31 (10) **(Effective May 1, 2009)** Fails to inform the registering sheriff of any new  
32 or changes to existing online identifiers that the person uses or intends to  
33 use.
- 34 (11) Fails to notify the registering sheriff of the establishment of a temporary  
35 residence."

36 **SECTION 7.** Article 27A of Chapter 14 of the General Statutes is amended by  
37 adding a new section to read:

38 "**§ 14-208.11B. Failure to report termination of temporary residence.**

39 A person who willfully fails to report that the person has ceased to abide at a temporary  
40 residence as required by G.S. 14-208.9(a1) is guilty of a Class A1 misdemeanor for a first  
41 offense. A person is guilty of a Class H felony if the person commits a second or subsequent  
42 offense under this section."

43 **SECTION 8.** G.S. 14-208.14(a) reads as rewritten:

44 "(a) The Division of Criminal Statistics shall compile and keep current a central  
45 statewide sex offender registry. The Division is the State agency designated as the custodian of  
46 the statewide registry. As custodian the Division has the following responsibilities:

- 47 (1) To receive from the sheriff or any other law enforcement agency or penal  
48 institution all sex offender registrations, changes of address, temporary  
49 residential addresses, changes of academic or educational employment  
50 status, and prerelease notifications required under this Article or under  
51 federal law. The Division shall also receive notices of any violation of this



- 1 Article, including a failure to register or a failure to report a change of  
2 address.
- 3 (2) To provide all need-to-know law enforcement agencies (local, State,  
4 campus, federal, and those located in other states) immediately upon receipt  
5 by the Division of any of the following: registration information, a  
6 prerelease notification, a change of address, a change of academic or  
7 educational employment status, or notice of a violation of this Article.
- 8 (2a) To notify the appropriate law enforcement unit at an institution of higher  
9 education as soon as possible upon receipt by the Division of relevant  
10 information based on registration information or notice of a change of  
11 academic or educational employment status. If an institution of higher  
12 education does not have a law enforcement unit, then the Division shall  
13 provide the information to the local law enforcement agency that has  
14 jurisdiction for the campus.
- 15 (3) To coordinate efforts among law enforcement agencies and penal institutions  
16 to ensure that the registration information, changes of address, prerelease  
17 notifications, and notices of failure to register or to report a change of  
18 address are conveyed in an appropriate and timely manner.
- 19 (4) To provide public access to the statewide registry in accordance with this  
20 Article.
- 21 (5) To maintain a system allowing an entity to access a list of online identifiers  
22 of persons in the central sex offender registry."

23 **SECTION 9.** G.S. 14-208.16 reads as rewritten:

24 **"§ 14-208.16. Residential restrictions.**

25 (a) A registrant under this Article shall not knowingly reside or maintain a temporary  
26 residence within 1,000 feet of the property on which any public or nonpublic school or child  
27 care center is located.

28 (b) As used in this section, "school" does not include home schools as defined in  
29 G.S. 115C-563 or institutions of higher education, and the term "child care center" is defined  
30 by G.S. 110-86(3). The term "registrant" means a person who is registered, or is required to  
31 register, under this Article.

32 (c) This section does not apply to child care centers that are located on or within 1,000  
33 feet of the property of an institution of higher education where the registrant is a ~~student or is~~  
34 employed student.

35 (d) Changes in the ownership of or use of property within 1,000 feet of a registrant's  
36 registered address that occur after a registrant establishes residency at the registered address  
37 shall not form the basis for finding that an offender is in violation of this section. For purposes  
38 of this subsection, a residence is established when the registrant does any of the following:

- 39 (1) Purchases the residence or enters into a specifically enforceable contract to  
40 purchase the residence.
- 41 (2) Enters into a written lease contract for the residence and for as long as the  
42 person is lawfully entitled to remain on the premises.
- 43 (3) Resides with an immediate family member who established residence in  
44 accordance with this subsection. For purposes of this subsection, "immediate  
45 family member" means a child or sibling who is 18 years of age or older, or  
46 a parent, grandparent, legal guardian, or spouse of the registrant.

47 (e) Nothing in this section shall be construed as creating a private cause of action  
48 against a real estate agent or landlord for any act or omission arising out of the residential  
49 restriction in this section.

50 (f) A violation of this section is a Class G felony."

51 **SECTION 10.** G.S. 14-208.18 reads as rewritten:

1 **"§ 14-208.18. Sex offender unlawfully on premises.**

2 (a) It shall be unlawful for any person required to register under this ~~Article~~, Article or  
3 for any nonresident person who comes into North Carolina that is required to register in another  
4 state under the registration laws of that state, if the offense requiring registration is described in  
5 ~~subsection (b)~~ subsection (c) of this section, to knowingly be at any of the following locations:

6 (1) On the premises of any place intended primarily for the use, care, or  
7 supervision of minors, including, but not limited to, schools, children's  
8 museums, child care centers, nurseries, group homes for children,  
9 amusement parks, arcades, toy stores or toy departments located in a larger  
10 shopping area, and playgrounds.

11 (2) Within 300 feet the facilities of any location intended primarily for the use,  
12 care, or supervision of minors when the place is located on premises that are  
13 not intended primarily for the use, care, or supervision of minors, also used  
14 for other purposes, including, but not limited to, places described in  
15 subdivision (1) of this subsection that are located in malls, shopping centers,  
16 or other property open to the general public. For purposes of this  
17 subdivision, the prohibition shall only apply to that portion of the premises  
18 intended primarily for the use, care, or supervision of minors while that  
19 portion of the premises is being used for the use, care, or supervision of  
20 minors.

21 (3) At any place where minors gather for regularly scheduled educational,  
22 recreational, or social programs. For purposes of this subdivision, the  
23 prohibition shall only apply to that portion of the place being used for the  
24 educational, recreational, or social program for minors while the place is  
25 being used for the educational, recreational, or social program for minors.

26 (4) On the premises of any institution of higher education.

27 (5) On the premises of any gymnasium or fitness facility that allows minors to  
28 use the facility.

29 (6) On the premises of any county or state fair while the fair is being held.

30 (7) On the premises of a public library while activities or programs that are  
31 primarily intended for minors are being conducted, even though the  
32 activities or programs may be limited to a specific area of the library.

33 (8) On the premises of a movie theatre that is showing a "G" rated or "PG" rated  
34 movie.

35 (9) On the premises of any location that is a school bus stop while the place is  
36 being used for a school bus stop.

37 (b) Notwithstanding any provision of this section, a person subject to subsection (a) of  
38 this section who is the parent or guardian of a minor ~~may take~~ may:

39 (1) Take the minor to any location that can provide emergency medical care  
40 treatment if the minor is in need of emergency medical care.

41 (2) Pick up or drop off the minor from or to school, child care centers, and  
42 nurseries. For purposes of this subdivision, the term "pick up" means that the  
43 person may escort the minor to the place designated by the administrative  
44 head of the school, child care center, or nursery as the outdoor entrance of  
45 the facility, and the term "drop off" means that the person may escort the  
46 minor from the place designated by the administrative head of the school,  
47 child care center, or nursery as the outdoor exit of the facility.

48 (3) In a medical emergency, and at the request of the school, child care center,  
49 nursery, or any other prohibited location where the minor child is located,  
50 enter the premises or location to pick up or attend to the minor child.

51 (c) Subsection (a) of this section is applicable only to ~~persons~~ the following persons:

- 1           (1) Persons required to register under this Article who have committed any of  
2 the following offenses:  
3           ~~(1)~~a. Any offense in Article 7A of this Chapter.  
4           ~~(2)~~b. Any offense where the victim of the offense was under the age of 16  
5 years at the time of the offense.
- 6           (2) Nonresident persons who come into North Carolina that are required to  
7 register in another state under the registration laws of that state who have  
8 committed any of the following offenses:  
9           a. Any offense, which if committed in this State, is substantially similar  
10 to an offense in Article 7A of this Chapter.  
11           b. Any offense where the victim of the offense was under the age of 16  
12 years at the time of the offense.
- 13       (d) A person subject to subsection (a) of this section who is a parent or guardian of a  
14 student enrolled in a school may be present on school property if all of the following conditions  
15 are met:
- 16           (1) The parent or guardian is on school property for the purpose for one of the  
17 following:  
18           a. To attend a conference at the school with school personnel to discuss  
19 the academic or social progress of the parents' or guardians' child; or  
20           b. The presence of the parent or guardian has been requested by the  
21 principal or his or her designee for any other reason relating to the  
22 welfare or transportation of the child.
- 23           (2) The parent or guardian complies with all of the following:  
24           a. Notice: The parent or guardian shall notify the principal of the school  
25 of the parents' or guardians' registration under this Article and of his  
26 or her presence at the school unless the parent or guardian has  
27 permission to be present from the superintendent or the local board  
28 of education, or the principal has granted ongoing permission for  
29 regular visits of a routine nature. If permission is granted by the  
30 superintendent or the local board of education, the superintendent or  
31 chairman of the local board of education shall inform the principal of  
32 the school where the parents' or guardians' will be present.  
33 Notification includes the nature of the parents' or guardians' visit and  
34 the hours when the parent or guardian will be present at the school.  
35 The parent or guardian is responsible for notifying the principal's  
36 office upon arrival and upon departure. Any permission granted  
37 under this sub-subdivision shall be in writing.
- 38           b. Supervision: At all times that a parent or guardian is on school  
39 property, the parent or guardian shall remain under the direct  
40 supervision of school personnel. A parent or guardian shall not be on  
41 school property even if the parent or guardian has ongoing  
42 permission for regular visits of a routine nature if no school  
43 personnel are reasonably available to supervise the parent or  
44 guardian on that occasion.
- 45       (e) A person subject to subsection (a) of this section who is eligible to vote may be  
46 present at a location described in subsection (a) used as a voting place as defined by  
47 G.S. 163-165 only for the purposes of voting and shall not be outside the voting enclosure other  
48 than for the purpose of entering and exiting the voting place. If the voting place is a school,  
49 then the person subject to subsection (a) shall notify the principal of the school that he or she is  
50 registered under this Article.

1 (f) A person subject to subsection (a) of this section who is eligible under  
2 G.S. 115C-378 to attend public school may be present on school property if permitted by the  
3 local board of education pursuant to G.S. 115C-391(d)(2).

4 (f1) A person subject to subsection (a) of this section who is duly enrolled in an  
5 institution of higher education may be present on the premises of the institution of higher  
6 education for any purpose necessary for enrollment.

7 (g) A juvenile subject to subsection (a) of this section may be present at a location  
8 described in that subsection if the juvenile is at the location to receive medical treatment or  
9 mental health services and remains under the direct supervision of an employee of the treating  
10 institution at all times.

11 (g1) Notwithstanding any provision of this section, a person subject to subsection (a) of  
12 this section may attend worship services and participate in religious activities primarily  
13 intended for adults that occur within facilities intended primarily as a religious center for  
14 religious worship subject to the following conditions: (i) the person has notified the senior  
15 religious leader of the religious center of the person's registration under this Article; and (ii) has  
16 received written permission to be present on the premises from the senior religious leader or the  
17 governing board of the religious center as appropriate, or the senior religious leader or  
18 governing board of the religious center has granted ongoing permission to the person for  
19 regular visits of a routine nature. If permission is granted by the senior religious leader or the  
20 governing board of the religious center, the senior religious leader or chair of the governing  
21 board of the religious center shall inform the other religious staff where the person will be  
22 present.

23 (h) A violation of this section is a Class H felony."

24 **SECTION 11.** G.S. 14-208.28 reads as rewritten:

25 **"§ 14-208.28. Verification of registration information.**

26 The information provided to the sheriff shall be verified semiannually for each juvenile  
27 registrant as follows:

- 28 (1) Every year on the anniversary of a juvenile's initial registration date and six  
29 months after that date, the sheriff shall mail a verification form to the  
30 juvenile court counselor assigned to the juvenile.
- 31 (2) The juvenile court counselor for the juvenile shall return the verification  
32 form to the sheriff within three business days after the receipt of the form.
- 33 (3) The verification form shall be signed by the juvenile court counselor and the  
34 juvenile and shall indicate whether the juvenile still resides at the residential  
35 address last reported to the sheriff. If the juvenile has a different residential  
36 address, then that fact and the new residential address shall be indicated on  
37 the form."

38 **SECTION 12.** If any provision of this act or its application is held invalid, the  
39 invalidity does not affect other provisions or applications of this act that can be given effect  
40 without the invalid provisions or application, and to this end the provisions of this act are  
41 severable.

42 **SECTION 13.** This act becomes effective December 1, 2009. This act applies to  
43 persons whose initial registration under Article 27A of Chapter 14 of the General Statutes  
44 occurs on or after December 1, 2009, and to persons who are registered under Article 27A of  
45 Chapter 14 of the General Statutes prior to December 1, 2009, and continue to be registered on  
46 or after December 1, 2009. The criminal penalties enacted by this act apply to offenses  
47 occurring on or after December 1, 2009.