

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 219
PROPOSED COMMITTEE SUBSTITUTE H219-PCS30145-SA-6

Short Title: Sex Offender Registry Amendments.

(Public)

Sponsors:

Referred to:

March 3, 2011

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER AS A SEX
2 OFFENDER MUST INDICATE ON THE INITIAL REGISTRATION FORM THE
3 NAME UNDER WHICH THE PERSON WAS CONVICTED FOR THE SEX OFFENSE,
4 TO PROVIDE THAT THE REGISTRANT MUST ALSO NOTIFY THE APPROPRIATE
5 SHERIFF OF ANY NAME CHANGE BY THE REGISTRANT AND INCLUDE NAME
6 CHANGES AS PART OF THE VERIFICATION PROCEDURE, TO DIRECT THE
7 DIVISION OF CRIMINAL STATISTICS TO MAINTAIN THE STATEWIDE
8 REGISTRY SO THAT A MEMBER OF THE PUBLIC MAY CONDUCT SEX
9 OFFENDER SEARCHES USING ANY NAME OR ALIAS OF A REGISTRANT, TO
10 CLARIFY THAT SEX OFFENDERS MAY NOT CHANGE THEIR NAME PURSUANT
11 TO CHAPTER 101 OF THE GENERAL STATUTES, AND TO AMEND THE LAW
12 REGARDING THE VENUE IN WHICH TO FILE A PETITION TO TERMINATE A
13 SEX OFFENDER REGISTRATION REQUIREMENT.
14

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** G.S. 14-208.7(b) reads as rewritten:

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

- 19 (1) The person's full name, each alias, date of birth, sex, race, height, weight,
20 eye color, hair color, drivers license number, and home address.
21 (1a) A statement indicating what the person's name was at the time of the
22 conviction for the offense that requires registration; what alias, if any, the
23 person was using at the time of the conviction of that offense; and the name
24 of the person as it appears on the judgment imposing the sentence on the
25 person for the conviction of the offense.
26 (2) The type of offense for which the person was convicted, the date of
27 conviction, and the sentence imposed.
28 (3) A current photograph taken by the sheriff, without charge, at the time of
29 registration.
30 (4) The person's fingerprints taken by the sheriff, without charge, at the time of
31 registration.
32 (5) A statement indicating whether the person is a student or expects to enroll as
33 a student within a year of registering. If the person is a student or expects to
34 enroll as a student within a year of registration, then the registration form



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1 shall also require the name and address of the educational institution at
2 which the person is a student or expects to enroll as a student.

3 (6) A statement indicating whether the person is employed or expects to be
4 employed at an institution of higher education within a year of registering. If
5 the person is employed or expects to be employed at an institution of higher
6 education within a year of registration, then the registration form shall also
7 require the name and address of the educational institution at which the
8 person is or expects to be employed.

9 (7) Any online identifier that the person uses or intends to use."

10 **SECTION 2.** The catch line for G.S. 14-208.9 reads as rewritten:

11 "**§ 14-208.9. Change of address; change of academic status or educational employment**
12 **status; change of online identifier; ~~identifier~~; change of name.**"

13 **SECTION 3.** G.S. 14-208.9 is amended by adding a new subsection to read:

14 "(f) If a person required to register changes his or her name pursuant to Chapter 101 of
15 the General Statutes or by any other method, then the person shall, within three business days,
16 report in person to the sheriff of the county with whom the person registered to provide the
17 name change to the sheriff. The sheriff shall immediately forward this information to the
18 Division."

19 **SECTION 4.** G.S. 14-208.9A(a)(3) reads as rewritten:

20 "(3) The verification form shall be signed by the person and shall indicate the
21 following:

22 a. Whether the person still resides at the address last reported to the
23 sheriff. If the person has a different address, then the person shall
24 indicate that fact and the new address.

25 b. Whether the person still uses or intends to use any online identifiers
26 last reported to the sheriff. If the person has any new or different
27 online identifiers, then the person shall provide those online
28 identifiers to the sheriff.

29 c. Whether the person still uses or intends to use the name under which
30 the person registered and last reported to the sheriff. If the person has
31 any new or different name, then the person shall provide that name to
32 the sheriff."

33 **SECTION 5.** G.S. 14-208.12A(a) reads as rewritten:

34 "(a) Ten years from the date of initial county registration, a person required to register
35 under this Part may petition the superior court ~~in the district where the person resides to~~
36 terminate the 30-year registration requirement if the person has not been convicted of a
37 subsequent offense requiring registration under this Article.

38 If the reportable conviction is for an offense that occurred in North Carolina, the petition
39 shall be filed in the district where the person was convicted of the offense.

40 If the reportable conviction is for an offense that occurred in another state, the petition shall
41 be filed in the district where the person resides. A person who petitions to terminate the
42 registration requirement for a reportable conviction that is an out-of-state offense shall also do
43 the following: (i) provide written notice to the sheriff of the county where the person was
44 convicted that the person is petitioning the court to terminate the registration requirement and
45 (ii) include with the petition at the time of its filing, an affidavit, signed by the petitioner, that
46 verifies that the petitioner has notified the sheriff of the county where the person was convicted
47 of the petition and that provides the mailing address and contact information for that sheriff."

48 **SECTION 6.** G.S. 14-208.14(a)(3) reads as rewritten:

49 "(3) To coordinate efforts among law enforcement agencies and penal institutions
50 to ensure that the registration information, changes of address, change of

1 name, prerelease notifications, and notices of failure to register or to report a
2 change of address are conveyed in an appropriate and timely manner."

3 **SECTION 7.** G.S. 14-208.14 is amended by adding a new subdivision to read:

4 "(4a) To maintain the system for public access so that a registrant's full name, any
5 aliases, and any legal name changes are cross-referenced and a member of
6 the public may conduct a search of the system for a registrant under any of
7 those names."

8 **SECTION 8.** G.S. 101-5 reads as rewritten:

9 "**§ 101-5. Clerk to order change; certificate and record.**

10 ~~If~~ Except as prohibited by G.S. 101-6(c), if the clerk thinks that good and sufficient reason
11 exists for the change of name, it shall be his duty to issue an order changing the name of the
12 applicant from his true name to the name sought to be adopted. Such order shall contain the
13 true name, the county of birth, the date of birth, the full name of parents as shown on birth
14 certificate, and the name sought to be adopted. He shall issue to the applicant a certificate under
15 his hand and seal of office, stating the change made in the applicant's name, and shall also
16 record said application and order on the docket of special proceedings in his court. He shall
17 forward the order to the State Registrar of Vital Statistics on a form provided by him. If the
18 applicant was born in North Carolina, the State Registrar shall note the change of name of the
19 individual or individuals specified in the order on the birth certificate of that individual or those
20 individuals and shall notify the register of deeds in the county of birth. If the applicant was born
21 in another state of the United States, the State Registrar shall forward the notice of change of
22 name to the registration office of the state of birth."

23 **SECTION 9.** Sections 1, 2, 3, 4, 6, and 7 of this act become effective December 1,
24 2011, and apply to persons whose initial registration under Article 27A of Chapter 14 of the
25 General Statutes occurs on or after December 1, 2011, and to persons who are registered under
26 Article 27 of Chapter 14 of the General Statutes prior to December 1, 2011, and continue to be
27 registered on December 1, 2011. However, any person registered under Article 27 of Chapter
28 14 of the General Statutes prior to December 1, 2011, and continuing to be registered on
29 December 1, 2011, shall not be in violation of the registration, verification, and reporting
30 requirements regarding a person's name, if the person provides the required information at the
31 first verification of information that occurs on or after December 1, 2011. Section 5 of this act
32 becomes effective December 1, 2011, and applies to petitions filed on or after that date. Section
33 8 of this act is effective when it becomes law and applies to petitions filed or pending on or
34 after that date. The remainder of this act is effective when it becomes law.