

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE BILL 857
PROPOSED COMMITTEE SUBSTITUTE H857-PCS70185-TJ-5

Short Title: Sex Offenders/Electronic Monitoring.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION TO REPLACE THE
CURRENT ELECTRONIC MONITORING SERVICE AND EQUIPMENT USED TO
MONITOR CONVICTED SEX OFFENDERS WITH A NEW SYSTEM THAT
PROVIDES EXCLUSION ZONES AROUND ALL OF THE STATE'S K-12 SCHOOL
CAMPUSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-531(5a) reads as rewritten:

"(5a) House arrest with electronic monitoring. – Pretrial release in which the offender is required to remain at his or her residence unless the court authorizes the offender to leave for the purpose of employment, counseling, a course of study, or vocational training. The offender shall be required to wear an electronic monitoring device which permits the supervising agency to electronically monitor the offender's compliance with the condition. An active electronic monitoring device means a mechanism that is not removed from the person's body; that is utilized by the supervising agency in conjunction with a Web-based computer system that actively monitors, identifies, and records a person's location at least once every minute 24 hours a day; and that has a battery life of at least 48 hours without being recharged. In areas of the State where cellular coverage requires the use of an alternative device, the supervising agency may use an alternative device."

SECTION 2. G.S. 15A-1340.11(4a) reads as rewritten:

"(4a) House arrest with electronic monitoring. – Probation in which the offender is required to remain at his or her residence. The court, in the sentencing order, may authorize the offender to leave the offender's residence for employment, counseling, a course of study, vocational training, or other specific purposes and may modify that authorization. The probation officer may authorize the offender to leave the offender's residence for specific purposes not authorized in the court order upon approval of the probation officer's supervisor. The offender shall be required to wear an active electronic monitoring device which permits the supervising agency to monitor the offender's compliance with the condition. An active electronic monitoring device means a mechanism that is not removed from the person's body; that is utilized by the supervising agency in conjunction with a Web-based



* H 8 5 7 - P C S 7 0 1 8 5 - T J - 5 *

1 computer system that actively monitors, identifies, and records a person's
2 location at least once every minute 24 hours a day; and that has a battery life
3 of at least 48 hours without being recharged. In areas of the State where
4 cellular coverage requires the use of an alternative device, the supervising
5 agency may use an alternative device. "

6 **SECTION 3.** By March 1, 2012, the Department of Correction shall replace the
7 electronic monitoring service and equipment currently being used to monitor convicted sex
8 offenders with a provider that offers electronic monitoring equipment and service that provides
9 exclusion zones around every K-12 school campus in the State. The new equipment shall have
10 the ability to notify immediately the probation officer, supervising officer, or other proper
11 authority that the convicted sex offender has violated one of the exclusion zones established so
12 that proper action may be taken.

13 **SECTION 4.** The Department of Correction shall report to the Joint Legislative
14 Corrections, Crime Control, and Juvenile Justice Oversight Committee by June 1, 2012,
15 regarding the implementation of the new electronic monitoring service and equipment and
16 provide the Committee with its evaluation of how the new system is functioning and how it
17 compares with other systems used by the Department for this same purpose.

18 **SECTION 5.** This act is effective when it becomes law.