

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH30291-LHF-65A (02/16)

Short Title: Sex Offender Registry Fee.

(Public)

Sponsors: Representatives Hastings, Davis, R. Turner, and Zachary (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE EACH SEX OFFENDER TO PAY AN INITIAL REGISTRATION
3 FEE AND AN ANNUAL REGISTRATION FEE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Part 2 of Article 27A of Chapter 14 of the General Statutes is
6 amended by adding a new section to read:

7 "**§ 14-208.7A. Registration fees.**

8 (a) Each person required to register under this Article shall pay an initial registration
9 fee of ninety dollars (\$90.00) at the time of the person's initial registration. Each sex offender
10 shall pay an annual registration fee of ninety dollars (\$90.00) on the anniversary of the person's
11 initial registration date. The initial fee shall be payable to the sheriff of the county in which the
12 person initially registers. The annual fee shall be paid to the sheriff who receives the person's
13 verification form under G.S. 14-208.9A. The sheriff shall transmit the proceeds of these fees to
14 the county finance officer to be credited to the sheriff's office. The fees shall be used only to
15 offset the costs associated with the registration of sex offenders.

16 (b) A person required to register under this Article must still register pursuant to this
17 Article without regard as to whether the person pays the fee assessed under this section. The
18 sheriff shall not refuse to register a person who does not pay the fee assessed by this section. At
19 the end of each calendar year, the sheriff shall report to the attorney general all fees that have
20 been due and unpaid for more than one year and that the sheriff has not previously reported.
21 The attorney general may recover those delinquent fees in a civil action. When the Attorney
22 General collects delinquent fees pursuant to this section, the attorney general shall deduct the
23 actual costs of collection, not to exceed twenty percent (20%) of the amount collected, and
24 remit the remaining funds to the appropriate counties to be credited to the office of the sheriff
25 of that county.

26 (c) This section does not apply to juveniles required to register pursuant to Part 4 of
27 Article 27A of Chapter 14 of the General Statutes."

28 **SECTION 2.** G.S. 15A-1343(b2) is rewritten to read:

29 "(b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of
30 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – As special conditions of
31 probation, a defendant who has been convicted of an offense which is a reportable conviction
32 as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a
33 minor, must:

34 (1) Register as required by G.S. 14-208.7 if the offense is a reportable
35 conviction as defined by G.S. 14-208.6(4).



- 1 (1a) Pay an initial registration fee and annual registration fees pursuant to
2 G.S. 14-208.7A.
- 3 (2) Participate in such evaluation and treatment as is necessary to complete a
4 prescribed course of psychiatric, psychological, or other rehabilitative
5 treatment as ordered by the court.
- 6 (3) Not communicate with, be in the presence of, or found in or on the premises
7 of the victim of the offense.
- 8 (4) Not reside in a household with any minor child if the offense is one in which
9 there is evidence of sexual abuse of a minor.
- 10 (5) Not reside in a household with any minor child if the offense is one in which
11 there is evidence of physical or mental abuse of a minor, unless the court
12 expressly finds that it is unlikely that the defendant's harmful or abusive
13 conduct will recur and that it would be in the minor child's best interest to
14 allow the probationer to reside in the same household with a minor child.
- 15 (6) Satisfy any other conditions determined by the court to be reasonably related
16 to his rehabilitation.
- 17 (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
18 Chapter 14 of the General Statutes, if the defendant is described by
19 G.S. 14-208.40(a)(1).
- 20 (8) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
21 Chapter 14 of the General Statutes, if the defendant is in the category
22 described by G.S. 14-208.40(a)(2), and the Division of Adult Correction of
23 the Department of Public Safety, based on the Division's risk assessment
24 program, recommends that the defendant submit to the highest possible level
25 of supervision and monitoring.
- 26 (9) Submit at reasonable times to warrantless searches by a probation officer of
27 the probationer's person and of the probationer's vehicle and premises while
28 the probationer is present, for purposes specified by the court and reasonably
29 related to the probation supervision, but the probationer may not be required
30 to submit to any other search that would otherwise be unlawful. For
31 purposes of this subdivision, warrantless searches of the probationer's
32 computer or other electronic mechanism which may contain electronic data
33 shall be considered reasonably related to the probation supervision.
34 Whenever the warrantless search consists of testing for the presence of
35 illegal drugs, the probationer may also be required to reimburse the Division
36 of Adult Correction of the Department of Public Safety for the actual cost of
37 drug screening and drug testing, if the results are positive.

38 Defendants subject to the provisions of this subsection shall not be placed on unsupervised
39 probation."

40 **SECTION 3.** G.S. 15A-1368.4(b1) reads as rewritten:

41 "(b1) Additional Required Conditions for Sex Offenders and Persons Convicted of
42 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the required
43 condition set forth in subsection (b) of this section, for a supervisee who has been convicted of
44 an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves
45 the physical, mental, or sexual abuse of a minor, controlling conditions, violations of which
46 may result in revocation of post-release supervision, are:

- 47 (1) Register as required by G.S. 14-208.7 if the offense is a reportable
48 conviction as defined by G.S. 14-208.6(4).
- 49 (1a) Pay an initial registration fee and annual registration fees pursuant to
50 G.S. 14-208.7A.

- 1 (2) Participate in such evaluation and treatment as is necessary to complete a
2 prescribed course of psychiatric, psychological, or other rehabilitative
3 treatment as ordered by the Commission.
- 4 (3) Not communicate with, be in the presence of, or found in or on the premises
5 of the victim of the offense.
- 6 (4) Not reside in a household with any minor child if the offense is one in which
7 there is evidence of sexual abuse of a minor.
- 8 (5) Not reside in a household with any minor child if the offense is one in which
9 there is evidence of physical or mental abuse of a minor, unless a court of
10 competent jurisdiction expressly finds that it is unlikely that the defendant's
11 harmful or abusive conduct will recur and that it would be in the child's best
12 interest to allow the supervisee to reside in the same household with a minor
13 child.
- 14 (6) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
15 Chapter 14 of the General Statutes, if the offense is a reportable conviction
16 as defined by G.S. 14-208.6(4) and the supervisee is in the category
17 described by G.S. 14-208.40(a)(1).
- 18 (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
19 Chapter 14 of the General Statutes, if the offense is a reportable conviction
20 as defined by G.S. 14-208.6(4) and the supervisee is in the category
21 described by G.S. 14-208.40(a)(2).
- 22 (8) Submit at reasonable times to warrantless searches by a post-release
23 supervision officer of the supervisee's person and of the supervisee's vehicle
24 and premises while the supervisee is present, for purposes reasonably related
25 to the post-release supervision, but the supervisee may not be required to
26 submit to any other search that would otherwise be unlawful. For purposes
27 of this subdivision, warrantless searches of the supervisee's computer or
28 other electronic mechanism which may contain electronic data shall be
29 considered reasonably related to the post-release supervision. Whenever the
30 warrantless search consists of testing for the presence of illegal drugs, the
31 supervisee may also be required to reimburse the Division of Adult
32 Correction of the Department of Public Safety for the actual cost of drug
33 screening and drug testing, if the results are positive."

34 **SECTION 4.** This act becomes effective December 1, 2017. The requirement to
35 pay an initial registration fee applies to all adult persons who initially register on or after that
36 date. The requirement to pay an annual registration fee applies to all adult persons registered
37 under Article 27A of Chapter 14 of the General Statutes on or after that date. Sections 2 and 3
38 of this act apply to persons placed on probation or post-release supervision on or after that date.