

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 684  
PROPOSED COMMITTEE SUBSTITUTE H684-PCS40578-TT-25

Short Title: Sex Offender Registry Fee.

(Public)

Sponsors:

Referred to:

April 11, 2017

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.** The General Assembly recognizes that the release of certain  
6 information about sex offenders to public agencies and the general public assists in protecting  
7 the public safety. It is the intent of the General Assembly to offset the administrative costs to  
8 law enforcement to maintain and update the sex offender registry by creating a civil fee for sex  
9 offender registration.

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

12 "**§ 14-208.7A. Registration fees.**

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

22 (b) A person required to register under this Article must still register pursuant to this  
23 Article without regard as to whether the person pays the fee assessed under this section. The  
24 sheriff shall not refuse to register a person who does not pay the fee assessed by this section. At  
25 the end of each calendar year, the sheriff shall report to the Attorney General all fees that have  
26 been due and unpaid for more than one year and that the sheriff has not previously reported.  
27 The Attorney General may recover those delinquent fees in a civil action. When the Attorney  
28 General collects delinquent fees pursuant to this section, the Attorney General shall deduct the  
29 actual costs of collection, not to exceed twenty percent (20%) of the amount collected, and  
30 remit the remaining funds to the appropriate counties to be credited to the office of the sheriff  
31 of that county. Notwithstanding any other provision of law, the Attorney General may bring a  
32 civil action under this section within 10 years of the date fees were due.

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

35 **SECTION 3.** G.S. 15A-1343(b2) reads as rewritten:



\* H 6 8 4 - P C S 4 0 5 7 8 - T T - 2 5 \*

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

- 6 (1) Register as required by ~~G.S. 14-208.7~~ Article 27A of Chapter 14 of the  
7 General Statutes, if the offense is a reportable conviction as defined by  
8 G.S. 14-208.6(4).
- 9 (2) Participate in such evaluation and treatment as is necessary to complete a  
10 prescribed course of psychiatric, psychological, or other rehabilitative  
11 treatment as ordered by the court.
- 12 (3) Not communicate with, be in the presence of, or found in or on the premises  
13 of the victim of the offense.
- 14 (4) Not reside in a household with any minor child if the offense is one in which  
15 there is evidence of sexual abuse of a minor.
- 16 (5) Not reside in a household with any minor child if the offense is one in which  
17 there is evidence of physical or mental abuse of a minor, unless the court  
18 expressly finds that it is unlikely that the defendant's harmful or abusive  
19 conduct will recur and that it would be in the minor child's best interest to  
20 allow the probationer to reside in the same household with a minor child.
- 21 (6) Satisfy any other conditions determined by the court to be reasonably related  
22 to his rehabilitation.
- 23 (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of  
24 Chapter 14 of the General Statutes, if the defendant is described by  
25 G.S. 14-208.40(a)(1).
- 26 (8) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of  
27 Chapter 14 of the General Statutes, if the defendant is in the category  
28 described by G.S. 14-208.40(a)(2), and the Division of Adult Correction of  
29 the Department of Public Safety, based on the Division's risk assessment  
30 program, recommends that the defendant submit to the highest possible level  
31 of supervision and monitoring.
- 32 (9) Submit at reasonable times to warrantless searches by a probation officer of  
33 the probationer's person and of the probationer's vehicle and premises while  
34 the probationer is present, for purposes specified by the court and reasonably  
35 related to the probation supervision, but the probationer may not be required  
36 to submit to any other search that would otherwise be unlawful. For  
37 purposes of this subdivision, warrantless searches of the probationer's  
38 computer or other electronic mechanism which may contain electronic data  
39 shall be considered reasonably related to the probation supervision.  
40 Whenever the warrantless search consists of testing for the presence of  
41 illegal drugs, the probationer may also be required to reimburse the Division  
42 of Adult Correction of the Department of Public Safety for the actual cost of  
43 drug screening and drug testing, if the results are positive.

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

46 **SECTION 4.** G.S. 15A-1368.4(b1) reads as rewritten:

47 "(b1) Additional Required Conditions for Sex Offenders and Persons Convicted of  
48 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the required  
49 condition set forth in subsection (b) of this section, for a supervisee who has been convicted of  
50 an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves

1 the physical, mental, or sexual abuse of a minor, controlling conditions, violations of which  
2 may result in revocation of post-release supervision, are:

- 3 (1) Register as required by ~~G.S. 14-208.7~~ Article 27A of Chapter 14 of the  
4 General Statutes, if the offense is a reportable conviction as defined by  
5 G.S. 14-208.6(4).  
6 (2) Participate in such evaluation and treatment as is necessary to complete a  
7 prescribed course of psychiatric, psychological, or other rehabilitative  
8 treatment as ordered by the Commission.  
9 (3) Not communicate with, be in the presence of, or found in or on the premises  
10 of the victim of the offense.  
11 (4) Not reside in a household with any minor child if the offense is one in which  
12 there is evidence of sexual abuse of a minor.  
13 (5) Not reside in a household with any minor child if the offense is one in which  
14 there is evidence of physical or mental abuse of a minor, unless a court of  
15 competent jurisdiction expressly finds that it is unlikely that the defendant's  
16 harmful or abusive conduct will recur and that it would be in the child's best  
17 interest to allow the supervisee to reside in the same household with a minor  
18 child.  
19 (6) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of  
20 Chapter 14 of the General Statutes, if the offense is a reportable conviction  
21 as defined by G.S. 14-208.6(4) and the supervisee is in the category  
22 described by G.S. 14-208.40(a)(1).  
23 (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of  
24 Chapter 14 of the General Statutes, if the offense is a reportable conviction  
25 as defined by G.S. 14-208.6(4) and the supervisee is in the category  
26 described by G.S. 14-208.40(a)(2).  
27 (8) Submit at reasonable times to warrantless searches by a post-release  
28 supervision officer of the supervisee's person and of the supervisee's vehicle  
29 and premises while the supervisee is present, for purposes reasonably related  
30 to the post-release supervision, but the supervisee may not be required to  
31 submit to any other search that would otherwise be unlawful. For purposes  
32 of this subdivision, warrantless searches of the supervisee's computer or  
33 other electronic mechanism which may contain electronic data shall be  
34 considered reasonably related to the post-release supervision. Whenever the  
35 warrantless search consists of testing for the presence of illegal drugs, the  
36 supervisee may also be required to reimburse the Division of Adult  
37 Correction of the Department of Public Safety for the actual cost of drug  
38 screening and drug testing, if the results are positive."

39 **SECTION 5.** G.S. 14-208.12A reads as rewritten:

40 **"§ 14-208.12A. Request for termination of registration requirement.**

41 ...

42 (a1) The court may grant the relief ~~if:~~ if all of the following are met:

- 43 (1) The petitioner demonstrates to the court that he or she has not been arrested  
44 for any crime that would require registration under this Article since  
45 completing the ~~sentence,~~ sentence.  
46 (2) The requested relief complies with the provisions of the federal Jacob  
47 Wetterling Act, as amended, and any other federal standards applicable to  
48 the termination of a registration requirement or required to be met as a  
49 condition for the receipt of federal funds by the ~~State,~~ and State.  
50 (3) The court is otherwise satisfied that the petitioner is not a current or potential  
51 threat to public safety.

1           (4)   The petitioner demonstrates to the court that he or she has paid the initial  
2                   registration fee, if the petitioner initially registered after October 1, 2017,  
3                   and subsequent annual registration fees, beginning October 1, 2017, as  
4                   required by G.S. 14-208.7A.

5           ...."

6           **SECTION 6.** This act becomes effective December 1, 2017.