

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 374
Mar 18, 2019
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10194-ML-31

Short Title: Sex Offender/Expand Residential Restriction. (Public)

Sponsors: Representatives McGrady and B. Turner (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW THAT IMPOSES RESIDENTIAL RESTRICTIONS ON
3 SEX OFFENDERS TO PROVIDE THAT A SEX OFFENDER IS PROHIBITED FROM
4 RESIDING WITHIN ONE THOUSAND FEET OF A SITE WHERE AN ORGANIZED
5 RESIDENTIAL YOUTH CAMP IS LOCATED.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-208.16 reads as rewritten:

8 **"§ 14-208.16. Residential restrictions.**

9 (a) A registrant under this Article shall not knowingly reside within 1,000 feet of the
10 property on which any public or nonpublic ~~school or school~~, child care ~~center~~ center, or organized
11 residential youth camp is located. This subsection applies to any registrant who did not establish
12 his or her residence, in accordance with subsection (d) of this section, prior to August 16, 2006.

13 (b) As used in this section, "school" does not include home schools as defined in
14 G.S. 115C-563 or institutions of higher education. The term "child care center" is defined by
15 G.S. 110-86(3); however, for purposes of this section, the term "child care center" does include
16 the permanent locations of organized clubs of Boys and Girls Clubs of America. The term
17 "organized residential youth camp" means a program or facility that (i) is established for the
18 primary purpose of providing an outdoor group living experience, (ii) has both educational and
19 youth development objectives, and (iii) provides permanent or semi-permanent lodging, meals,
20 and activities for eight or more children over four or more consecutive nights on an annual basis.
21 The term "registrant" means a person who is registered, or is required to register, under this
22 Article.

23 (c) This section does not apply to child care centers or organized residential youth camps
24 that are located on or within 1,000 feet of the property of an institution of higher education where
25 the registrant is a student or is employed.

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

- 30 (1) Purchases the residence or enters into a specifically enforceable contract to
31 purchase the residence.
32 (2) Enters into a written lease contract for the residence and for as long as the
33 person is lawfully entitled to remain on the premises.
34 (3) Resides with an immediate family member who established residence in
35 accordance with this subsection. For purposes of this subsection, "immediate



1 family member" means a child or sibling who is 18 years of age or older, or a
2 parent, grandparent, legal guardian, or spouse of the registrant.
3 (e) Nothing in this section shall be construed as creating a private cause of action against
4 a real estate agent or landlord for any act or omission arising out of the residential restriction in
5 this section.
6 (f) A violation of this section is a Class G felony."
7 **SECTION 2.** This act is effective when it becomes law and applies to all persons
8 registered or required to register on or after that date. This act does not apply to a person who has
9 established a residence prior to the effective date of this act in accordance with
10 G.S. 14-208.16(d)(1), (2), or (3).