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Short Title: Child Sex Abuse/Strengthen Laws.

(Public)

Sponsors:

Referred to:

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1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT CHILDREN FROM SEXUAL ABUSE BY IMPROVING
3 PROSECUTORIAL OPTIONS FOR DELAYED REPORTS OF CHILD ABUSE, TO
4 EXPAND THE DUTY TO REPORT CHILD ABUSE, AND TO PROTECT CHILDREN
5 FROM ONLINE PREDATORS.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. TITLE**

9 **SECTION 1.** This act shall be known and may be cited as "The Sexual Assault Fast
10 Reporting and Enforcement (Safe Child) Act of 2019."

11
12 **PART II. EXPAND DUTY TO REPORT CRIMES AGAINST JUVENILES**

13 **SECTION 2.(a)** Article 39 of Chapter 14 of the General Statutes is amended by
14 adding a new section to read:

15 **"§ 14-318.6. Failure to report crimes against juveniles; penalty.**

16 (a) Definitions. – As used in this section, the following definitions apply:

17 (1) Crime of abuse. – Any of the following misdemeanor offenses committed
18 against a victim who had not reached age 18:

19 a. G.S. 7B-301.

20 b. G.S. 14-27.33.

21 c. G.S. 14-33(c)(3).

22 d. G.S. 14-202.2.

23 e. G.S. 14-318.2.

24 f. Any attempt, solicitation, or conspiracy to commit any of the offenses
25 listed in this subsection.

26 (2) Juvenile. – As defined in G.S. 7B-101.

27 (b) Requirement. – A person or institution who suspects that a juvenile has been the
28 victim of a felony or a crime of abuse shall immediately report the case of that juvenile to the
29 appropriate local law enforcement agency in the county where the juvenile resides or is found.
30 The report may be made orally or by telephone. The report shall include information as is known
31 to the person making it, including the name and address of the juvenile; the name and address of
32 the juvenile's parent, guardian, custodian, or caretaker; the age of the juvenile; the names and
33 ages of other juveniles present or in danger; the present whereabouts of the juvenile if not at the
34 home address; the nature and extent of any injury or condition resulting from the abuse; and any



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1 other information which the person making the report believes might be helpful in establishing
2 the need for law enforcement involvement. The person making the report shall give the person's
3 name, address, and telephone number.

4 (c) Penalty. – Any person or institution who knew or should have known that a juvenile
5 was the victim of a felony or a crime of abuse, and knowingly or wantonly fails to report as
6 required by subsection (b) of this section, or who knowingly or wantonly prevents another person
7 from reporting as required by subsection (b) of this section, is guilty of a Class 1 misdemeanor.

8 (d) Construction. – Nothing in this section shall be construed as relieving a person subject
9 to the requirement set forth in subsection (b) of this section from any other duty to report required
10 by law.

11 (e) Protection. – The identity of a person making a report pursuant to this section must
12 be protected and only revealed as provided in G. S. 132-1.4(c)(4)."

13 **SECTION 2.(b)** This section becomes effective December 1, 2019, and applies to
14 offenses committed on or after that date.

15 16 **PART III. EXPANDING THE STATUTE OF LIMITATIONS FOR MISDEMEANOR** 17 **CRIMES INVOLVING ABUSE AGAINST CHILDREN**

18 **SECTION 3.(a)** G.S. 15-1 reads as rewritten:

19 **"§ 15-1. Statute of limitations for misdemeanors.**

20 The crimes of deceit and malicious mischief, and the crime of petit larceny where the value
21 of the property does not exceed five dollars (\$5.00), and all misdemeanors except any crime of
22 abuse as defined in G.S. 14-318.6 and malicious misdemeanors, shall be charged within two
23 years after the commission of the same, and not afterwards: Provided, that if any pleading shall
24 be defective, so that no judgment can be given thereon, another prosecution may be instituted for
25 the same offense, within one year after the first shall have been abandoned by the State. Crimes
26 of abuse shall be charged within 10 years of the commission of the crime."

27 **SECTION 3.(b)** This section becomes effective December 1, 2019, and applies to
28 offenses committed on or after that date.

29 30 **PART IV. PROTECTING CHILDREN ONLINE FROM HIGH-RISK SEX OFFENDERS**

31 **SECTION 4.(a)** G.S. 14-202.5 reads as rewritten:

32 **"§ 14-202.5. ~~Ban use of commercial social networking Web sites by sex offenders.~~Ban online**
33 **conduct by high-risk sex offenders that endangers children.**

34 (a) Offense. – It is unlawful for a high-risk sex offender who is registered in accordance
35 with Article 27A of Chapter 14 of the General Statutes to access a commercial social networking
36 Web site where the sex offender knows that the site permits minor children to become members
37 or to create or maintain personal Web pages on the commercial social networking Web site. to do
38 any of the following online:

39 (1) To communicate with a person that the offender believes is under 16 years of
40 age.

41 (2) To contact a person that the offender believes is under 16 years of age.

42 (3) To pose falsely as a person under 16 years of age.

43 (4) To use a Web site to gather information about a person that the offender
44 believes is under 16 years of age.

45 (5) To use a commercial social networking Web site in violation of a policy
46 posted in a manner reasonably likely to come to the attention of users,
47 prohibiting convicted sex offenders from using the site.

48 (b) Definition of Commercial Social Networking Web Site. – For the purposes of this
49 section, a "commercial social networking Web site" is an includes any Web site, application,
50 portal, or other means of accessing the Internet Web site that meets all of the following
51 requirements:

- 1 (1) Is operated by a person who derives revenue from membership fees,
2 advertising, or other sources related to the operation of the Web site.
- 3 ~~(2) Facilitates the social introduction between two or more persons for the~~
4 ~~purposes of friendship, meeting other persons, or information exchanges.~~
- 5 (3) Allows users to create personal Web pages or personal profiles that contain
6 information such as the user's name or nickname of the user, nickname,
7 photographs placed on the personal Web page by the user, of the user, and
8 other personal information about the user, and links to other personal Web
9 pages on the commercial social networking Web site of friends or associates
10 of the user that may be accessed by other users or visitors to the Web
11 site information.
- 12 (4) Provides users or visitors ~~to the commercial social networking Web site~~
13 ~~mechanisms a mechanism~~ to communicate with ~~other users, others,~~ such as a
14 message board, chat room, ~~electronic mail,~~ or instant messenger.
- 15 (c) Exclusions from Commercial Social Networking Web Site Definition. – A
16 commercial social networking Web site does not include an Internet a Web site that either meets
17 either of the following requirements:
- 18 (1) ~~Provides only one of the following discrete services: photo sharing, electronic~~
19 ~~mail, instant messenger, or chat room or message board platform; or~~
- 20 (2) Has as its primary purpose the facilitation of commercial ~~transactions~~
21 ~~involving goods or services between its members or visitors.~~ transactions, the
22 dissemination of news, the discussion of political or social issues, or
23 professional networking.
- 24 (3) Is a Web site owned or operated by a local, State, or federal governmental
25 entity.
- 26 (c1) Definition of High-Risk Sex Offender. – For purposes of this section, the term
27 "high-risk sex offender" means any person registered in accordance with Article 27A of Chapter
28 14 of the General Statutes that meets any of the following requirements:
- 29 (1) Was found by a court to have been convicted of an aggravated offense, as that
30 term is defined in G.S. 14-208.6, against a person under 18 years of age.
- 31 (2) Was found by a court to be a recidivist, as that term is defined in
32 G.S. 14-208.6, whose status as a recidivist was based on an offense against a
33 person under 18 years of age.
- 34 (3) Was convicted of an offense against a minor, as that term is defined in
35 G.S. 14-208.6.
- 36 (4) Was convicted of a sexually violent offense, as that term is defined in
37 G.S. 14-208.6, against a person under 18 years of age.
- 38 (5) Was found by a court to be a sexually violent predator, as that term is defined
39 in G.S. 14-208.6, based on a conviction of a sexually violent offense
40 committed against a minor.
- 41 (d) Jurisdiction. – The offense is committed in the State for purposes of determining
42 jurisdiction, if the transmission that constitutes the offense either originates in the State or is
43 received in the State.
- 44 (e) Punishment. – A violation of this section is a Class ~~I~~H felony.
- 45 (f) Severability. – If any provision of this section or its application is held invalid, the
46 invalidity does not affect other provisions or applications of this section that can be given effect
47 without the invalid provisions or application, and, to this end, the provisions of this section are
48 severable."

49 **SECTION 4.(b)** G.S. 14-202.5A reads as rewritten:

50 **"§ 14-202.5A. Liability of commercial social networking sites.**

1 (a) A commercial social networking site, as defined in G.S. 14-202.5, that complies with
2 G.S. 14-208.15A or makes other reasonable efforts to prevent a high-risk sex offender who is
3 registered in accordance with Article 27A of Chapter 14 of the General Statutes from accessing
4 its Web site shall not be held civilly liable for damages arising out of a person's communications
5 on the social networking site's system or network regardless of that person's status as a registered
6 sex offender in North Carolina or any other jurisdiction-offender, as defined in G.S. 14-202.5,
7 from using its Web site to endanger children shall not be held civilly liable for damages arising
8 out of the sex offender's communications on the social networking site's system or network.

9 (b) ~~For the purposes of this section, "access" is defined as allowing the sex offender to~~
10 ~~do any of the activities or actions described in G.S. 14-202.5(b)(2) through G.S. 14-202.5(b)(4)~~
11 ~~by utilizing the Web site."~~

12 **SECTION 4.(c)** G.S. 14-208.7(b) reads as rewritten:

13 "(b) The Department of Public Safety shall provide each sheriff with forms for registering
14 persons as required by this Article. The registration form shall require all of the following:

15 ...

16 (8) For a high-risk sex offender, as defined in G.S. 14-202.5, all Internet protocol
17 (IP) addresses in the person's residence, registered in the person's name,
18 accessible at the person's place of employment, or otherwise under the
19 person's control or custody."

20 **SECTION 4.(d)** G.S. 14-208.11(a) reads as rewritten:

21 "(a) A person required by this Article to register who willfully does any of the following
22 is guilty of a Class F felony:

23 ...

24 (11) Fails to provide the registering sheriff with the information, or any changes to
25 the information, required under G.S. 14-208.7(b)(8)."

26 **SECTION 4.(e)** G.S. 14-208.9 reads as rewritten:

27 **"§ 14-208.9. Change of address; change of academic status or educational employment**
28 **status; change of online identifier; change of name.**

29 ...

30 (g) If a high-risk sex offender that is required to register an Internet protocol (IP) address
31 as provided in G.S. 14-208.7(b)(8) obtains or is assigned a new Internet protocol (IP) address,
32 then the high-risk offender shall, within 3 business days, report in person to the sheriff of the
33 county with whom the person registered and provide written notice of the person's new or
34 changed Internet protocol (IP) address. The sheriff shall immediately forward this information to
35 the Department of Public Safety."

36 **SECTION 4.(f)** Subsections (c) and (e) of this section become effective December
37 1, 2019, and apply to persons whose initial registration under Article 27A of Chapter 14 of the
38 General Statutes occurs on or after that date, and to persons who are registered under Article 27A
39 of Chapter 14 of the General Statutes prior to that date and continue to be registered on or after
40 that date. However, any person registered under Article 27A of Chapter 14 of the General Statutes
41 prior to December 1, 2019, and continuing to be registered on or after December 1, 2019, shall
42 not be in violation of the requirements set forth in G.S. 14-208.7(b)(8) or G.S. 14-208.11(a)(11)
43 if the person provides the required information at the first verification of information required
44 under G.S. 14-208.9A that occurs on or after December 1, 2019. Subsections (a) and (d) of this
45 section become effective December 1, 2019, and apply to offenses committed on or after that
46 date. The remainder of this section becomes effective December 1, 2019.

48 **PART V. SEVERABILITY CLAUSE/SAVINGS CLAUSE/EFFECTIVE DATE**

49 **SECTION 5.(a)** If any provision of this act or its application is held invalid, the
50 invalidity does not affect other provisions or applications of this act that can be given effect

1 without the invalid provisions or application, and, to this end, the provisions of this act are
2 severable.

3 **SECTION 5.(b)** Prosecutions for offenses committed before the effective date of
4 this act are not abated or affected by this act, and the statutes that would be applicable but for
5 this act remain applicable to those prosecutions.

6 **SECTION 5.(c)** Except as otherwise provided, this act is effective when it becomes
7 law.