



HOUSE BILL 684: Sex Offender Registry Fee.

2017-2018 General Assembly

Committee:	House Finance	Date:	May 19, 2017
Introduced by:	Reps. Hastings, Davis, R. Turner, Zachary	Prepared by:	Jennifer H. Bedford and Trina Griffin
Analysis of:	PCS to First Edition H684-CSTT-25		Staff Attorneys

OVERVIEW: *House Bill 684 would require individuals who must register as sex offenders to pay a \$90 registration fee on the date of initial registration and then on each anniversary of that date to offset the cost of maintaining the registry. Nonpayment of the fee would not prevent the person from being registered, and unpaid fees could be recovered by the Attorney General in a civil action.*

The PCS makes the following additional changes:

- *Expressly states the General Assembly's intent to offset the costs to law enforcement to maintain and update the sex offender registry.*
- *Provides a ten-year time span for the Attorney General to bring a civil action for the collection of delinquent fees.*
- *Makes payment of fees a requirement for an offender to be removed from the registry.*

CURRENT LAW: Under North Carolina law, certain convicted sex offenders are required to establish and maintain registration in compliance with the North Carolina Sex Offender and Public Protection Registration Programs. Individuals who are required to register as sex offenders under Part 2 are not required to pay any fees.

The U.S. Supreme Court found in *Smith v. Doe* (2003) that statutory fees associated with the sex offender registry is not further criminal punishment for the offender if (i) the legislature's intent was to establish civil proceedings; and (ii) the fees are reasonable and have a rational connection to a nonpunitive purpose.

Under G.S. § 14-208.7, registration under Part 2 must be maintained for a period of at least 30 years following the date of initial county registration, unless the person successfully petitions to shorten this time period. Registered sex offenders who are not required to register for life can petition the superior court to terminate the registration requirement after 10 years.

BILL ANALYSIS:

Section 1 would clarify the intent of the General Assembly to offset administrative costs to law enforcement by creating a civil fee for sex offender registration as recommended by the U.S. Supreme Court.

Section 2 would require all registered adult sex offenders under Article 27A to pay a fee of \$90.00 at the time of initial registration, and an additional fee of \$90.00 annually on the anniversary of the offender's initial registration. The annual fee would be paid to the sheriff who received the offender's verification form under G.S. 14-208.9A, and used only to offset the costs associated with registration.

Sheriffs would be required to register offenders even if the offender did not pay the fee. The Attorney General could collect delinquent fees in a civil action within ten years of the date the fees were due. Upon

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collection, the Attorney General must deduct the costs of collection, not to exceed 20%, and remit the remaining recovered funds to the appropriate county.

Sections 3 and 4 would amend current law regarding probation violations to reference the entire Article 27A.

Section 5 would make payment of registration fees a requirement for a court to grant an offender's petition to be removed from the registry.

EFFECTIVE DATE: This bill would become effective October 1, 2017. The requirement to pay an initial registration fee would apply to offenders who initially register on or after that date. The annual fee requirements would apply to offenders on or after that date. The requirement for payment of fees would apply to petitions for removal filed on or after that date.

BACKGROUND: The following information details a sheriff's role in sex offender registration:

Registry Information. – The sheriff must compile information including: name, sex, address, physical description, picture, conviction date, offense for which registration was required, the sentence imposed as a result of the conviction, and registration status. A person required to register is public record and must be available for public inspection. The sheriff must release any other relevant information necessary to protect the public concerning a specific person, but shall not release the identity of the victim of the offense requiring registration.

County Registry. – The sheriff must maintain a county registry including all information compiled by the sheriff in compliance with Article 27A.

Initial Registration. – The sheriff must initially register every person who is required to register due to a “reportable conviction”. The offender must report in person to the appropriate sheriff’s office to comply with the “initial county registration” requirements of G.S. § 14-208.7.

Mandatory Verification. – The sheriff must transmit a verification form to the last reported address of every registered offender every year on the anniversary of the offender’s initial county registration and six (6) months from that date. Upon receipt of the verification form, a registered offender must report in person to the sheriff’s office to return the form.

Additional Verification. – The sheriff is authorized to verify an offender’s place of residence during the registration period.

Photography. – The sheriff is also authorized to require a registered offender to be photographed if the current photograph no longer provides a true and accurate likeness of the offender.

Obligation to Update. – In addition to the periodic mandatory verification requirements, the sheriff must update any of the following as reported by the offender: (a) Change of address, whether within the county or to a different county (b) Intent to move out of state or change of such intent (c) Temporary work in a different county if accompanied by temporary residence in that county (d) Change of academic status or employment at institution of higher education.

Prompt Reporting. – Generally, any registry information collected by the sheriff is required to be reported immediately to the State Division of Criminal Information.