



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 971**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H971-ASA-81 [v.6]

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Amends Title [YES]
Third Edition

Date _____, 2024

Senator Galey

1 moves to amend the bill on page 1 by rewriting the Short Title to read: "Human Trafficking
2 Changes.";

3
4 and on page 1, lines 6 – 7, by rewriting those lines to read:
5 "AWARENESS TRAINING, INCREASING THE PUNISHMENT FOR A FIRST OFFENSE
6 OF SOLICITING A PROSTITUTE, MODIFYING LAWS RELATED TO HUMAN
7 TRAFFICKING, AND TO MODIFY THE DEFINITION OF VICTIM IN THE CRIME
8 VICTIM'S COMPENSATION ACT.";

9
10 and on page 1, lines 8-9, by inserting the following between those lines:
11 **"MODIFY LAWS RELATING TO HUMAN TRAFFICKING IN LODGING**
12 **ESTABLISHMENTS AND VACATION RENTALS"**

13
14 and on page 2, lines 16 and 19,
15 and page 3, lines 18, 23, 25, 32, and 36,
16 by deleting the phrase "January 1, 2025," and substituting "July 1, 2025,";

17
18 and on page 2, line 20, and page 3, lines 26 and 37,
19 by deleting the phrase "December 31, 2026," and substituting "June 30, 2027,";

20
21 and on page 4, line 10, by deleting the phrase "January 1, 2025." and substituting "July 1, 2025.";

22
23 and on page 2, line 2, by rewriting that line to read:
24 "this section. Each lodging establishment shall maintain a training log with
25 the name of the employee, date of training, and name of the approved training
26 course. The log shall be made available to the Department of Labor if
27 requested, and records for each employee shall be retained for at least three
28 years after the employee has left employment.";

29
30 and on page 3, lines 39 – 40, by deleting the phrase "no later than January 1, 2026, and annually
31 thereafter," and substituting "within 30 days of request";



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and on page 4, lines 24-35, by rewriting those lines to read:

"MODIFY LAWS RELATING TO VICTIM CONFIDENTIALITY

SECTION 5.(a) G.S. 14-43.17 reads as rewritten:

"§ 14-43.17. Victim confidentiality; penalty for unlawful disclosure.

(a) Confidentiality Requirement. – Except as otherwise provided in subsections (b) and (d) of this section, the name, address, or other information that reasonably could be expected to lead directly to the identity of any of the following, is confidential and shall not be considered a public record as that term is defined in G.S. 132-1:

(1) A victim.

(2) An alleged victim.

(3) An immediate family member of a victim or alleged victim. For purposes of this subdivision, the term "immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, or the spouse of an immediate family member. This term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(b) Exceptions. – Information subject to the confidentiality requirement set forth in subsection (a) of this section may be disclosed only for the following purposes:

(1) For use in a law enforcement investigation or criminal prosecution.

(2) To ensure the provision of medical care, housing, or family services or benefits to any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.

(3) Upon written request by any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.

(4) As required by federal law or court order.

(c) Penalty. – A person who knowingly violates subsection (a) of this section is guilty of a Class 3 misdemeanor.

(d) Court Records. – ~~This~~ Except as provided in subsection (e) of this section, this section does not apply to records that have been made part of a court file in the custody of the General Court of Justice. Justice unless the court has entered an order to seal a document or part of a document.

(e) Motion for Victim Confidentiality. – In order to retain the protections afforded to victims and alleged victims under subsection (a) of this section regarding court records otherwise excepted from those protections under subsection (d) of this section, a victim or alleged victim in any criminal case, or the victim or alleged victim's parent, legal guardian, or legal counsel if the victim or alleged victim is under 18 years of age, may at any time file a motion for victim confidentiality in the criminal case with the trial court in which the case was most recently pending.

For cases that have not yet been disposed, the court shall set a hearing date for the motion within 5 business days of the motion's filing and shall direct the moving party to notify both the State and defendant of the motion and hearing. For cases that have previously been disposed, the court shall set a hearing date for the motion within 20 business days of the motion's filing and shall direct the moving party to notify the State and the defendant of the motion and hearing. The victim or alleged victim, the State, and the defendant shall have a right to be heard at the hearing.

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1 In ruling on a motion for victim confidentiality under this subsection, the court shall at a
2 minimum consider each of the following:

- 3 (1) All information provided in writing or oral testimony by the victim or alleged
4 victim, the State, or the defendant.
5 (2) The negative impacts, if any, upon the victim or alleged victim if the motion
6 is denied.
7 (3) The negative impacts, if any, to the rights of the State or defendant if the
8 motion is granted.
9 (4) Any impact prejudicial to justice that may result if the motion is granted or
10 denied.
11 (5) The press' and the public's right of access to criminal case files.

12 If the court grants a motion for victim confidentiality under this subsection, the victim or
13 alleged victim shall retain all protections afforded to victims and alleged victims under subsection
14 (a) of this section, provided that nothing shall restrict the court, the State, or the defendant from
15 accessing this information during the pendency of the case or for purposes of appeal following a
16 disposition in the case. The granted motion shall only apply to information within the file of the
17 criminal case pursuant to which the granted motion was filed and shall specify which information
18 shall be confidential pursuant to this subsection.

19 The Director of the Administrative Office of the Courts shall develop policies and practices
20 for the effectuating of court orders granting motions for victim confidentiality under this
21 subsection. These policies and practices shall be written and made publicly available upon
22 request and shall at a minimum include both the redaction of protected information in publicly
23 available physical and digital copies of court records and the secure and confidential storage of
24 the physical and digital unredacted court records.

25 (f) The Administrative Office of the Courts shall not be liable for damages under this
26 section for the acts or omissions of its employees tasked with implementing this section, unless
27 the acts or omissions amount to gross negligence."

28 **SECTION 5.(b)** This section becomes effective October 1, 2024, and applies to
29 victims of crimes occurring on or after that date.

30
31 **REQUIRE DISCLOSURE OF CERTAIN CRIMINAL HISTORY IN CHILD CUSTODY**
32 **PLEADINGS**

33 **SECTION 6.(a)** G.S. 50-13.1 reads as rewritten:

34 "**§ 50-13.1. Action or proceeding for custody of minor child.**

35 ...

36 (a1) Notwithstanding any other provision of law, any person instituting an action or
37 proceeding for ~~custody~~ ~~ex parte~~ ~~custody~~, ~~whether pursuant to this Chapter or otherwise,~~ who has
38 been convicted of ~~a sexually violent offense as defined in G.S. 14-208.6(5)~~ any of the following
39 shall disclose ~~the~~ each conviction in the pleadings.

- 40 (1) A sexually violent offense as defined in G.S. 14-208.6(5).
41 (2) A human trafficking offense as defined in G.S. 14-43.11, an involuntary
42 servitude offense as defined in G.S. 14-43.12, or a sexual servitude offense as
43 defined in G.S. 14-43.13.

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(3) The sexual exploitation of a minor as defined in G.S. 14-190.16, G.S. 14-190.17, or G.S. 14-190.17A.

In addition, notwithstanding any other provision of law to the contrary, any person instituting an action or proceeding for custody who has been granted or denied custody of any minor child in any jurisdiction shall disclose that fact in the pleadings of the action or proceeding.

(a2) In cases where a nonparent is seeking custody of a minor child or being given custody of a minor child in a consent order, the nonparent shall attest in the pleadings or the consent order that nothing of value has been paid or given, offered to be paid or given, or promised, directly or indirectly, in exchange for the minor child. Money or property offered or paid by the parent of the minor child to the nonparent as support for the minor child shall not be considered value given in exchange for the custody of the child for purposes of this subsection.

...."

SECTION 6.(b) This section becomes effective December 1, 2024.

PROHIBIT VIEWING OF PORNOGRAPHY ON GOVERNMENT NETWORKS AND DEVICES

SECTION 7.(a) Article 84 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-805. Prohibit viewing of pornography on government networks and devices.

(a) Notwithstanding G.S. 14-456 and G.S. 14-456.1, a public agency shall not permit the viewing of pornography by its employees on a network of that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit the viewing of pornography by its employees on a network of the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit the viewing of pornography by its employees on a network of the legislative branch.

(b) Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit an employee, elected official, or appointee of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit a student of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit an employee, elected official, or appointee of the judicial branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit an employee, elected official, or appointee of the legislative branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the legislative branch.

(c) Each public agency shall adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by that public agency. The judicial and legislative branches shall adopt a policy governing the use of that branch's networks and devices owned, leased, maintained, or otherwise controlled by those branches.

Each policy required by this subsection shall delineate the disciplinary actions that will be taken in response to a violation of that policy.

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1 (d) Subsections (a) and (b) of this section shall not apply to an official or employee that
2 is engaged in any of the following activities in the course of that official's or employee's official
3 duties:

- 4 (1) Investigating or prosecuting crimes, offering or participating in law
5 enforcement training, or performing actions related to other law enforcement
6 purposes.
7 (2) Identifying potential security or cybersecurity threats.
8 (3) Protecting human life.
9 (4) Establishing, testing, and maintaining firewalls, protocols, and otherwise
10 implementing this section.
11 (5) Participating in judicial or quasi-judicial proceedings.
12 (6) Conducting or participating in an externally-funded research project at one of
13 the constituent institutions of The University of North Carolina.
14 (7) Researching issues related to the drafting or analysis of the laws of this State
15 as necessary to fulfill the requirements of the employee's official duties.

16 (e) This section shall not apply to the user of an authorized account paying for use of
17 communications services under Article 16A of Chapter 160A of the General Statutes, including
18 those communications services exempted under G.S. 160A-340.2(b) or (c).

19 (f) Annually, no later than August 1 and in the format required by the State Chief
20 Information Officer, each public agency shall report information to the State Chief Information
21 Officer on the number of incidences of unauthorized viewing or attempted viewing of
22 pornography on that public agency's network; whether or not the unauthorized viewing was by
23 an employee, elected official, appointee, or student of that public agency; and whether or not any
24 of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled
25 by that public agency. Annually, no later than October 1, the State Chief Information Officer
26 shall compile and report to the Joint Legislative Oversight Committee on Information
27 Technology the information submitted in accordance with this subsection.

28 (g) The following definitions apply in this section:

- 29 (1) Device. – Any cellular phone, desktop or laptop computer, or other electronic
30 equipment capable of connecting to a network.
31 (2) Material. – As defined in G.S. 14-190.13.
32 (3) Network. – Any of the following, whether through owning, leasing,
33 maintaining, or otherwise controlling:
34 a. The interconnection of communication systems with a computer
35 through remote or local terminals, or a complex consisting of two or
36 more interconnected computers or telephone switching equipment.
37 b. Internet service.
38 c. Internet access.
39 (4) Pornography. – Any material depicting sexual activity.
40 (5) Public agency. – Any of the following:
41 a. All State agencies and offices of the members of the Council of State,
42 including all boards, departments, divisions, constituent institutions of

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The University of North Carolina, community colleges, and other units
of government in the executive branch.

b. Units of local government as defined in G.S. 159-7.

c. Public authorities as defined in G.S. 159-7.

d. Public school units as defined in G.S. 115C-5.

(6) Sexual activity. – As defined in G.S. 14-190.13."

SECTION 7.(b) Any employee, elected official, or appointee of a public agency with pornography saved to a device owned, leased, maintained, or otherwise controlled by that public agency shall remove, delete, or uninstall the pornography no later than August 15, 2024. Any student of a public agency with pornography saved to a device owned, leased, maintained, or otherwise controlled by that public agency shall remove, delete, or uninstall the pornography no later than August 15, 2024. Any employee, elected official, or appointee of the judicial or legislative branches with pornography saved to a device owned, leased, maintained, or otherwise controlled by that branch shall remove, delete, or uninstall the pornography no later than August 15, 2024. This subsection shall not apply to an official or employee engaged in any of the activities listed in G.S. 143-805(d) in the course of that official's or employee's official duties.

SECTION 7.(c) G.S. 14-456 is amended by adding a new subsection to read:

"(c) This section shall not apply to denial of pornographic viewing as required by
G.S. 143-805."

SECTION 7.(d) G.S. 14-456.1 is amended by adding a new subsection to read:

"(c) This section shall not apply to denial of pornographic viewing as required by
G.S. 143-805."

SECTION 7.(e) The State Chief Information Officer shall publish recommendations for appropriate viewing of pornography for the purposes authorized by G.S. 143-805(d), as enacted by this act, no later than August 15, 2024.

SECTION 7.(f) Each public agency, the judicial branch, and legislative branch shall adopt the policy required by G.S. 143-805(c), as enacted by this act, no later than October 1, 2024.

SECTION 7.(g) This section is effective when it becomes law.

EXPAND TRAINING AND GUIDANCE ON HUMAN TRAFFICKING

SECTION 8.(a) The Division of Social Services, Department of Health and Human Services, after consultation with the State Human Trafficking Commission, shall expand, further develop, and implement trainings on human trafficking to provide guidance to county child welfare staff, county social services attorneys, county social services directors, and all social services staff. Training and guidance may include, but is not limited to, the following:

(1) Incorporation of training in all state Learning Management Systems, biannual webinars, and other regularly scheduled training calls.

(2) Training of County Departments of Social Services attorneys biannually at regularly scheduled conferences.

(3) Inclusion of training in County Departments of Social Services Directors biannual regional meetings and ongoing regular monthly meetings.

SECTION 8.(b) This section is effective when it becomes law.

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PROVIDE CJLEADS ACCESS TO CAMPUS POLICE

SECTION 9.(a) G.S. 74G-2 is amended by adding a new subsection to read:

"(d) Unless contrary to any federal law, regulation, or requirement, a campus police agency certified pursuant to this Chapter shall be granted access to the Criminal Justice Law Enforcement Automated Data System (CJLEADS) upon (i) request of the agency and (ii) compliance with the requirements established by the Government Data Analytics Center (GDAC) for access to that system, including the execution of a license and usage agreement."

SECTION 9.(b) This section becomes effective July 1, 2024, and applies to requests for access made on or after that date.

HFA/DOCUMENTS RELATED TO VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND HUMAN TRAFFICKING NOT PUBLIC RECORD

SECTION 10.(a) Chapter 122A of the General Statutes is amended by adding a new section to read:

"§ 122A-22.1. Housing for victims of domestic violence, sexual assault, human trafficking; records confidential.

A public record, as defined in G.S. 132-1, does not include documents, papers, letters, photographs, or any other information provided to or compiled by the Housing Finance Agency for the purposes of financing housing for victims of domestic violence, sexual assault, and human trafficking."

SECTION 10.(b) This section is effective when it becomes law.

MODIFY DEFINITION OF VICTIM IN THE CRIME VICTIM'S COMPENSATION ACT

SECTION 11.(a) G.S. 15B-2(13) reads as rewritten:

"(13) Victim. – A person who suffers ~~personal injury or death~~ personal injury, death, economic loss, or substantial emotional distress as defined by G.S. 14-277.3A, proximately caused by criminally injurious conduct."

SECTION 11.(b) This section becomes effective October 1, 2024, and applies to victims of crimes occurring on or after that date.

EFFECTIVE DATE

SECTION 12. Sections 1 and 2 of this act become effective July 1, 2025. Except as otherwise provided, the remainder of this act is effective when it becomes law."

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____