



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

MEMORANDUM

TO: Representative Russell

FROM: Tom L. Covington, Director, Fiscal Research Division
Andy Willis, Fiscal Analyst

DATE: May 15, 1997

RE: Certificate for Senate Bill 676 "Sex Offender Laws/Federal Compliance"

North Carolina General Statute 120-36.8 requires that each bill that proposes a change in law that is thought to be required to implement a federal law, or is needed to bring the State into compliance with federal law, or is needed in order to qualify for receipt of federal funds, must have attached to it a certificate prepared by the Fiscal Research Division that identifies the federal law in question. Senate Bill 676 "Sex Offender Laws/Federal Compliance" is a bill attempting to bring the state in compliance with federal law and to qualify for receipt of federal funds. The following explanations identifies the federal laws in question and explains why the federal laws makes Senate Bill 676 necessary. This memorandum will serve as the certificate required as identified in North Carolina General Statute 120-36.8.

In 1994, President Clinton signed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. A 1996 amendment to the Wetterling Act, "Megan's Law", requires states to establish public sex offender registries that provide information to the public on violent sex offenders released or paroled from prison.

The Wetterling act calls for a two-tiered registration system. Offenders who have been convicted of (i) a criminal offense against a victim who is a minor or (ii) a sexually violent offense, are to register yearly until 10 years have elapsed from their release from prison, or release on parole or probation. The second tier is reserved for those offenders classified as "sexually violent predators" or offenders who suffer from a personality disorder or mental abnormality that would predispose them to commit violent sexual offenses. Offenders in this category are required to report address information to the appropriate state law enforcement agency every 90 days. They must do so until they no longer suffer from the disorder or abnormality as determined by a state board of experts.

MEMORANDUM
Certificate for SB 676

May 15, 1997

Megan's law stipulates that the registries and the information provided to them be public. Some questions remain about requirements for public notification. Proposed guidelines issued by the U.S. Department of Justice ask states to submit descriptions of their existing or proposed sex offender registration systems to the Bureau of Justice Administration. The submission will be reviewed to determine the status of state compliance and suggestions will be made on how to achieve compliance before the state loses funding. Submissions must be made by July 13, 1997.

The penalty for failure to comply with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act and Megan's Law is a ten percent loss in the amount of Byrne Grant funds received by the State. Presently, the State receives a total of \$12,797,000 in Byrne Grant funds. \$1,279,700 equals ten percent of this total.

It is the opinion of the Fiscal Research Division that Senate Bill 676 will bring the State into compliance with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act and Megan's Law.



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