

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1871

Short Title: Sex Offender/Out of State Registry/DMV Check. (Public)

Sponsors: Representatives Goforth, Ray, Glazier (Primary Sponsors); L. Allen, Barnhart, Capps, Carney, Coates, England, Faison, Farmer-Butterfield, Fisher, Frye, Goodwin, Grady, Hilton, Hollo, Holloway, Ed Jones, LaRoque, Lucas, Luebke, McGee, Moore, Pate, Preston, Rapp, Setzer, Sherrill, Starnes, Steen, Sutton, Underhill, Vinson, Weiss, and Wray.

Referred to: Judiciary IV.

May 11, 2006

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON CONVICTED OF AN OFFENSE IN
2 ANOTHER STATE THAT REQUIRES REGISTRATION AS A SEX OFFENDER
3 MUST ALSO REGISTER IN NORTH CAROLINA AND TO REQUIRE THE
4 DIVISION OF MOTOR VEHICLES TO CHECK THE NATIONAL SEX
5 OFFENDER PUBLIC REGISTRY FOR AN APPLICANT'S NAME BEFORE
6 ISSUING EITHER A DRIVERS LICENSE OR SPECIAL IDENTIFICATION
7 CARD.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 14-208.6(4) reads as rewritten:

11 "(4) 'Reportable conviction' means:

- 12 a. A final conviction for an offense against a minor, a sexually
13 violent offense, or an attempt to commit any of those offenses
14 unless the conviction is for aiding and abetting. A final
15 conviction for aiding and abetting is a reportable conviction
16 only if the court sentencing the individual finds that the
17 registration of that individual under this Article furthers the
18 purposes of this Article as stated in G.S. 14-208.5.
- 19 b. A final conviction in another state of an offense, which if
20 committed in this State, is substantially similar to an offense
21 against a minor or a sexually violent offense as defined by this
22 section.
- 23 c. A final conviction in a federal jurisdiction (including a court
24 martial) of an offense, which is substantially similar to an

1 offense against a minor or a sexually violent offense as defined
2 by this section.

3 d. A final conviction for a violation of G.S. 14-202(d), (e), (f), (g),
4 or (h), or a second or subsequent conviction for a violation of
5 G.S. 14-202(a), (a1), or (c), only if the court sentencing the
6 individual issues an order pursuant to G.S. 14-202(l) requiring
7 the individual to register.

8 e. A final conviction in another state of an offense which requires
9 registration under the sex offender registration statutes of that
10 state."

11 **SECTION 2.** G.S. 20-9 is amended by adding a new subsection to read:

12 "(i) The Division shall not issue a drivers license to an applicant from another
13 state until the Division has searched the National Sex Offender Public Registry to
14 determine if the person is currently registered as a sex offender in another state. If the
15 Division finds that the person is currently registered as a sex offender in another state,
16 the Division shall not issue a drivers license to the person until the person submits proof
17 of registration pursuant to Article 27A of Chapter 14 of the General Statutes. If the
18 person does not appear on the National Sex Offender Public Registry, the Division shall
19 issue a drivers license but shall require the person to sign an affidavit acknowledging
20 that the person has been notified that if the person is a sex offender, then the person is
21 required to register pursuant to Article 27A of Chapter 14 of the General Statutes.

22 If the Division is unable to access the National Sex Offender Public Registry, but the
23 person is otherwise qualified to obtain a drivers license, then the Division shall issue the
24 drivers license but shall first require the person to sign an affidavit stating that: (i) the
25 person does not appear on the National Sex Offender Public Registry and (ii)
26 acknowledging that the person has been notified that if the person is a sex offender, then
27 the person is required to register pursuant to Article 27A of Chapter 14 of the General
28 Statutes. The Division shall check the National Sex Offender Public Registry for the
29 person's name within a reasonable time after access to the Registry is restored. If the
30 person's name does appear in the National Sex Offender Public Registry, the person is
31 in violation of G.S. 20-30, and the Division shall immediately revoke the drivers license
32 as provided by G.S. 20-17 and shall notify the appropriate law enforcement officer of
33 the offense. The law enforcement officer shall obtain a warrant for the person's arrest
34 and take the person into custody."

35 **SECTION 3.** G.S. 20-37.7 is amended by adding a new subsection to read:

36 "(b1) Check National Sex Offender Public Registry. – The Division shall not issue
37 a special identification card to an applicant from another state until the Division has
38 searched the National Sex Offender Public Registry to determine if the person is
39 currently registered as a sex offender in another state. If the Division finds that the
40 person is currently registered as a sex offender in another state, the Division shall not
41 issue a special identification card to the person until the person submits proof of
42 registration pursuant to Article 27A of Chapter 14 of the General Statutes. If the person
43 does not appear on the National Sex Offender Public Registry, the Division shall issue a
44 special identification card but shall require the person to sign an affidavit

1 acknowledging that the person has been notified that if the person is a sex offender then,
2 the person is required to register pursuant to Article 27A of Chapter 14 of the General
3 Statutes.

4 If the Division is unable to access the National Sex Offender Public Registry, but the
5 person is otherwise qualified to obtain a special identification card, then the Division
6 shall issue the card but shall first require the person to sign an affidavit stating that: (i)
7 the person does not appear on the National Sex Offender Public Registry and (ii)
8 acknowledging that the person has been notified that if the person is a sex offender, then
9 the person is required to register pursuant to Article 27A of Chapter 14 of the General
10 Statutes. The Division shall check the National Sex Offender Public Registry for the
11 person's name within a reasonable time after access to the Registry is restored. If the
12 person's name does appear in the National Sex Offender Public Registry, the person is
13 in violation of G.S. 20-37.8, and the Division shall immediately notify the appropriate
14 law enforcement officer of the offense. The law enforcement officer shall obtain a
15 warrant for the person's arrest and take the person into custody."

16 **SECTION 4.** This act becomes effective December 1, 2006, and applies to
17 all applications for a drivers license or special identification card submitted on or after
18 that date and to all offenses committed on or after that date.