

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1896  
Corrected Copy 5/17/06  
Committee Substitute Favorable 6/12/06  
Senate Judiciary I Committee Substitute Adopted 7/6/06  
Senate Judiciary I Committee Substitute #2 Adopted 7/12/06  
Senate Judiciary I Committee Substitute #3 Adopted 7/19/06

Short Title: Sex Offender Registration Changes.

(Public)

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Sponsors:

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Referred to:

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May 11, 2006

A BILL TO BE ENTITLED

1 AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION  
2 REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED  
3 MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN  
4 SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK  
5 FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT  
6 RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) CRIMINALIZE  
7 FALSE STATEMENTS TO THE STATE BUREAU OF INVESTIGATION; (5)  
8 AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE  
9 MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (6)  
10 CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND  
11 SEXUAL SERVITUDE; (7) AMEND THE OFFENSE OF INVOLUNTARY  
12 SERVITUDE; (8) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE  
13 LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX  
14 OFFENDER REGISTRATION LAWS; AND (9) AMEND LAWS APPLICABLE  
15 TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS  
16 BY THE DIVISION OF MOTOR VEHICLES.  
17

18 The General Assembly of North Carolina enacts:

19 **SECTION 1.(a)** G.S. 14-208.6(5) reads as rewritten:

20 "(5) 'Sexually violent offense' means a violation of G.S. 14-27.2 (first  
21 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first  
22 degree sexual offense), G.S. 14-27.5 (second degree sexual offense),  
23 G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual  
24 offense), G.S. 14-27.7 (intercourse and sexual offense with certain  
25 victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person

1 who is 13-, 14-, or 15-years-old where the defendant is at least six  
2 years older), G.S. 14-178 (incest between near relatives),  
3 G.S. 14-190.6 (employing or permitting minor to assist in offenses  
4 against public morality and decency), G.S. 14-190.9(a1) (felonious  
5 indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of  
6 a minor), G.S. 14-190.17 (second degree sexual exploitation of a  
7 minor), G.S. 14-190.17A (third degree sexual exploitation of a minor),  
8 G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19  
9 (participating in the prostitution of a minor), G.S. 14-202.1 (taking  
10 indecent liberties with children), or G.S. 14-202.3 (Solicitation of child  
11 by computer to commit an unlawful sex act). The term also includes  
12 the following: a solicitation or conspiracy to commit any of these  
13 offenses; aiding and abetting any of these offenses."

14 **SECTION 1.(b)** This section becomes effective December 1, 2006, and  
15 applies to offenses committed on or after that date.

16 **SECTION 2.(a)** G.S. 14-208.6A reads as rewritten:

17 **"§ 14-208.6A. Lifetime registration requirements for criminal offenders.**

18 It is the objective of the General Assembly to establish a 10-year registration  
19 requirement for persons convicted of certain offenses against minors or sexually violent  
20 offenses. It is the further objective of the General Assembly to establish a more  
21 stringent set of registration requirements for recidivists, persons who commit  
22 aggravated offenses, and for a subclass of highly dangerous sex offenders who are  
23 determined by a sentencing court with the assistance of a board of experts to be sexually  
24 violent predators.

25 To accomplish this objective, there are established two registration programs: the  
26 Sex Offender and Public Protection Registration Program and the Sexually Violent  
27 Predator Registration Program. Any person convicted of an offense against a minor or  
28 of a sexually violent offense as defined by this Article shall register in person as an  
29 offender in accordance with Part 2 of this Article. Any person who is a recidivist, who  
30 commits an aggravated offense, or who is determined to be a sexually violent predator  
31 shall register in person as such in accordance with Part 3 of this Article.

32 The information obtained under these programs shall be immediately shared with the  
33 appropriate local, State, federal, and out-of-state law enforcement officials and penal  
34 institutions. In addition, the information designated under G.S. 14-208.10(a) as public  
35 record shall be readily available to and accessible by the public. However, the identity  
36 of the victim is not public record and shall not be released as a public record."

37 **SECTION 2.(b)** This section becomes effective December 1, 2006.

38 **SECTION 3.(a)** G.S. 14-208.6B reads as rewritten:

39 **"§ 14-208.6B. Registration requirements for juveniles transferred to and convicted  
40 in superior court.**

41 A juvenile transferred to superior court pursuant to G.S. 7B-2200 who is convicted  
42 of a sexually violent offense or an offense against a minor as defined in G.S. 14-208.6  
43 shall register in person in accordance with this Article just as an adult convicted of the  
44 same offense must register."

1           **SECTION 3.(b)** This section becomes effective December 1, 2006.

2           **SECTION 4.(a)** Part 2 of Article 27A of Chapter 14 of the General Statutes  
3 is amended by adding a new section to read:

4       "**§ 14-208.8A. Notification requirement for out-of-county employment if**  
5       **temporary residence established.**

6       (a) Notice Required. – A person required to register under G.S. 14-208.7 shall  
7 notify the sheriff of the county with whom the person is registered of the person's place  
8 of employment and temporary residence, which includes a hotel, motel, or other  
9 transient lodging place, if the person meets both of the following conditions:

10           (1) Is employed or carries on a vocation in a county in the State other than  
11           the county in which the person is registered for more than 10 business  
12           days within a 30-day period, or for an aggregate period exceeding 30  
13           days in a calendar year, on a part-time or full-time basis, with or  
14           without compensation or government or educational benefit.

15           (2) Maintains a temporary residence, including in that county for more  
16           than 10 business days within a 30-day period, or for an aggregate  
17           period exceeding 30 days in a calendar year.

18       (b) Time Period. – The notice required by subsection (a) of this section shall be  
19 provided within 72 hours after the person knows or should know that he or she will be  
20 working and maintaining a temporary residence in a county other than the county in  
21 which the person resides for more than 10 business days within a 30-day period, or  
22 within 10 days after the person knows or should know that he or she will be working  
23 and maintaining a temporary residence in a county other than the county in which the  
24 person resides for an aggregate period exceeding 30 days in a calendar year.

25       (c) Notice to Division. – Upon receiving the notice required under subsection (a)  
26 of this section, the sheriff shall immediately forward the information to the Division.  
27 The Division shall notify the sheriff of the county where the person is working and  
28 maintaining a temporary residence of the person's place of employment and temporary  
29 address in that county."

30           **SECTION 4.(b)** This section becomes effective June 1, 2007.

31           **SECTION 5.(a)** G.S. 14-208.7 reads as rewritten:

32       "**§ 14-208.7. Registration.**

33       (a) A person who is a State resident and who has a reportable conviction shall be  
34 required to maintain registration with the sheriff of the county where the person resides.  
35 If the person moves to North Carolina from outside this State, the person shall register  
36 within 10 days of establishing residence in this State, or whenever the person has been  
37 present in the State for 15 days, whichever comes first. If the person is a current resident  
38 of North Carolina, the person shall register:

39           (1) Within 10 days of release from a penal institution or arrival in a county  
40 to live outside a penal institution; or

41           (2) Immediately upon conviction for a reportable offense where an active  
42 term of imprisonment was not imposed.

43 Registration shall be maintained for a period of at least 10 years following the date of  
44 initial county registration.~~release from a penal institution. If no active term of~~

1 ~~imprisonment was imposed, registration shall be maintained for a period of 10 years~~  
2 ~~following each conviction for a reportable offense.~~

3 (a1) A person who is a nonresident student or a nonresident worker and who has a  
4 reportable conviction, or is required to register in the person's state of residency, is  
5 required to maintain registration with the sheriff of the county where the person works  
6 or attends school. In addition to the information required under subsection (b) of this  
7 section, the person shall also provide information regarding the person's school or place  
8 of employment as appropriate and the person's address in his or her state of residence.

9 (b) The Division shall provide each sheriff with forms for registering persons as  
10 required by this Article. The registration form shall require:

- 11 (1) The person's full name, each alias, date of birth, sex, race, height,  
12 weight, eye color, hair color, drivers license number, and home  
13 address;
- 14 (2) The type of offense for which the person was convicted, the date of  
15 conviction, and the sentence imposed;
- 16 (3) A current photograph;
- 17 (4) The person's fingerprints;
- 18 (5) A statement indicating whether the person is a student or expects to  
19 enroll as a student within a year of registering. If the person is a  
20 student or expects to enroll as a student within a year of registration,  
21 then the registration form shall also require the name and address of  
22 the educational institution at which the person is a student or expects  
23 to enroll as a student; and
- 24 (6) A statement indicating whether the person is employed or expects to  
25 be employed at an institution of higher education within a year of  
26 registering. If the person is employed or expects to be employed at an  
27 institution of higher education within a year of registration, then the  
28 registration form shall also require the name and address of the  
29 educational institution at which the person is or expects to be  
30 employed.

31 The sheriff shall photograph the individual at the time of registration and take  
32 fingerprints from the individual at the time of registration both of which will be kept as  
33 part of the registration form. The registrant will not be required to pay any fees for the  
34 photograph or fingerprints taken at the time of registration.

35 (c) When a person registers, the sheriff with whom the person registered shall  
36 immediately send the registration information to the Division in a manner determined  
37 by the Division. The sheriff shall retain the original registration form and other  
38 information collected and shall compile the information that is a public record under  
39 this Part into a county registry.

40 (d) Any person required to register under this section shall report in person at the  
41 appropriate sheriff's office to comply with the registration requirements set out in this  
42 section. The sheriff shall provide the registrant with written proof of registration at the  
43 time of registration."

44 **SECTION 5.(b)** This section becomes effective December 1, 2006.

1           SECTION 6.(a) G.S. 14-208.9 reads as rewritten:

2   "**§ 14-208.9. Change of address; change of academic status or educational**  
3   **employment status.**

4       (a) If a person required to register changes address, the person shall report in  
5   person and provide written notice of the new address not later than the tenth day after  
6   the change to the sheriff of the county with whom the person had last registered. Upon  
7   receipt of the notice, the sheriff shall immediately forward this information to the  
8   Division. If the person moves to another county in this State, the Division shall inform  
9   the sheriff of the new county of the person's new residence.

10       (b) If a person required to register ~~moves~~ intends to move to another state, the  
11   person shall report in person to the sheriff of the county of current residence at least 10  
12   days before the date the person intends to leave this State to establish residence in  
13   another state or jurisdiction.~~provide written notice of the new address not later than 10~~  
14   ~~days after the change to the sheriff of the county with whom the person had last~~  
15   ~~registered. Upon receipt of the notice, the~~ The person shall provide to the sheriff a  
16   written notification that includes all of the following information: the address,  
17   municipality, county, and state of intended residence.

18           (1) If it appears to the sheriff that the record photograph of the sex  
19   offender no longer provides a true and accurate likeness of the sex  
20   offender, then the sheriff shall take a photograph of the offender to  
21   update the registration.

22           (2) The sheriff shall ~~notify~~ inform the person that the person must comply  
23   with the registration requirements in the new state of residence. The  
24   sheriff shall also immediately forward the ~~change of address~~  
25   information included in the notification to the Division, and the  
26   Division shall inform the appropriate state official in the state to which  
27   the registrant moves of the person's notification and new address.

28       (b1) A person who indicates his or her intent to reside in another state or  
29   jurisdiction and later decides to remain in this State shall, within 10 days after the date  
30   upon which the person indicated he or she would leave this State, report in person to the  
31   sheriff's office to which the person reported the intended change of residence, of his or  
32   her intent to remain in this State. If the sheriff is notified by the sexual offender that he  
33   or she intends to remain in this State, the sheriff shall promptly report this information  
34   to the Division.

35       (c) If a person required to register changes his or her academic status either by  
36   enrolling as a student or by terminating enrollment as a student, then the person ~~shall~~  
37   shall, within 10 days, report in person to the sheriff of the county with whom the person  
38   registered and provide written notice of the person's new status not later than the tenth  
39   ~~day after the change to the sheriff of the county with whom the person registered.~~status.  
40   The written notice shall include the name and address of the institution of higher  
41   education at which the student is or was enrolled. ~~Upon receipt of the notice, the~~The  
42   sheriff shall immediately forward this information to the Division.

43       (d) If a person required to register changes his or her employment status either by  
44   obtaining employment at an institution of higher education or by terminating

1 employment at an institution of higher education, then the person ~~shall~~shall, within 10  
2 days, report in person to the sheriff of the county with whom the person registered and  
3 provide written notice of the person's new status not later than the tenth day after the  
4 change to the sheriff of the county with whom the person registered. The written notice  
5 shall include the name and address of the institution of higher education at which the  
6 person is or was employed. ~~Upon receipt of the notice, the~~The sheriff shall immediately  
7 forward this information to the Division."

8 **SECTION 6.(b)** This section becomes effective December 1, 2006.

9 **SECTION 7.(a)** G.S. 14-208.9A reads as rewritten:

10 **"§ 14-208.9A. Verification of registration information.**

11 (a) The information in the county registry shall be verified ~~annually~~semiannually  
12 for each registrant as follows:

13 (1) Every year on the anniversary of a person's initial registration date, and  
14 again six months after that date, the Division shall mail a  
15 nonforwardable verification form to the last reported address of the  
16 person.

17 (2) The person shall return the verification form in person to the sheriff  
18 within 10 days after the receipt of the form.

19 (3) The verification form shall be signed by the person and shall indicate  
20 whether the person still resides at the address last reported to the  
21 sheriff. If the person has a different address, then the person shall  
22 indicate that fact and the new address.

23 (3a) If it appears to the sheriff that the record photograph of the sex  
24 offender no longer provides a true and accurate likeness of the sex  
25 offender, then the sheriff shall take a photograph of the offender to  
26 include with the verification form.

27 (4) If the person fails to return the verification form in person to the sheriff  
28 within 10 days after receipt of the form, the person is subject to the  
29 penalties provided in G.S. 14-208.11. If the ~~verification form is~~  
30 ~~returned to the sheriff as undeliverable,~~person fails to report in person  
31 and provide the written verification as provided by this section, the  
32 sheriff shall make a reasonable attempt to verify that the person is  
33 residing at the registered address. If the person cannot be found at the  
34 registered address and has failed to report a change of address, the  
35 person is subject to the penalties provided in G.S. 14-208.11, unless  
36 the person reports in person to the sheriff and proves that the person  
37 has not changed his or her residential address.

38 (b) Additional Verification May Be Required. – During the period that an  
39 offender is required to be registered under this Article, the sheriff is authorized to  
40 attempt to verify that the offender continues to reside at the address last registered by  
41 the offender.

42 (c) Additional Photograph May Be Required. – If it appears to the sheriff that the  
43 current photograph of the sex offender no longer provides a true and accurate likeness  
44 of the sex offender, upon in-person notice from the sheriff, the sex offender shall allow

1 the sheriff to take another photograph of the sex offender at the time of the sheriff's  
2 request. If requested by the sheriff, the sex offender shall appear in person at the  
3 sheriff's office during normal business hours within 72 hours of being requested to do so  
4 and shall allow the sheriff to take another photograph of the sex offender. A person who  
5 willfully fails to comply with this subsection is guilty of a Class 1 misdemeanor."

6 **SECTION 7.(b)** This section becomes effective December 1, 2006, and  
7 applies to offenses on or after that date.

8 **SECTION 8.(a)** G.S. 14-208.11 reads as rewritten:

9 **"§ 14-208.11. Failure to register; falsification of verification notice; failure to**  
10 **return verification form; order for arrest.**

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

13 (1) Fails to ~~register~~ register as required by this Article.

14 (2) Fails to notify the last registering sheriff of a change of  
15 address-address as required by this Article.

16 (3) Fails to return a verification notice as required under G.S. 14-208.9A.

17 (4) Forges or submits under false pretenses the information or verification  
18 notices required under this Article.

19 (5) Fails to inform the registering sheriff of enrollment or termination of  
20 enrollment as a student.

21 (6) Fails to inform the registering sheriff of employment at an institution  
22 of higher education or termination of employment at an institution of  
23 higher education.

24 (7) Fails to report in person to the sheriff's office as required by  
25 G.S. 14-208.7, 14-208.9, and 14-208.9A.

26 (8) Reports his or her intent to reside in another state or jurisdiction but  
27 remains in this State without reporting to the sheriff in the manner  
28 required by G.S. 14-208.9.

29 (a1) If a person commits a violation of subsection (a) of this section, the probation  
30 officer, parole officer, or any other law enforcement officer who is aware of the  
31 violation shall immediately arrest the person in accordance with G.S. 15A-401, or seek  
32 an order for the person's arrest in accordance with G.S. 15A-305.

33 (b) Before a person convicted of a violation of this Article is due to be released  
34 from a penal institution, an official of the penal institution shall conduct the prerelease  
35 notification procedures specified under G.S. 14-208.8(a)(2) and (3). If upon a  
36 conviction for a violation of this Article, no active term of imprisonment is imposed, the  
37 court pronouncing sentence shall, at the time of sentencing, conduct the notification  
38 procedures specified under G.S. 14-208.8(a)(2) and (3).

39 (c) A person who is unable to meet the registration or verification requirements of  
40 this Article shall be deemed to have complied with its requirements if:

41 (1) The person is incarcerated in, or is in the custody of, a local, State,  
42 private, or federal correctional facility,

1           (2) The person notifies the official in charge of the facility of their status  
2           as a person with a legal obligation or requirement under this Article  
3           and

4           (3) The person meets the registration or verification requirements of this  
5           Article no later than 10 days after release from confinement or  
6           custody."

7           **SECTION 8.(b)** G.S. 14-208.11(a), as amended by Section 8(a) of this  
8 section, reads as rewritten:

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

11           ...

12           (9) Fails to notify the registering sheriff of out-of-county employment if  
13           temporary residence is established as required under G.S. 14-208.8A."

14           **SECTION 8.(c)** Section 8(b) of this section becomes effective June 1, 2007,  
15 and applies to offenses committed on or after that date. The remainder of this section  
16 becomes effective December 1, 2006, and applies to offenses committed on or after that  
17 date.

18           **SECTION 9.1.(a)** Article 27A of Chapter 14 of the General Statutes is  
19 amended by adding a new section to read:

20 **"§ 14-208.11A. Duty to report noncompliance of a sex offender; penalty for failure**  
21 **to report in certain circumstances.**

22           (a) It shall be unlawful and a Class H felony for any person who has reason to  
23 believe that an offender is in violation of the requirements of this Article, and who has  
24 the intent to assist the offender in eluding arrest, to do any of the following:

25           (1) Withhold information from, or fail to notify, a law enforcement agency  
26 about the offender's noncompliance with the requirements of this  
27 Article, and, if known, the whereabouts of the offender.

28           (2) Harbor, attempt to harbor, or assist another person in harboring or  
29 attempting to harbor, the offender.

30           (3) Conceal or attempt to conceal, or assist another person in concealing  
31 or attempting to conceal, the offender.

32           (4) Provide information to a law enforcement agency regarding the  
33 offender that the person knows to be false information.

34           (b) This section does not apply if the offender is incarcerated in or is in the  
35 custody of a local, State, private, or federal correctional facility."

36           **SECTION 9.1.(b)** This section becomes effective December 1, 2006, and  
37 applies to offenses committed on or after that date.

38           **SECTION 10.(a)** G.S. 14-208.12A reads as rewritten:

39 **"§ 14-208.12A. ~~Termination~~ Request for termination of registration requirement.**

40           (a) A person required to register under this Part who has served his or her  
41 sentence may petition the superior court in the district where the person resides to  
42 terminate the registration requirement~~The requirement that a person register under this~~  
43 ~~Part automatically terminates~~ 10 years from the date of initial county registration if the



1 person has not been convicted of a subsequent offense requiring registration under this  
2 Article.

3 (a1) The court may grant the relief if:

4 (1) The petitioner demonstrates to the court that he or she has not been  
5 arrested for any crime that would require registration under this Article  
6 since completing the sentence,

7 (2) The requested relief complies with the provisions of the federal Jacob  
8 Wetterling Act, as amended, and any other federal standards applicable  
9 to the termination of a registration requirement or required to be met as  
10 a condition for the receipt of federal funds by the State, and

11 (3) The court is otherwise satisfied that the petitioner is not a current or  
12 potential threat to public safety.

13 (a2) The district attorney in the district in which the petition is filed shall be given  
14 notice of the petition at least three weeks before the hearing on the matter. The  
15 petitioner may present evidence in support of the petition and the district attorney may  
16 present evidence in opposition to the requested relief or may otherwise demonstrate the  
17 reasons why the petition should be denied.

18 (a3) If the court denies the petition, the person may again petition the court for  
19 relief in accordance with this section one year from the date of the denial of the original  
20 petition to terminate the registration requirement. If the court grants the petition to  
21 terminate the registration requirement, the clerk of court shall forward a certified copy  
22 of the order to the Division to have the person's name removed from the registry.

23 (b) If there is a subsequent offense, the county registration records shall be  
24 retained until the registration requirement for the subsequent offense is  
25 terminated.terminated by the court under subsection (a) of this section."

26 **SECTION 10.(b)** This section becomes effective December 1, 2006, and  
27 applies to persons for whom the period of registration would terminate on or after that  
28 date.

29 **SECTION 11.(a)** Part 3 of Article 27A of Chapter 14 of the General Statutes  
30 is amended by adding a new section to read:

31 **"§ 14-208.24A. Sexual predator prohibited from working or volunteering for**  
32 **child-involved activities; limitation on residential use.**

33 (a) It shall be unlawful for any person required to register under this Article to  
34 work for any person or as a sole proprietor, with or without compensation, at any place  
35 where a minor is present and the person's responsibilities or activities would include  
36 instruction, supervision, or care of a minor or minors.

37 (b) It shall be unlawful for any person to conduct any activity at his or her  
38 residence where the person:

39 (1) accepts a minor or minors into his or her care or custody from another,  
40 and

41 (2) knows that a person who resides at that same location is required to  
42 register under this Article.

43 (c) A violation of this section is a Class F felony."

1           **SECTION 11.(b)** This section becomes effective December 1, 2006, and  
2 applies to offenses on or after that date.

3           **SECTION 12.(a)** G.S. 14-27.1(5) reads as rewritten:

4           "(5) 'Sexual contact' means (i) touching the sexual organ, anus, breast,  
5           groin, or buttocks of any person, ~~or~~ (ii) a person touching another  
6           person with their own sexual organ, anus, breast, groin, or  
7           ~~buttocks.~~ buttocks, or (iii) a person ejaculating, emitting, or placing  
8           semen, urine, or feces upon any part of another person."

9           **SECTION 12.(b)** This section becomes effective December 1, 2006, and  
10 applies to offenses committed on or after that date.

11           **SECTION 13.** G.S. 14-208.28 reads as rewritten:

12           "**§ 14-208.28. Verification of registration information.**

13           The information provided to the sheriff shall be verified ~~annually~~ semiannually for  
14 each juvenile registrant as follows:

- 15           (1) Every year on the anniversary of a juvenile's initial registration  
16           ~~date, date and six months after that date,~~ the sheriff shall mail a  
17           verification form to the juvenile court counselor assigned to the  
18           juvenile.
- 19           (2) The juvenile court counselor for the juvenile shall return the  
20           verification form to the sheriff within 10 days after the receipt of the  
21           form.
- 22           (3) The verification form shall be signed by the juvenile court counselor  
23           and the juvenile and shall indicate whether the juvenile still resides at  
24           the address last reported to the sheriff. If the juvenile has a different  
25           address, then that fact and the new address shall be indicated on the  
26           form."

27           **SECTION 14.** G.S. 15A-1341 is amended by adding a new subsection to  
28 read:

29           "(d) Search of Sex Offender Registration Information Required When Placing a  
30 Defendant on Probation. – When the court places a defendant on probation, the  
31 probation officer assigned to the defendant shall conduct a search of the defendant's  
32 name or other identifying information against the registration information regarding sex  
33 offenders compiled by the Division of Criminal Statistics of the Department of Justice  
34 in accordance with Article 27A of Chapter 14 of the General Statutes. The probation  
35 officer may conduct the search using the Internet site maintained by the Division of  
36 Criminal Statistics."

37           **SECTION 15.(a)** Article 27A of Chapter 14 of the General Statutes is  
38 amended by adding a new Part to read:

39                           "Part 5. Sex Offender Monitoring.

40           "**§ 14-208.33. Establishment of program; creation of guidelines; duties.**

41           (a) The Department of Correction shall establish a sex offender monitoring  
42 program that uses a continuous satellite-based monitoring system and shall create  
43 guidelines to govern the program. The program shall be designed to monitor two  
44 categories of offenders as follows:

1           (1) Any offender who is convicted of a reportable conviction as defined by  
2 G.S. 14-208.6(4) and who is required to register under Part 3 of Article  
3 27A of Chapter 14 of the General Statutes because the defendant is  
4 classified as a sexually violent predator, is a recidivist, or was  
5 convicted of an aggravated offense as those terms are defined in  
6 G.S. 14-208.6. An offender in this category who is ordered by the  
7 court to submit to satellite-based monitoring is subject to that  
8 requirement for the person's natural life, unless the requirement is  
9 terminated pursuant to G.S. 14-208.36.

10          (2) Any offender who satisfies all of the following criteria: (i) is  
11 convicted of a reportable conviction as defined by G.S. 14-208.6(4),  
12 (ii) is required to register under Part 2 of Article 27A of Chapter 14 of  
13 the General Statutes, (iii) has committed an offense involving the  
14 physical, mental, or sexual abuse of a minor, and (iv) based on the  
15 Department's risk assessment program requires the highest possible  
16 level of supervision and monitoring. An offender in this category who  
17 is ordered by the court to submit to satellite-based monitoring is  
18 subject to that requirement only for the period of time ordered by the  
19 court and is not subject to a requirement of lifetime satellite-based  
20 monitoring.

21          (b) In developing the guidelines for the program, the Department shall require  
22 that any offender who is enrolled in the satellite-based program submit to an active  
23 continuous satellite-based monitoring program, unless an active program will not work  
24 as provided by this section. If the Department determines that an active program will  
25 not work as provided by this section, then the Department shall require that the  
26 defendant submit to a passive continuous satellite-based program that works within the  
27 technological or geographical limitations.

28          (c) The satellite-based monitoring program shall use a system that provides all of  
29 the following:

30           (1) Time-correlated and continuous tracking of the geographic location of  
31 the subject using a global positioning system based on satellite and  
32 other location tracking technology.

33           (2) Reporting of subject's violations of prescriptive and proscriptive  
34 schedule or location requirements. Frequency of reporting may range  
35 from once a day (passive) to near real-time (active).

36          (d) The Department may contract with a single vendor for the hardware services  
37 needed to monitor subject offenders and correlate their movements to reported crime  
38 incidents. The contract may provide for services necessary to implement or facilitate  
39 any of the provisions of this Part.

40 **"§ 14-208.34. Enrollment in satellite-based monitoring programs mandatory;**  
41 **length of enrollment.**

42          (a) Any person described by G.S. 14-208.33(a)(1) shall enroll in a satellite-based  
43 monitoring program with the Division of Community Corrections office in the county  
44 where the person resides. The person shall remain enrolled in the satellite-based

1 monitoring program for the registration period imposed under G.S. 14-208.23 which is  
2 the person's life, unless the requirement to enroll in the satellite-based monitoring  
3 program is terminated pursuant to G.S. 14-208.35.

4 (b) Any person described by G.S. 14-208.33(a)(2) who is ordered by the court to  
5 enroll in a satellite-based monitoring program shall do so with the Division of  
6 Community Corrections office in the county where the person resides. The person shall  
7 remain enrolled in the satellite-based monitoring program for the period of time ordered  
8 by the court.

9 **"§ 14-208.35. Lifetime registration offenders required to submit to satellite-based**  
10 **monitoring for life and to continue on unsupervised probation upon**  
11 **completion of sentence.**

12 Notwithstanding any other provision of law, when the court sentences an offender  
13 who is in the category described by G.S. 14-208.33(a)(1) for a reportable conviction as  
14 defined by G.S. 14-208.6(4), and orders the offender to enroll in a satellite-based  
15 monitoring program, the court shall also order that the offender, upon completion of the  
16 offender's sentence and any term of parole, post-release supervision, intermediate  
17 punishment, or supervised probation that follows the sentence, continue to be enrolled  
18 in the satellite-based monitoring program for the offender's life and be placed on  
19 unsupervised probation unless the requirement that the person enroll in a satellite-based  
20 monitoring program is terminated pursuant to G.S. 14-208.36.

21 **"§ 14-208.36. Request for termination of satellite-based monitoring requirement.**

22 (a) An offender described by G.S. 14-308.33(a)(1) who is required to submit to  
23 satellite-based monitoring for the offender's life may file a request for termination of  
24 monitoring requirement with the Post-Release Supervision and Parole Commission. The  
25 request to terminate the satellite-based monitoring requirement and to terminate the  
26 accompanying requirement of unsupervised probation may not be submitted until at  
27 least one year after the offender: (i) has served his or her sentence for the offense for  
28 which the satellite-based monitoring requirement was imposed, and (ii) has also  
29 completed any period of probation, parole, or post-release supervision imposed as part  
30 of the sentence.

31 (b) Upon receipt of the request for termination, the Commission shall review  
32 documentation contained in the offender's file and the statewide registry to determine  
33 whether the person has complied with the provisions of this Article. In addition, the  
34 Commission shall conduct fingerprint-based state and federal criminal history record  
35 checks to determine whether the person has been convicted of any additional reportable  
36 convictions.

37 (c) If it is determined that the person has not received any additional reportable  
38 convictions during the period of satellite-based monitoring and the person has  
39 substantially complied with the provisions of this Article, the Commission may  
40 terminate the monitoring requirement if the Commission finds that the person is not  
41 likely to pose a threat to the safety of others.

42 (d) If it is determined that the person has received any additional reportable  
43 convictions during the period of satellite-based monitoring or has not substantially

1 complied with the provisions of this Article, the Commission shall not order the  
2 termination of the monitoring requirement.

3 (e) The Commission shall not consider any request to terminate a monitoring  
4 requirement except as provided by this section. The Commission has no authority to  
5 consider or terminate a monitoring requirement for an offender described in  
6 G.S. 14-208.33(a)(2).

7 **"§ 14-208.37. Failure to enroll; tampering with device.**

8 (a) Any person required to enroll in a satellite-based monitoring program who  
9 fails to enroll shall be guilty of a Class F felony.

10 (b) Any person who intentionally tampers with, removes, or vandalizes a device  
11 issued pursuant to a satellite-based monitoring program to a person duly enrolled in the  
12 program shall be guilty of a Class E felony.

13 **"§ 14-208.38. Fees.**

14 (a) There shall be a one-time fee of ninety dollars (\$90.00) assessed to each  
15 person required to enroll pursuant to this Part. The court may exempt a person from  
16 paying the fee only for good cause and upon motion of the person placed on  
17 satellite-based monitoring. The court may require that the fee be paid in advance or in a  
18 lump sum or sums, and a probation officer may require payment by those methods if the  
19 officer is authorized by subsection (c) of this section to determine the payment schedule.  
20 This fee is intended to offset only the costs associated with the time-correlated tracking  
21 of the geographic location of subjects using the location tracking crime correlation  
22 system.

23 (b) The fee shall be payable to the clerk of superior court, and the fees shall be  
24 remitted quarterly to the Department of Correction.

25 (c) If a person placed on supervised probation, parole, or post-release supervision  
26 is required as a condition of that probation, parole, or post-release supervision to pay  
27 any moneys to the clerk of superior court, the court may delegate to a probation officer  
28 the responsibility to determine the payment schedule."

29 **SECTION 15.(b)** G.S. 15A-1343(b2) reads as rewritten:

30 "(b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of  
31 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – As special  
32 conditions of probation, a defendant who has been convicted of an offense which is a  
33 reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical,  
34 mental, or sexual abuse of a minor, must:

- 35 (1) Register as required by G.S. 14-208.7 if the offense is a reportable  
36 conviction as defined by G.S. 14-208.6(4).  
37 (2) Participate in such evaluation and treatment as is necessary to  
38 complete a prescribed course of psychiatric, psychological, or other  
39 rehabilitative treatment as ordered by the court.  
40 (3) Not communicate with, be in the presence of, or found in or on the  
41 premises of the victim of the offense.  
42 (4) Not reside in a household with any minor child if the offense is one in  
43 which there is evidence of sexual abuse of a minor.

- 1 (5) Not reside in a household with any minor child if the offense is one in  
2 which there is evidence of physical or mental abuse of a minor, unless  
3 the court expressly finds that it is unlikely that the defendant's harmful  
4 or abusive conduct will recur and that it would be in the minor child's  
5 best interest to allow the probationer to reside in the same household  
6 with a minor child.
- 7 (6) Satisfy any other conditions determined by the court to be reasonably  
8 related to his rehabilitation.
- 9 (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A  
10 of Chapter 14 of the General Statutes, if the defendant is described by  
11 G.S. 14-208.33(a)(1).
- 12 (8) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A  
13 of Chapter 14 of the General Statutes, if the defendant is in the  
14 category described by G.S. 14-208.33(a)(2), and the Department of  
15 Correction, based on the Department's risk assessment program,  
16 recommends that the defendant submit to the highest possible level of  
17 supervision and monitoring.

18 Defendants subject to the provisions of this subsection shall not be placed on  
19 unsupervised ~~probation~~-probation, except as provided in G.S. 14-208.35."

20 **SECTION 15.(c)** G.S. 15A-1343.2 is amended by adding a new subsection  
21 to read:

22 "(f1) Mandatory Condition of Satellite-Based Monitoring for Some Sex Offenders.  
23 – Notwithstanding any other provision of this section, the court shall impose  
24 satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the  
25 General Statutes as a condition of probation on any offender who is described by  
26 G.S. 14-208.33(a)(1)."

27 **SECTION 15.(d)** G.S. 15A-1343.2(f) is amended by adding a new  
28 subdivision to read:

- 29 "(5) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A  
30 of Chapter 14 of the General Statutes, if the defendant is described by  
31 G.S. 14-208.33(a)(2)."

32 **SECTION 15.(e)** G.S. 15A-1344 is amended by adding a new subsection to  
33 read:

34 "(e2) Mandatory Satellite-Based Monitoring Required for Extension of Probation  
35 in Response to Violation by Certain Sex Offenders. – If a defendant who is in the  
36 category described by G.S. 14-208.33(a)(1) or G.S. 14-208.33(a)(2) violates probation  
37 and if the court extends the probation as a result of the violation, then the court shall  
38 order satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the  
39 General Statutes as a condition of the extended probation."

40 **SECTION 15.(f)** G.S. 15A-1368.2 is amended by adding a new subsection  
41 to read:

42 "(c1) Notwithstanding subsection (c) of this section, a person required to submit to  
43 satellite-based monitoring pursuant to G.S. 15A-1368.4(b1)(6) shall continue to  
44 participate in satellite-based monitoring beyond the period of post-release supervision

1 until the Commission releases the person from that requirement pursuant to  
2 G.S. 14-208.36."

3 **SECTION 15.(g)** G.S. 15A-1368.4 (b1) reads as rewritten:

4 "(b1) Additional Required Conditions for Sex Offenders and Persons Convicted of  
5 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the  
6 required condition set forth in subsection (b) of this section, for a supervisee who has  
7 been convicted of an offense which is a reportable conviction as defined in  
8 G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor,  
9 controlling conditions, violations of which may result in revocation of post-release  
10 supervision, are:

- 11 (1) Register as required by G.S. 14-208.7 if the offense is a reportable  
12 conviction as defined by G.S. 14-208.6(4).
- 13 (2) Participate in such evaluation and treatment as is necessary to  
14 complete a prescribed course of psychiatric, psychological, or other  
15 rehabilitative treatment as ordered by the Commission.
- 16 (3) Not communicate with, be in the presence of, or found in or on the  
17 premises of the victim of the offense.
- 18 (4) Not reside in a household with any minor child if the offense is one in  
19 which there is evidence of sexual abuse of a minor.
- 20 (5) Not reside in a household with any minor child if the offense is one in  
21 which there is evidence of physical or mental abuse of a minor, unless  
22 a court of competent jurisdiction expressly finds that it is unlikely that  
23 the defendant's harmful or abusive conduct will recur and that it would  
24 be in the child's best interest to allow the supervisee to reside in the  
25 same household with a minor child.
- 26 (6) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A  
27 of Chapter 14 of the General Statutes, if the offense is a reportable  
28 conviction as defined by G.S. 14-208.6(4) and the supervisee is in the  
29 category described by G.S. 14-208.33(a)(1).
- 30 (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A  
31 of Chapter 14 of the General Statutes, if the offense is a reportable  
32 conviction as defined by G.S. 14-208.6(4) and the supervisee is in the  
33 category described by G.S. 14-208.33(a)(2)."

34 **SECTION 15.(h)** G.S. 15A-1374 is amended by adding a new subsection to  
35 read:

36 "(b1) Mandatory Satellite-Based Monitoring Required as Condition of Parole for  
37 Certain Offenders. – If a parolee is in a category described by G.S. 14-208.33(a)(1) or  
38 G.S. 14-208.33(a)(2), the Commission must require as a condition of parole that the  
39 parolee submit to satellite-based monitoring pursuant to Part 5 of Article 27A of  
40 Chapter 14 of the General Statutes."

41 **SECTION 15.(i)** G.S. 143B-266 is amended by adding a new subsection to  
42 read:

43 "(e) The Commission may accept and review requests from persons placed on  
44 probation, parole, or post-release supervision to terminate a mandatory condition of

1 satellite-based monitoring as provided by G.S. 14-208.35. The Commission may grant  
2 or deny those requests in compliance with G.S.14-208.35."

3 **SECTION 15.(j)** The Department of Correction shall have the program  
4 enacted by subsection (a) of this section established by January 1, 2007.

5 **SECTION 15.(k)** This subsection is effective on July 1, 2006. Of the funds  
6 appropriated by Senate Bill 1741 as enacted by the 2005 General Assembly, Regular  
7 Session 2006, to the Department of Correction for the 2006-2007 fiscal year the sum of  
8 one million three hundred seven thousand two hundred eighteen dollars (\$1,307,218)  
9 shall be used to implement the sex offender monitoring program established pursuant to  
10 this section. Notwithstanding G.S. 143-23(a2), the Department of Correction may use  
11 available funds to implement this program during the 2006-2007 fiscal year if  
12 expenditures are anticipated to exceed the amount appropriated by this act. Prior to  
13 exceeding the amount appropriated for this program by this act, the Department of  
14 Correction shall report to the Joint Legislative Commission on Governmental  
15 Operations.

16 **SECTION 15.(l)** Unless otherwise provided in the section, this section is  
17 effective when it becomes law and applies to offenses committed on or after that date.  
18 This section also applies to any person sentenced to intermediate punishment on or after  
19 that date and to any person released from prison by parole or post-release supervision on  
20 or after that date. This section also applies to any person who completes his or her  
21 sentence on or after the effective date of this section who is not on post-release  
22 supervision or parole. However, the requirement to enroll in a satellite-based program  
23 is not mandatory until January 1, 2007, when the program is established.

24 **SECTION 16.** The Department of Correction shall either issue an RFP prior  
25 to signing a contract, or with prior approval by the State Chief Information Officer or  
26 his designee, enter into a contract through an approved contracting alliance or  
27 consortium for a passive and active Global Positioning System. The system shall be for  
28 use as an intermediate sanction and to help supervise certain sex offenders who are  
29 placed on probation, parole, or post-release supervision. If an RFP is issued, the contract  
30 shall be awarded by October 1, 2006 for contract terms to begin January 1, 2007. The  
31 Department of Correction shall report by November 1, 2006 to the Chairs of the House  
32 of Representatives and Senate Appropriations Committees and the Chairs of the House  
33 of Representatives and Senate Appropriations Subcommittees on Justice and Public  
34 Safety on the details of the awarded contract.

35 **SECTION 17.** No later than January 1, 2007, the Department of Correction  
36 shall develop a graduated risk assessment program that identifies, assesses, and closely  
37 monitors a high-risk sex offender who, while not classified as a sexually violent  
38 predator, a recidivist, or convicted of an aggravated offense as those terms are defined  
39 in G.S. 14-208.6, may still require extraordinary supervision and may be placed on  
40 probation, parole, or post-release supervision only on the conditions provided in  
41 G.S. 15A-1343(b2) or G.S. 15A-1368.4(b1).

42 **SECTION 18.** The Department of Correction shall study and develop a plan  
43 for offering mental health treatment for incarcerated sex offenders designed to reduce  
44 the likelihood of recidivism. The Department shall study appropriate and effective



1 mental health treatment techniques and alternatives. Services must be best practices, as  
2 determined by the Department. The Department will consult various stakeholders from  
3 organizations dedicated to the prevention of sexual assault, victims' advocacy  
4 organizations, and experts in the field of treatment of sexual offenders. The Department  
5 shall consider the fiscal impact, if any, of implementing the plan developed pursuant to  
6 this study.

7 The Department shall make a preliminary report to the Joint Legislative  
8 Oversight Committee on Mental Health, Developmental Disabilities, and Substance  
9 Abuse Services no later than January 15, 2007, and a final report to the Joint Legislative  
10 Oversight Committee on Mental Health, Developmental Disabilities, and Substance  
11 Abuse Services and the General Assembly on or before October 1, 2007.

12 **SECTION 19.(a)** G.S. 14-208.6(4)(b) reads as rewritten:

13 "b. A final conviction in another state of an offense, which if  
14 committed in this State, is substantially similar to an offense  
15 against a minor or a sexually violent offense as defined by this  
16 section-section, or a final conviction in another state of an  
17 offense that requires registration under the sex offender  
18 registration statutes of that state."

19 **SECTION 19.(b)** Article 2 of Chapter 20 of the General Statutes is amended  
20 by adding a new section to read:

21 **"§ 20-9.3. Notification of requirements for sex offender registration.**

22 The Division shall provide notice to each person who applies for the issuance of a  
23 drivers license, learner's permit, or instruction permit to operate a motor vehicle, and to  
24 each person who applies for an identification card, that if the person is a sex offender,  
25 then the person is required to register pursuant to Article 27A of Chapter 14 of the  
26 General Statutes."

27 **SECTION 19.(c)** G.S. 20-9 is amended by adding a new subsection to read:

28 "(i) The Division shall not issue a drivers license to an applicant from another  
29 state until the Division has searched the National Sex Offender Public Registry to  
30 determine if the person is currently registered as a sex offender in another state.

31 (1) If the Division finds that the person is currently registered as a sex  
32 offender in another state, the Division shall not issue a drivers license  
33 to the person until the person submits proof of registration pursuant to  
34 Article 27A of Chapter 14 of the General Statutes issued by the sheriff  
35 of the county where the person resides.

36 (2) If the person does not appear on the National Sex Offender Public  
37 Registry, the Division shall issue a drivers license but shall require the  
38 person to sign an affidavit acknowledging that the person has been  
39 notified that if the person is a sex offender, then the person is required  
40 to register pursuant to Article 27A of Chapter 14 of the General  
41 Statutes.

42 (3) If the Division is unable to access all states' information contained in  
43 the National Sex Offender Public Registry, but the person is otherwise  
44 qualified to obtain a drivers license, then the Division shall issue the

1 drivers license but shall first require the person to sign an affidavit  
2 stating that: (i) the person does not appear on the National Sex  
3 Offender Public Registry and (ii) acknowledging that the person has  
4 been notified that if the person is a sex offender, then the person is  
5 required to register pursuant to Article 27A of Chapter 14 of the  
6 General Statutes. The Division shall search the National Sex Offender  
7 Public Registry for the person within a reasonable time after access to  
8 the Registry is restored. If the person does appear in the National Sex  
9 Offender Public Registry, the person is in violation of G.S. 20-30, and  
10 the Division shall immediately revoke the drivers license and shall  
11 promptly notify the sheriff of the county where the person resides of  
12 the offense.

13 (4) Any person denied a license or whose license has been revoked by the  
14 Division pursuant to this subsection shall have a right to file a petition  
15 within 30 days thereafter for a hearing in the matter in the superior  
16 court of the county wherein such person shall reside, or to the resident  
17 judge of the district or judge holding the court of that district, or  
18 special or emergency judge holding a court in such district, and such  
19 court or judge is hereby vested with jurisdiction, and it shall be its or  
20 his duty to set the matter for hearing upon 30 days' written notice to  
21 the Division, and thereupon to take testimony and examine into the  
22 facts of the case and to determine whether the petitioner is entitled to a  
23 license under the provisions of this subsection and whether the  
24 petitioner is in violation of G.S. 20-30."

25 **SECTION 19.(d)** G.S. 20-37.7 is amended by adding a new subsection to  
26 read:

27 "(b1) Search National Sex Offender Public Registry. – The Division shall not issue  
28 a special identification card to an applicant from another state until the Division has  
29 searched the National Sex Offender Public Registry to determine if the person is  
30 currently registered as a sex offender in another state.

31 (1) If the Division finds that the person is currently registered as a sex  
32 offender in another state, the Division shall not issue a special  
33 identification card to the person until the person submits proof of  
34 registration pursuant to Article 27A of Chapter 14 of the General  
35 Statutes issued by the sheriff of the county where the person resides.

36 (2) If the person does not appear on the National Sex Offender Public  
37 Registry, the Division shall issue a special identification card but shall  
38 require the person to sign an affidavit acknowledging that the person  
39 has been notified that if the person is a sex offender, then the person is  
40 required to register pursuant to Article 27A of Chapter 14 of the  
41 General Statutes.

42 (3) If the Division is unable to access all states' information contained in  
43 the National Sex Offender Public Registry, but the person is otherwise  
44 qualified to obtain a special identification card, then the Division shall

1 issue the card but shall first require the person to sign an affidavit  
 2 stating that: (i) the person does not appear on the National Sex  
 3 Offender Public Registry and (ii) acknowledging that the person has  
 4 been notified that if the person is a sex offender, then the person is  
 5 required to register pursuant to Article 27A of Chapter 14 of the  
 6 General Statutes. The Division shall search the National Sex Offender  
 7 Public Registry for the person within a reasonable time after access to  
 8 the Registry is restored. If the person does appear in the National Sex  
 9 Offender Public Registry, the person is in violation of G.S. 20-37.8,  
 10 and the Division shall promptly notify the sheriff of the county where  
 11 the person resides of the offense.

12 (4) Any person denied a special identification card by the Division  
 13 pursuant to this subsection shall have a right to file a petition within 30  
 14 days thereafter for a hearing in the matter in the superior court of the  
 15 county wherein such person shall reside, or to the resident judge of the  
 16 district or judge holding the court of that district, or special or  
 17 emergency judge holding a court in such district, and such court or  
 18 judge is hereby vested with jurisdiction, and it shall be its or his duty  
 19 to set the matter for hearing upon 30 days' written notice to the  
 20 Division, and thereupon to take testimony and examine into the facts  
 21 of the case and to determine whether the petitioner is entitled to a  
 22 special identification card under the provisions of this subsection and  
 23 whether the petitioner is in violation of G.S. 20-37.8."

24 **SECTION 19.(e)** This section becomes effective December 1, 2006, and  
 25 applies to all applications for a drivers license, learner's permit, instruction permit, or  
 26 special identification card submitted on or after that date.

27 **SECTION 20.(a)** G.S. 14-43.2 is repealed.

28 **SECTION 20.(b)** Chapter 14 of the General Statutes is amended by adding a  
 29 new Article to read:

30 "Article 10A.

31 "Human Trafficking.

32 "**§ 14-43.4. Definitions.**

33 (a) Definitions. – The following definitions apply in this Article:

34 (1) Coercion. – The term includes all of the following:

- 35 a. Causing or threatening to cause bodily harm to any person,  
 36 physically restraining or confining any person, or threatening to  
 37 physically restrain or confine any person.
- 38 b. Exposing or threatening to expose any fact or information that  
 39 if revealed would tend to subject a person to criminal or  
 40 immigration proceedings, hatred, contempt, or ridicule.
- 41 c. Destroying, concealing, removing, confiscating, or possessing  
 42 any actual or purported passport or other immigration  
 43 document, or any other actual or purported government  
 44 identification document, of any person.

- 1                   d.     Providing a controlled substance, as defined by G.S. 90-87, to a  
2                   person.
- 3           (2)   Deception. – The term includes all of the following:
- 4                   a.     Creating or confirming another's impression of an existing fact  
5                   or past event that is false and which the accused knows or  
6                   believes to be false.
- 7                   b.     Maintaining the status or condition of a person arising from a  
8                   pledge by that person of his or her personal services as security  
9                   for a debt, if the value of those services as reasonably assessed  
10                   is not applied toward the liquidation of the debt or the length  
11                   and nature of those services are not respectively limited and  
12                   defined, or preventing a person from acquiring information  
13                   pertinent to the disposition of such debt.
- 14                   c.     Promising benefits or the performance of services that the  
15                   accused does not intend to deliver or perform or knows will not  
16                   be delivered or performed.
- 17           (3)   Involuntary servitude. – The term includes the following:
- 18                   a.     The performance of labor, whether or not for compensation, or  
19                   whether or not for the satisfaction of a debt; and
- 20                   b.     By deception, coercion, or intimidation using violence or the  
21                   threat of violence or by any other means of coercion or  
22                   intimidation.
- 23           (4)   Minor. – A person who is less than 18 years of age.
- 24           (5)   Sexual servitude. – The term includes the following:
- 25                   a.     Any sexual activity as defined in G.S. 14-190.13 for which  
26                   anything of value is directly or indirectly given, promised to, or  
27                   received by any person, which conduct is induced or obtained  
28                   by coercion or deception or which conduct is induced or  
29                   obtained from a person under the age of 18 years; or
- 30                   b.     Any sexual activity as defined in G.S. 14-190.13 that is  
31                   performed or provided by any person, which conduct is induced  
32                   or obtained by coercion or deception or which conduct is  
33                   induced or obtained from a person under the age of 18 years.
- 34   **§ 14-43.5. Human trafficking.**
- 35           (a)   A person commits the offense of human trafficking when that person  
36           knowingly recruits, entices, harbors, transports, provides, or obtains by any means  
37           another person with the intent that the other person be held in involuntary servitude or  
38           sexual servitude.
- 39           (b)   A person who violates this section is guilty of a Class F felony if the victim of  
40           the offense is an adult. A person who violates this section is guilty of a Class C felony if  
41           the victim of the offense is a minor.
- 42           (c)   Each violation of this section constitutes a separate offense and shall not  
43           merge with any other offense. Evidence of failure to deliver benefits or perform services  
44           standing alone shall not be sufficient to authorize a conviction under this section.

1 **"§ 14-43.6. Involuntary servitude.**

2 (a) A person commits the offense of involuntary servitude when that person  
3 knowingly and willfully holds another in involuntary servitude.

4 (b) A person who violates this section is guilty of a Class F felony if the victim of  
5 the offense is an adult. A person who violates this section is guilty of a Class C felony if  
6 the victim of the offense is a minor.

7 (c) Each violation of this section constitutes a separate offense and shall not  
8 merge with any other offense. Evidence of failure to deliver benefits or perform services  
9 standing alone shall not be sufficient to authorize a conviction under this section.

10 (d) Nothing in this section shall be construed to affect the laws governing the  
11 relationship between an unemancipated minor and his or her parents or legal guardian.

12 (e) If any person reports a violation of this section, which violation arises out of  
13 any contract for labor, to any party to the contract, the party shall immediately report the  
14 violation to the sheriff of the county in which the violation is alleged to have occurred  
15 for appropriate action. A person violating this subsection shall be guilty of a Class 1  
16 misdemeanor.

17 **"§ 14-43.7. Sexual servitude.**

18 (a) A person commits the offense of sexual servitude when that person  
19 knowingly subjects or maintains another in sexual servitude.

20 (b) A person who violates this section is guilty of a Class F felony if the victim  
21 of the offense is an adult. A person who violates this section is guilty of a Class C  
22 felony if the victim of the offense is a minor.

23 (c) Each violation of this section constitutes a separate offense and shall not  
24 merge with any other offense. Evidence of failure to deliver benefits or perform services  
25 standing alone shall not be sufficient to authorize a conviction under this section."

26 **SECTION 20.(c)** G.S. 14-39(a) reads as rewritten:

27 "(a) Any person who shall unlawfully confine, restrain, or remove from one place  
28 to another, any other person 16 years of age or over without the consent of such person,  
29 or any other person under the age of 16 years without the consent of a parent or legal  
30 custodian of such person, shall be guilty of kidnapping if such confinement, restraint or  
31 removal is for the purpose of:

- 32 (1) Holding such other person for a ransom or as a hostage or using such  
33 other person as a shield; or  
34 (2) Facilitating the commission of any felony or facilitating flight of any  
35 person following the commission of a felony; or  
36 (3) Doing serious bodily harm to or terrorizing the person so confined,  
37 restrained or removed or any other person; or  
38 (4) Holding such other person in involuntary servitude in violation of  
39 G.S. ~~14-43.2~~, 14-43.6.  
40 (5) Trafficking another person with the intent that the other person be held  
41 in involuntary servitude or sexual servitude in violation of  
42 G.S. 14-43.5.  
43 (6) Subjecting or maintaining such other person for sexual servitude in  
44 violation of G.S. 14-43.7."

1           **SECTION 20.(d)** G.S. 14-208.6(5) reads as rewritten:

2           "(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first  
3           degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first  
4           degree sexual offense), G.S. 14-27.5 (second degree sexual offense),  
5           G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual  
6           offense), G.S. 14-27.7 (intercourse and sexual offense with certain  
7           victims), G.S. 14-43.7 (subjecting or maintaining a person for sexual  
8           servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6  
9           (employing or permitting minor to assist in offenses against public  
10          morality and decency), G.S. 14-190.9(a1) (felonious indecent  
11          exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor),  
12          G.S. 14-190.17 (second degree sexual exploitation of a minor),  
13          G.S. 14-190.17A (third degree sexual exploitation of a minor),  
14          G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19  
15          (participating in the prostitution of a minor), G.S. 14-202.1 (taking  
16          indecent liberties with children), or G.S. 14-202.3 (Solicitation of child  
17          by computer to commit an unlawful sex act). The term also includes  
18          the following: a solicitation or conspiracy to commit any of these  
19          offenses; aiding and abetting any of these offenses."

20          **SECTION 20.(e)** G.S. 14-225 reads as rewritten:

21        "**§ 14-225. False reports to law enforcement agencies or officers.**

22          (a) Any person who shall willfully make or cause to be made to a law  
23          enforcement agency or officer any false, misleading or unfounded report, for the  
24          purpose of interfering with the operation of a law enforcement agency, or to hinder or  
25          obstruct any law enforcement officer in the performance of his duty, shall be guilty of a  
26          Class 2 misdemeanor.

27          (b) In response to an official inquiry by a Sworn Agent of the State Bureau of  
28          Investigation, any person who shall willfully:

29                (1) Falsify, conceal, or cover up by any trick, scheme, or device a material  
30                fact; or

31                (2) Make any materially false, fictitious, or fraudulent statement or  
32                representation; or

33                (3) Make or use any false writing or document knowing the same to  
34                contain any materially false, fictitious, or fraudulent statement or  
35                entry,

36          shall be guilty of a Class H felony."

37          **SECTION 20(f).** G.S. 15A-830(a)(7) reads as rewritten:

38          "(7) Victim. – A person against whom there is probable cause to believe  
39          one of the following crimes was committed:

40                a. A Class A, B1, B2, C, D, or E felony.

41                b. A Class F felony if it is a violation of one of the following:  
42                    G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);  
43                    14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; ~~14-43.2;~~

- 1                                    14-43.6; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-277.3;  
2                                    14-288.9; or 20-138.5.
- 3                    c.     A Class G felony if it is a violation of one of the following:  
4                                    G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.
- 5                    d.     A Class H felony if it is a violation of one of the following:  
6                                    G.S. 14-32.3(a); 14-32.3(c); 14-33.2, or 14-277.3.
- 7                    e.     A Class I felony if it is a violation of one of the following:  
8                                    G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.
- 9                    f.     An attempt of any of the felonies listed in this subdivision if the  
10                                   attempted felony is punishable as a felony.
- 11                   g.     Any of the following misdemeanor offenses when the offense is  
12                                   committed between persons who have a personal relationship as  
13                                   defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2);  
14                                   14-33(a); 14-34; 14-134.3; or 14-277.3."

15                    **SECTION 21.** The provisions of this act are severable. If any provision is  
16 held invalid by a court of competent jurisdiction, the invalidity does not affect other  
17 provisions of the act that can be given effect without the invalid provision.

18                    **SECTION 22.** Section 15 of this act is effective as provided herein. Sections  
19 14, 16, 17, 18, 21, and 22 are effective when this act becomes law. Prosecutions for  
20 offenses committed before the effective date of this act are not abated or affected by this  
21 act, and the statutes that would be applicable but for this act remain applicable to those  
22 prosecutions. Except as otherwise provided in this act, the remainder of this act  
23 becomes effective December 1, 2006, and applies to offenses committed on or after that  
24 date.