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Short Title: Sex Offender Registration Changes.

(Public)

Sponsors:

Referred to:

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, AND SHALL BE KNOWN AS
17 SEX OFFENDER REGISTRATION CHANGES/JESSICA'S LAW.
18

19 The General Assembly of North Carolina enacts:

20 **SECTION 1.(a)** This act shall be known as "SEX OFFENDER
21 REGISTRATION CHANGES/JESSICA'S LAW".

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

23 "(5) 'Sexually violent offense' means a violation of G.S. 14-27.2 (first
24 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first

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

18 **SECTION 1.(c)** This section becomes effective December 1, 2006, and
19 applies to offenses committed on or after that date.

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

21 **"§ 14-208.6A. Lifetime registration requirements for criminal offenders.**

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

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

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

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

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

43 **"§ 14-208.6B. Registration requirements for juveniles transferred to and convicted**
44 **in superior court.**

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

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

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

8 "**§ 14-208.8A. Notification requirement for out-of-county employment if**
9 **temporary residence established.**

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

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

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

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

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

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

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

36 "**§ 14-208.7. Registration.**

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

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

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

3 Registration shall be maintained for a period of at least 10 years following the date of
4 initial county registration. ~~release from a penal institution. If no active term of~~
5 ~~imprisonment was imposed, registration shall be maintained for a period of 10 years~~
6 ~~following each conviction for a reportable offense.~~

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

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

15 (1) The person's full name, each alias, date of birth, sex, race, height,
16 weight, eye color, hair color, drivers license number, and home
17 address;

18 (2) The type of offense for which the person was convicted, the date of
19 conviction, and the sentence imposed;

20 (3) A current photograph;

21 (4) The person's fingerprints;

22 (5) A statement indicating whether the person is a student or expects to
23 enroll as a student within a year of registering. If the person is a
24 student or expects to enroll as a student within a year of registration,
25 then the registration form shall also require the name and address of
26 the educational institution at which the person is a student or expects
27 to enroll as a student; and

28 (6) A statement indicating whether the person is employed or expects to
29 be employed at an institution of higher education within a year of
30 registering. If the person is employed or expects to be employed at an
31 institution of higher education within a year of registration, then the
32 registration form shall also require the name and address of the
33 educational institution at which the person is or expects to be
34 employed.

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

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

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

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

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

7 **"§ 14-208.9. Change of address; change of academic status or educational**
8 **employment status.**

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

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

23 (1) 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 update the registration.

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

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

40 (c) If a person required to register changes his or her academic status either by
41 enrolling as a student or by terminating enrollment as a student, then the person ~~shall~~
42 shall, within 10 days, report in person to the sheriff of the county with whom the person
43 registered and provide written notice of the person's new status not later than the tenth
44 day after the change to the sheriff of the county with whom the person registered. ~~status.~~

1 The written notice shall include the name and address of the institution of higher
2 education at which the student is or was enrolled. ~~Upon receipt of the notice, the~~The
3 sheriff shall immediately forward this information to the Division.

4 (d) If a person required to register changes his or her employment status either by
5 obtaining employment at an institution of higher education or by terminating
6 employment at an institution of higher education, then the person ~~shall~~shall, within 10
7 days, report in person to the sheriff of the county with whom the person registered and
8 provide written notice of the person's new status not later than the tenth day after the
9 change to the sheriff of the county with whom the person registered. The written notice
10 shall include the name and address of the institution of higher education at which the
11 person is or was employed. ~~Upon receipt of the notice, the~~The sheriff shall immediately
12 forward this information to the Division."

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

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

15 "**§ 14-208.9A. Verification of registration information.**

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

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

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

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

28 (3a) If it appears to the sheriff that the record photograph of the sex
29 offender no longer provides a true and accurate likeness of the sex
30 offender, then the sheriff shall take a photograph of the offender to
31 include with the verification form.

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

43 (b) Additional Verification May Be Required. – During the period that an
44 offender is required to be registered under this Article, the sheriff is authorized to

1 attempt to verify that the offender continues to reside at the address last registered by
2 the offender.

3 (c) Additional Photograph May Be Required. – If it appears to the sheriff that the
4 current photograph of the sex offender no longer provides a true and accurate likeness
5 of the sex offender, upon in-person notice from the sheriff, the sex offender shall allow
6 the sheriff to take another photograph of the sex offender at the time of the sheriff's
7 request. If requested by the sheriff, the sex offender shall appear in person at the
8 sheriff's office during normal business hours within 72 hours of being requested to do so
9 and shall allow the sheriff to take another photograph of the sex offender. A person who
10 willfully fails to comply with this subsection is guilty of a Class 1 misdemeanor."

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

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

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

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

- 18 (1) Fails to register-register as required by this Article.
- 19 (2) Fails to notify the last registering sheriff of a change of
20 address-address as required by this Article.
- 21 (3) Fails to return a verification notice as required under G.S. 14-208.9A.
- 22 (4) Forges or submits under false pretenses the information or verification
23 notices required under this Article.
- 24 (5) Fails to inform the registering sheriff of enrollment or termination of
25 enrollment as a student.
- 26 (6) Fails to inform the registering sheriff of employment at an institution
27 of higher education or termination of employment at an institution of
28 higher education.
- 29 (7) Fails to report in person to the sheriff's office as required by
30 G.S. 14-208.7, 14-208.9, and 14-208.9A.
- 31 (8) Reports his or her intent to reside in another state or jurisdiction but
32 remains in this State without reporting to the sheriff in the manner
33 required by G.S. 14-208.9.

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

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

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

- 3 (1) The person is incarcerated in, or is in the custody of, a local, State,
4 private, or federal correctional facility,
5 (2) The person notifies the official in charge of the facility of their status
6 as a person with a legal obligation or requirement under this Article
7 and
8 (3) The person meets the registration or verification requirements of this
9 Article no later than 10 days after release from confinement or
10 custody."

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

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

15 ...

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

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

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

24 **"§ 14-208.11A. Duty to report noncompliance of a sex offender; penalty for failure**
25 **to report in certain circumstances.**

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

- 29 (1) Withhold information from, or fail to notify, a law enforcement agency
30 about the offender's noncompliance with the requirements of this
31 Article, and, if known, the whereabouts of the offender.
32 (2) Harbor, attempt to harbor, or assist another person in harboring or
33 attempting to harbor, the offender.
34 (3) Conceal or attempt to conceal, or assist another person in concealing
35 or attempting to conceal, the offender.
36 (4) Provide information to a law enforcement agency regarding the
37 offender that the person knows to be false information.

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

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

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

43 **"§ 14-208.12A. ~~Termination~~ Request for termination of registration requirement.**

1 (a) A person required to register under this Part who has served his or her
2 sentence may petition the superior court in the district where the person resides to
3 terminate the registration requirement~~The requirement that a person register under this~~
4 ~~Part automatically terminates~~ 10 years from the date of initial county registration if the
5 person has not been convicted of a subsequent offense requiring registration under this
6 Article.

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

8 (1) The petitioner demonstrates to the court that he or she has not been
9 arrested for any crime that would require registration under this Article
10 since completing the sentence.

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

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

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

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

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

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

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

35 "**§ 14-208.24A. Sexual predator prohibited from working or volunteering for**
36 **child-involved activities; limitation on residential use.**

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

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

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

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

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

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

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

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

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

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

15 "**§ 14-208.28. Verification of registration information.**

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

18 (1) Every year on the anniversary of a juvenile's initial registration
19 ~~date, date and six months after that date,~~ the sheriff shall mail a
20 verification form to the juvenile court counselor assigned to the
21 juvenile.

22 (2) The juvenile court counselor for the juvenile shall return the
23 verification form to the sheriff within 10 days after the receipt of the
24 form.

25 (3) The verification form shall be signed by the juvenile court counselor
26 and the juvenile and shall indicate whether the juvenile still resides at
27 the address last reported to the sheriff. If the juvenile has a different
28 address, then that fact and the new address shall be indicated on the
29 form."

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

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

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

42 "Part 5. Sex Offender Monitoring.

43 "**§ 14-208.33. Establishment of program; creation of guidelines; duties.**

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

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

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

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

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

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

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

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

1 **"§ 14-208.34. Enrollment in satellite-based monitoring programs mandatory;**
2 **length of enrollment.**

3 (a) Any person described by G.S. 14-208.33(a)(1) shall enroll in a satellite-based
4 monitoring program with the Division of Community Corrections office in the county
5 where the person resides. The person shall remain enrolled in the satellite-based
6 monitoring program for the registration period imposed under G.S. 14-208.23 which is
7 the person's life, unless the requirement to enroll in the satellite-based monitoring
8 program is terminated pursuant to G.S. 14-208.35.

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

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

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

26 **"§ 14-208.36. Request for termination of satellite-based monitoring requirement.**

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

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

42 (c) If it is determined that the person has not received any additional reportable
43 convictions during the period of satellite-based monitoring and the person has
44 substantially complied with the provisions of this Article, the Commission may

1 terminate the monitoring requirement if the Commission finds that the person is not
2 likely to pose a threat to the safety of others.

3 (d) If it is determined that the person has received any additional reportable
4 convictions during the period of satellite-based monitoring or has not substantially
5 complied with the provisions of this Article, the Commission shall not order the
6 termination of the monitoring requirement.

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

11 **"§ 14-208.37. Failure to enroll; tampering with device.**

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

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

17 **"§ 14-208.38. Fees.**

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

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

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

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

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

39 (1) Register as required by G.S. 14-208.7 if the offense is a reportable
40 conviction as defined by G.S. 14-208.6(4).

41 (2) Participate in such evaluation and treatment as is necessary to
42 complete a prescribed course of psychiatric, psychological, or other
43 rehabilitative treatment as ordered by the court.

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

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

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

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

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

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

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

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

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

3 "(c1) Notwithstanding subsection (c) of this section, a person required to submit to
4 satellite-based monitoring pursuant to G.S. 15A-1368.4(b1)(6) shall continue to
5 participate in satellite-based monitoring beyond the period of post-release supervision
6 until the Commission releases the person from that requirement pursuant to
7 G.S. 14-208.36."

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

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

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

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

41 "(b1) Mandatory Satellite-Based Monitoring Required as Condition of Parole for
42 Certain Offenders. – If a parolee is in a category described by G.S. 14-208.33(a)(1) or
43 G.S. 14-208.33(a)(2), the Commission must require as a condition of parole that the

1 parolee submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
2 Chapter 14 of the General Statutes."

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

5 "(e) The Commission may accept and review requests from persons placed on
6 probation, parole, or post-release supervision to terminate a mandatory condition of
7 satellite-based monitoring as provided by G.S. 14-208.35. The Commission may grant
8 or deny those requests in compliance with G.S.14-208.35."

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

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

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

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

41 **SECTION 17.** No later than January 1, 2007, the Department of Correction
42 shall develop a graduated risk assessment program that identifies, assesses, and closely
43 monitors a high-risk sex offender who, while not classified as a sexually violent
44 predator, a recidivist, or convicted of an aggravated offense as those terms are defined

1 in G.S. 14-208.6, may still require extraordinary supervision and may be placed on
2 probation, parole, or post-release supervision only on the conditions provided in
3 G.S. 15A-1343(b2) or G.S. 15A-1368.4(b1).

4 **SECTION 18.** The Department of Correction shall study and develop a plan
5 for offering mental health treatment for incarcerated sex offenders designed to reduce
6 the likelihood of recidivism. The Department shall study appropriate and effective
7 mental health treatment techniques and alternatives. Services must be best practices, as
8 determined by the Department. The Department will consult various stakeholders from
9 organizations dedicated to the prevention of sexual assault, victims' advocacy
10 organizations, and experts in the field of treatment of sexual offenders. The Department
11 shall consider the fiscal impact, if any, of implementing the plan developed pursuant to
12 this study.

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

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

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~~section, or a final conviction in another state of an
23 offense that requires registration under the sex offender
24 registration statutes of that state."

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

27 **"§ 20-9.3. Notification of requirements for sex offender registration.**

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

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

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

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

42 (2) If the person does not appear on the National Sex Offender Public
43 Registry, the Division shall issue a drivers license but shall require the
44 person to sign an affidavit acknowledging that the person has been

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

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

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

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

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

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

42 (2) If the person does not appear on the National Sex Offender Public
43 Registry, the Division shall issue a special identification card but shall
44 require the person to sign an affidavit acknowledging that the person

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

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

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

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

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

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

36 "Article 10A.

37 "Human Trafficking.

38 "**§ 14-43.4. Definitions.**

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

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

41 a. Causing or threatening to cause bodily harm to any person,
42 physically restraining or confining any person, or threatening to
43 physically restrain or confine any person.

- 1 **b.** Exposing or threatening to expose any fact or information that
2 if revealed would tend to subject a person to criminal or
3 immigration proceedings, hatred, contempt, or ridicule.
4 **c.** Destroying, concealing, removing, confiscating, or possessing
5 any actual or purported passport or other immigration
6 document, or any other actual or purported government
7 identification document, of any person.
8 **d.** Providing a controlled substance, as defined by G.S. 90-87, to a
9 person.

10 (2) Deception. – The term includes all of the following:

- 11 **a.** Creating or confirming another's impression of an existing fact
12 or past event that is false and which the accused knows or
13 believes to be false.
14 **b.** Maintaining the status or condition of a person arising from a
15 pledge by that person of his or her personal services as security
16 for a debt, if the value of those services as reasonably assessed
17 is not applied toward the liquidation of the debt or the length
18 and nature of those services are not respectively limited and
19 defined, or preventing a person from acquiring information
20 pertinent to the disposition of such debt.
21 **c.** Promising benefits or the performance of services that the
22 accused does not intend to deliver or perform or knows will not
23 be delivered or performed.

24 (3) Involuntary servitude. – The term includes the following:

- 25 **a.** The performance of labor, whether or not for compensation, or
26 whether or not for the satisfaction of a debt; and
27 **b.** By deception, coercion, or intimidation using violence or the
28 threat of violence or by any other means of coercion or
29 intimidation.

30 (4) Minor. – A person who is less than 18 years of age.

31 (5) Sexual servitude. – The term includes the following:

- 32 **a.** Any sexual activity as defined in G.S. 14-190.13 for which
33 anything of value is directly or indirectly given, promised to, or
34 received by any person, which conduct is induced or obtained
35 by coercion or deception or which conduct is induced or
36 obtained from a person under the age of 18 years; or
37 **b.** Any sexual activity as defined in G.S. 14-190.13 that is
38 performed or provided by any person, which conduct is induced
39 or obtained by coercion or deception or which conduct is
40 induced or obtained from a person under the age of 18 years.

41 **§ 14-43.5. Human trafficking.**

42 **(a)** A person commits the offense of human trafficking when that person
43 knowingly recruits, entices, harbors, transports, provides, or obtains by any means

1 another person with the intent that the other person be held in involuntary servitude or
2 sexual servitude.

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

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

9 **"§ 14-43.6. Involuntary servitude.**

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

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

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

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

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

25 **"§ 14-43.7. Sexual servitude.**

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

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

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

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

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

40 (1) Holding such other person for a ransom or as a hostage or using such
41 other person as a shield; or

42 (2) Facilitating the commission of any felony or facilitating flight of any
43 person following the commission of a felony; or

- 1 (3) Doing serious bodily harm to or terrorizing the person so confined,
2 restrained or removed or any other person; or
3 (4) Holding such other person in involuntary servitude in violation of
4 G.S. ~~14-43.2~~. 14-43.6.
5 (5) Trafficking another person with the intent that the other person be held
6 in involuntary servitude or sexual servitude in violation of
7 G.S. 14-43.5.
8 (6) Subjecting or maintaining such other person for sexual servitude in
9 violation of G.S. 14-43.7."

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

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

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

30 **"§ 14-225. False reports to law enforcement agencies or officers.**

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

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

- 38 (1) Falsify, conceal, or cover up by any trick, scheme, or device a material
39 fact; or
40 (2) Make any materially false, fictitious, or fraudulent statement or
41 representation; or
42 (3) Make or use any false writing or document knowing the same to
43 contain any materially false, fictitious, or fraudulent statement or
44 entry,

1 shall be guilty of a Class H felony."

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

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

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

6 b. A Class F felony if it is a violation of one of the following:
7 G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);
8 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; ~~14-43.2;~~
9 14-43.6; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-277.3;
10 14-288.9; or 20-138.5.

11 c. A Class G felony if it is a violation of one of the following:
12 G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.

13 d. A Class H felony if it is a violation of one of the following:
14 G.S. 14-32.3(a); 14-32.3(c); 14-33.2, or 14-277.3.

15 e. A Class I felony if it is a violation of one of the following:
16 G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.

17 f. An attempt of any of the felonies listed in this subdivision if the
18 attempted felony is punishable as a felony.

19 g. Any of the following misdemeanor offenses when the offense is
20 committed between persons who have a personal relationship as
21 defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2);
22 14-33(a); 14-34; 14-134.3; or 14-277.3."

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

26 **SECTION 22.** Section 15 of this act is effective as provided herein. Sections
27 14, 16, 17, 18, 21, and 22 are effective when this act becomes law. Prosecutions for
28 offenses committed before the effective date of this act are not abated or affected by this
29 act, and the statutes that would be applicable but for this act remain applicable to those
30 prosecutions. Except as otherwise provided in this act, the remainder of this act
31 becomes effective December 1, 2006, and applies to offenses committed on or after that
32 date.