

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1705**

Short Title: Modify Offender Restrictions.

(Public)

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Sponsors: Representative Love.

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Referred to: Judiciary II.

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April 19, 2007

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE RESTRICTIONS PLACED ON OFFENDERS DURING  
POST-RELEASE SUPERVISION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 15A-1368.4(b1) reads as rewritten:

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

- (1) Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
- (2) Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the Commission.
- (3) Not communicate with, be in the presence of, or found in or on the premises of the victim of the ~~offense.~~ offense, in the discretion of the Commission.
- (4) Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a ~~minor.~~ minor, unless approved by the Commission.
- (5) Not reside in a household with any minor child if the offense is one in which there is evidence of physical or mental abuse of a minor, unless ~~a court of competent jurisdiction~~ the Commission expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the child's best interest to allow the supervisee to reside in the same household with a minor child.

1           (6)    Submit to satellite-based monitoring pursuant to Part 5 of Article 27A  
2           of Chapter 14 of the General Statutes, if the offense is a reportable  
3           conviction as defined by G.S. 14-208.6(4) and the supervisee is in the  
4           category described by G.S. 14-208.40(a)(1).

5           (7)    Submit to satellite-based monitoring pursuant to Part 5 of Article 27A  
6           of Chapter 14 of the General Statutes, if the offense is a reportable  
7           conviction as defined by G.S. 14-208.6(4) and the supervisee is in the  
8           category described by G.S. 14-208.40(a)(2)."

9           **SECTION 2.** G.S. 15A-1368.4(e)(14) reads as rewritten:

10          "(e)   Controlling Conditions. – Appropriate controlling conditions, violation of  
11          which may result in revocation of post-release supervision, are:

12          ...

13          (14)   Submit to supervision by officers assigned to the Intensive  
14          Post-Release Supervision Program established pursuant to  
15          G.S. 143B-262(c), and abide by the rules adopted for that ~~Program.~~  
16          Program and conditions ordered by the Commission."

17          **SECTION 3.** This act is effective when it becomes law.