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Short Title: Sex Offender Registration.

(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE THE REGISTRATION OF PERSONS CONVICTED OF  
CERTAIN CRIMINAL SEXUAL OFFENSES.

The General Assembly of North Carolina enacts:

Section 1. Subchapter VII of Chapter 14 of the General Statutes is amended by  
adding a new Article to read:

**"ARTICLE 27A.**

**"SEXUAL OFFENDER REGISTRATION PROGRAM.**

**"§ 14-208.5. Purpose.**

The General Assembly recognizes that sex offenders often pose a high risk of  
engaging in sex offenses even after being released from incarceration or commitment and  
that protection of the public from sex offenders is of paramount governmental interest.  
Further, the General Assembly recognizes that local law enforcement officers' efforts to  
protect their communities, conduct investigations, and quickly apprehend offenders who  
commit sex offenses are impaired by the lack of information available to law  
enforcement agencies about convicted sex offenders who live within the agency's  
jurisdiction. Release of information about sex offenders will further the governmental

1 interests of public safety so long as the information released is rationally related to the  
2 furtherance of those goals.

3 Therefore, it is the purpose of this Article to assist local law enforcement agencies'  
4 efforts to protect their communities by requiring sex offenders to register with local law  
5 enforcement agencies and to require the exchange of relevant information about sex  
6 offenders among law enforcement agencies and to authorize the access to necessary and  
7 relevant information about sex offenders to others as provided in this Article.

8 **"§ 14-208.6. Definitions.**

9 The following definitions apply in this Article:

10 (1) 'Division' means the Division of Criminal Statistics of the Department  
11 of Justice.

12 (2) 'Penal institution' means a detention facility operated under the  
13 jurisdiction of the Division of Prisons of the Department of Correction,  
14 or a county jail.

15 (3) 'Release' means discharged or paroled.

16 (4) 'Reportable conviction' means:

17 a. A final conviction for violation of G.S. 14-27.2 (first degree  
18 rape), 14-27.3 (second degree rape), 14-27.4 (first degree sexual  
19 offense), 14-27.5 (second degree sexual offense), 14-27.6  
20 (attempted rape or sexual offense), 14-27.7 (intercourse and  
21 sexual offense with certain victims), 14-178 (incest between near  
22 relatives), 14-190.6 (employing or permitting minor to assist in  
23 offenses against public morality and decency), 14-190.16 (first  
24 degree sexual exploitation of a minor), 14-190.17 (second degree  
25 sexual exploitation of a minor), 14-190.17A (third degree sexual  
26 exploitation of a minor), 14-190.18 (promoting prostitution of a  
27 minor), 14-190.19 (participating in prostitution of a minor), or  
28 14-202.1 (taking indecent liberties with children).

29 b. A final conviction in another state of an offense, which if  
30 committed in this State, would have been a sex offense as  
31 defined by the sections of the General Statutes set forth in  
32 paragraph a. of this subdivision.

33 (4) 'Sheriff' means the sheriff of a county in this State.

34 **"§ 14-208.7. Registration.**

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

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

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

1 Registration shall be maintained for a period of 10 years following release from a penal  
2 institution. If no active term of imprisonment was imposed, registration shall be  
3 maintained for a period of 10 years following each conviction for a reportable offense.

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

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

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

10 (3) A current photograph; and

11 (4) The person's fingerprints.

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

16 (c) Not later than the third day after a person registers, the sheriff with whom the  
17 person registered shall send the registration information to the Division in a manner  
18 determined by the Division. The sheriff shall retain the original registration form and  
19 other information collected.

20 **"§ 14-208.8. Prerelease notification.**

21 (a) At least 10 days, but not earlier than 30 days, before a person who will be  
22 subject to registration under this Article is due to be released from a penal institution, an  
23 official of the penal institution shall:

24 (1) Inform the person of the person's duty to register under this Article and  
25 require the person to sign a written statement that the person was so  
26 informed or, if the person refuses to sign the statement, certify that the  
27 person was so informed;

28 (2) Obtain the registration information required under G.S. 14-208.7 (b)(1)  
29 and (2), as well as the address where the person expects to reside upon  
30 the person's release; and

31 (3) Send the Division and the sheriff of the county in which the person  
32 expects to reside the information collected in accordance with  
33 subdivision (2) of this subsection.

34 (b) If a person who is subject to registration under this Article does not receive an  
35 active term of imprisonment, the court pronouncing sentence shall conduct, at the time of  
36 sentencing, the notification procedures specified in subsection (a) of this section.

37 **"§ 14-208.9. Change of address.**

38 If a person required to register changes address, the person shall provide written  
39 notice of the new address not later than the tenth day after the change to the sheriff of the  
40 county with whom the person had last registered. Not later than the third day after  
41 receipt of the notice, the sheriff shall forward this information to the Division. If the  
42 person moves to another county in this State, the Division shall inform the sheriff of the  
43 new county of the person's new residence.

1 **"§ 14-208.10. Access to registration information.**

2 (a) To obtain information concerning an individual's registration status, a requester  
3 shall submit to the sheriff the following:

4 (1) The individual's name and sex;

5 (2) A physical description of the individual; and

6 (3) Any other relevant information known to the requester concerning the  
7 individual.

8 Upon receipt of the information, the sheriff shall verify, in writing, to the requester  
9 whether the individual has registered as a sex offender in this State, the date of  
10 conviction, and the offenses for which registration was required. The registration  
11 information and the corresponding registry is a public record and shall be available for  
12 public inspection. The sheriff shall upon request, display any photograph provided in  
13 compliance with G.S. 14-208.7(b)(3); however, the sheriff shall not provide or allow a  
14 copy to be made of the photograph.

15 (b) Any person may obtain a copy of an individual's registration form, excluding  
16 the photograph, upon payment to the sheriff of a reasonable fee for the costs of  
17 duplicating the form.

18 (c) The sheriff of each county is authorized, upon written request, to provide a  
19 copy of the entire registry to any group, entity, organization, corporation, or school, that  
20 utilizes volunteers or employees in working with, caring for, supervising or protecting  
21 children or disabled or elderly persons. The sheriff may charge a reasonable fee for  
22 duplicating costs and for mailing costs when appropriate."

23 **"§ 14-208.11. Failure to register.**

24 (a) A person required by this Article to register who, knowingly and with the  
25 intent to violate the provisions of this Article, fails to register shall be guilty of a Class 3  
26 misdemeanor for a first conviction of a violation of this Article, and a Class I felony for a  
27 subsequent conviction of a violation of this Article.

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

34 **"§ 14-208.12. Exemption.**

35 (a) A person who has a reportable conviction may petition the superior court in the  
36 county where the person resides for an exemption from this Article. The person shall  
37 serve a copy of the petition on the district attorney. If the person shows for good cause,  
38 by clear and convincing evidence, that registration will not serve any useful purpose, the  
39 court shall grant the exemption.

40 (b) When a registered person presents the sheriff with a certified copy of the  
41 court order showing that an exemption has been granted, the sheriff shall remove any  
42 information from his records that was obtained pursuant to this Article. The sheriff shall  
43 then notify the Division of the exemption by sending a copy of the exemption to the

1 Division within three days and the Division shall remove any information from its files  
2 obtained pursuant to this Article. The Division shall notify the registered person of the  
3 exemption by letter telling the registrant that the exemption has been accomplished.

4 **"§ 14-208.13. File with Police Information Network.**

5 (a) The Division shall include the registration information in the Police  
6 Information Network as set forth in G.S. 114-10.1.

7 (b) Except as provided in G.S. 14-208.12(b), the Division shall maintain the  
8 registration information permanently even after the registrant's reporting requirement  
9 expires."

10 Sec. 2. G.S. 114-10 reads as rewritten:

11 **"§ 114-10. Division of Criminal Statistics.**

12 The Attorney General shall set up in the Department of Justice a division to be  
13 designated as the Division of Criminal Statistics. There shall be assigned to this Division  
14 by the Attorney General duties as follows:

- 15 (1) To collect and correlate information in criminal law administration,  
16 including crimes committed, arrests made, dispositions on preliminary  
17 hearings, prosecutions, convictions, acquittals, punishment, appeals,  
18 together with the age, race, and sex of the offender, and such other  
19 information concerning crime and criminals as may appear significant  
20 or helpful. To correlate such information with the operations of  
21 agencies and institutions charged with the supervision of offenders on  
22 probation, in penal and correctional institutions, on parole and pardon,  
23 so as to show the volume, variety and tendencies of crime and criminals  
24 and the workings of successive links in the machinery set up for the  
25 administration of the criminal law in connection with the arrests, trial,  
26 punishment, probation, prison parole and pardon of all criminals in  
27 North Carolina.
- 28 (2) To collect, correlate, and maintain access to information that will assist  
29 in the performance of duties required in the administration of criminal  
30 justice throughout the State. This information may include, but is not  
31 limited to, motor vehicle registration, drivers' licenses, wanted and  
32 missing persons, stolen property, warrants, stolen vehicles, firearms  
33 registration, sexual offender registration as provided under Article 27A  
34 of Chapter 14 of the General Statutes, drugs, drug users and parole and  
35 probation histories. In performing this function, the Division may  
36 arrange to use information available in other agencies and units of State,  
37 local and federal government, but shall provide security measures to  
38 insure that such information shall be made available only to those whose  
39 duties, relating to the administration of justice, require such information.
- 40 (3) To make scientific study, analysis and comparison from the information  
41 so collected and correlated with similar information gathered by federal  
42 agencies, and to provide the Governor and the General Assembly with

1                   the information so collected biennially, or more often if required by the  
2                   Governor.

3           (4)    To perform all the duties heretofore imposed by law upon the Attorney  
4           General with respect to criminal statistics.

5           (5)    To perform such other duties as may be from time to time prescribed by  
6           the Attorney General.

7           (6)    To promulgate rules and regulations for the administration of this  
8           Article."

9           Sec. 3. Sections 1 and 2 of this act become effective January 1, 1996, and are  
10          applicable to all persons convicted on or after that date, and to all persons released from a  
11          penal institution on or after that date. This act shall be known as the "Amy Jackson  
12          Law".