

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 331  
House Committee Substitute Favorable 7/7/99

Short Title: Amend Sex Offender Registry Laws.

(Public)

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Sponsors:

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Referred to:

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March 11, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE REGISTRATION AS A SEX OFFENDER FOR CERTAIN  
3 ADDITIONAL OFFENSES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 14-208.6 reads as rewritten:

6 **"§ 14-208.6. Definitions.**

7 The following definitions apply in this Article:

8 (1a) 'County registry' means the information compiled by the sheriff of a  
9 county in compliance with this Article.

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

12 (1c) 'Mental abnormality' means a congenital or acquired condition of a  
13 person that affects the emotional or volitional capacity of the person in a  
14 manner that predisposes that person to the commission of criminal  
15 sexual acts to a degree that makes the person a menace to the health and  
16 safety of others.

17 (1d) 'Offense against a minor' means any of the following offenses if the  
18 offense is committed against a minor, and the person committing the  
19 offense is not the minor's ~~parent or legal custodian~~: parent. G.S. 14-39

(kidnapping), G.S. 14-41 (abduction of children), and G.S. 14-43.3 (felonious restraint). The term also includes the following if the person convicted of the following is not the minor's parent: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

(2) 'Penal institution' means:

- a. A detention facility operated under the jurisdiction of the Division of Prisons of the Department of Correction;
- b. A detention facility operated under the jurisdiction of another state or the federal government; or
- c. A detention facility operated by a local government in this State or another state.

(2a) 'Personality disorder' means an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment.

(3) 'Release' means discharged or paroled.

(4) 'Reportable conviction' means:

- a. A final conviction for an offense against a minor, a sexually violent offense, or an attempt to commit any of those ~~offenses~~. offenses unless the conviction is for aiding and abetting. A final conviction for aiding and abetting is a reportable conviction only if the court sentencing the individual finds that the registration of that individual under this Article furthers the purposes of this Article as stated in G.S. 14-208.5.
- b. A final conviction in another state of an offense, which if committed in this State, would have been an offense against a minor or a sexually violent offense as defined by this section.
- c. A final conviction in a federal jurisdiction of an offense, which is substantially similar to an offense against a minor or a sexually violent offense as defined by this section.

(5) 'Sexually violent offense' means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), or G.S.

1 14-202.1 (taking indecent liberties with children). The term also  
2 includes the following: a solicitation or conspiracy to commit any of  
3 these offenses; aiding and abetting any of these offenses.

4 (6) 'Sexually violent predator' means a person who has been convicted of a  
5 sexually violent offense and who suffers from a mental abnormality or  
6 personality disorder that makes the person likely to engage in sexually  
7 violent offenses directed at strangers or at a person with whom a  
8 relationship has been established or promoted for the primary purpose  
9 of victimization.

10 (7) 'Sheriff' means the sheriff of a county in this State.

11 (8) 'Statewide registry' means the central registry compiled by the Division  
12 in accordance with G.S. 14-208.14."

13 Section 2. G.S. 14-208.26 reads as rewritten:

14 **"§ 14-208.26. Registration of certain juveniles adjudicated delinquent for**  
15 **committing certain offenses.**

16 (a) When a juvenile is adjudicated delinquent for ~~committing~~ a violation of G.S.  
17 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree  
18 sexual offense), G.S. 14-27.5 (second degree sexual offense), or G.S. 14-27.6 (attempted  
19 rape or sexual offense), and the juvenile was at least eleven years of age at the time of the  
20 commission of the offense, the court shall consider whether the juvenile is a danger to the  
21 community. If the court finds that the juvenile is a danger to the community, then the  
22 court shall consider whether the juvenile should be required to register with the county  
23 sheriff in accordance with this Part. The determination as to whether the juvenile is a  
24 danger to the community and whether the juvenile shall be ordered to register shall be  
25 made by the presiding judge at the dispositional hearing. If the judge rules that the  
26 juvenile is a danger to the community and that the juvenile shall register, then an order  
27 shall be entered requiring the juvenile to register. The court's findings regarding whether  
28 the juvenile is a danger to the community and whether the juvenile shall register shall be  
29 entered into the court record. No juvenile may be required to register under this Part  
30 unless the court first finds that the juvenile is a danger to the community.

31 A juvenile ordered to register under this Part shall register and maintain that  
32 registration as provided by this Part.

33 (a1) For purposes of this section, a violation of any of the offenses listed in  
34 subsection (a) of this section includes all of the following: (i) the commission of any of  
35 those offenses, (ii) the attempt, conspiracy, or solicitation of another to commit any of  
36 those offenses, (iii) aiding and abetting any of those offenses.

37 (b) If the court finds that the juvenile is a danger to the community and must  
38 register, the presiding judge shall conduct the notification procedures specified in G.S.  
39 14-208.8. The chief court counselor of that district shall file the registration information  
40 for the juvenile with the appropriate sheriff."

41 Section 3. This act becomes effective December 1, 1999, and applies to  
42 offenses committed on or after that date.