

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 713  
Judiciary I Committee Substitute Adopted 5/7/09  
House Committee Substitute Favorable 6/4/09  
Fourth Edition Engrossed 7/16/09

Short Title: Removal of Electronic Monitoring Device.

(Public)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR  
CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING  
DEVICE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 30 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-226.3. Interference with electronic monitoring devices.**

(a) For purposes of this section, the term "electronic monitoring device" includes any  
electronic device that is used to track the location of a person.

(b) It is unlawful for any person to knowingly and without authority remove, destroy, or  
circumvent the operation of an electronic monitoring device that is being used for the purpose  
of monitoring a person who is:

(1) Complying with a house arrest program;

(2) Wearing an electronic monitoring device as a condition of bond or pretrial  
release;

(3) Wearing an electronic monitoring device as a condition of probation;

(4) Wearing an electronic monitoring device as a condition of parole; or

(5) Wearing an electronic monitoring device as a condition of post-release  
supervision.

(c) It is unlawful for any person to knowingly and without authority request or solicit  
any other person to remove, destroy, or circumvent the operation of an electronic monitoring  
device that is being used for the purposes described in subsection (b) of this section.

(d) This section does not apply to persons who are being monitored by an electronic  
monitoring device pursuant to the provisions of Article 27A of Chapter 14 of the General  
Statutes, or Chapter 7B of the General Statutes.

(e) Violation of this section by a person who is required to comply with electronic  
monitoring as a result of a conviction for a criminal offense is a felony one class lower than the  
most serious underlying felony or a misdemeanor one class lower than the most serious  
underlying misdemeanor, except that, if the most serious underlying felony is a Class I felony,  
then violation of this section is a Class A1 misdemeanor. Violation of this section by a person  
who is required to comply with electronic monitoring as a condition of bond or pretrial release  
is a Class 1 misdemeanor. Violation of this section by any other person is a Class 2  
misdemeanor."



1                   **SECTION 2.** This act becomes effective December 1, 2009, and applies to acts  
2 committed on or after that date.