

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 539
Judiciary Committee Substitute Adopted 4/20/21

Short Title: Disclose Human Trafficking Conviction/Custody.

(Public)

Sponsors:

Referred to:

April 6, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE DISCLOSURE OF A CONVICTION FOR HUMAN TRAFFICKING
3 IN A CHILD CUSTODY PROCEEDING AND TO EXPAND THE CONDUCT
4 PROHIBITED BY THE HUMAN TRAFFICKING LAW.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 50-13.1 reads as rewritten:

7 "**§ 50-13.1. Action or proceeding for custody of minor child.**

8 (a) Any parent, relative, or other person, agency, organization or institution claiming the
9 right to custody of a minor child may institute an action or proceeding for the custody of such
10 child, as hereinafter provided. Any person whose actions resulted in a conviction under
11 G.S. 14-27.21, G.S. 14-27.22, G.S. 14-27.23, or G.S. 14-27.24 and the conception of the minor
12 child may not claim the right to custody of that minor child. Unless a contrary intent is clear, the
13 word "custody" shall be deemed to include custody or visitation or both.

14 (a1) Notwithstanding any other provision of law, any person instituting an action or
15 proceeding for custody ~~ex parte~~ who has been convicted of a sexually violent offense as defined
16 in ~~G.S. 14-208.6(5)~~ G.S. 14-208.6(5), a human trafficking offense as described in G.S. 14-43.11
17 through G.S. 14-43.13, or sexual exploitation of a minor offense as described in G.S. 14-190.16,
18 14-190.17, or 14-190.17A shall disclose the conviction in the pleadings. Notwithstanding any
19 other provision of law to the contrary, any person instituting an action or proceeding for custody
20 who has been granted or denied custody of any minor child in an action under Chapter 50B of
21 the General Statutes in any jurisdiction shall disclose the filing of the action or proceeding in the
22 pleadings.

23 (a2) In cases in which a nonparent is seeking custody of a minor child or being given
24 custody of a minor child in a consent order, the nonparent shall attest in the pleadings or the
25 consent order that nothing of value has been paid or given, offered to be paid or given, or
26 promised, directly or indirectly, in exchange for the minor child. Money or property offered or
27 paid by a parent to a nonparent as support for the minor child shall not be considered value given
28 in exchange for custody of the child.

29"

30 **SECTION 2.** G.S. 14-43.11(a) reads as rewritten:

31 "(a) A person commits the offense of human trafficking when that person (i) knowingly
32 or in reckless disregard of the consequences of the action recruits, entices, harbors, transports,
33 provides, or obtains by any means another person with the intent that the other person be held in
34 involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the
35 consequences of the action causes a minor to be held in involuntary servitude or sexual



1 ~~servitude.~~servitude, or (iii) knowingly patronizes a person that is held in involuntary servitude or
2 sexual servitude."

3 **SECTION 3.** Section 2 of this act becomes effective December 1, 2021, and applies
4 to offenses committed on or after that date. The remainder of this act becomes effective October
5 1, 2021, and applies to proceedings commenced on or after that date.