

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 331

Short Title: Amend Sex Offender Registry Laws.

(Public)

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Sponsors: Senators Garrou, Odom; Carter, Hagan, Harris, Lucas, Metcalf, Phillips, Reeves, and Weinstein.

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Referred to: Judiciary I.

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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: 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: an attempt, solicitation, or conspiracy to commit any of these offenses; aiding and abetting any of these offenses; accessory before the fact and accessory after the fact to 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, or for a sexually violent offense, ~~or an attempt~~ a final conviction for an attempt, solicitation, or conspiracy to commit any of those offenses. ~~offenses, a final conviction for aiding and abetting any of those offenses, or a final conviction for accessory before the fact or accessory after the fact to any of those offenses.~~
- 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. 14-202.1 (taking indecent liberties with children). The

1 term also includes the following: an attempt, solicitation, or conspiracy  
2 to commit any of these offenses; aiding and abetting any of these  
3 offenses; accessory before the fact and accessory after the fact to any of  
4 these offenses.

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

11 (7) "Sheriff" means the sheriff of a county in this State.

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

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

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

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

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

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

39 (b) If the court finds that the juvenile is a danger to the community and must  
40 register, the presiding judge shall conduct the notification procedures specified in G.S.  
41 14-208.8. The chief court counselor of that district shall file the registration information  
42 for the juvenile with the appropriate sheriff."

43 Section 3. G.S. 14-208.32 reads as rewritten:

1 **"§ 14-208.32. Application of Part.**

2 This Part does not apply to a juvenile who is tried and convicted as an adult for  
3 ~~committing or attempting committing, attempting, conspiring, or soliciting another to~~  
4 commit a sexually violent offense or an offense against a minor. This Part does not apply  
5 to a juvenile who is tried and convicted as an adult for aiding and abetting a sexually  
6 violent offense or an offense against a minor, or who is convicted as an accessory before  
7 the fact or an accessory after the fact to a sexually violent offense or an offense against a  
8 minor. A juvenile who is convicted of one of those offenses as an adult is subject to the  
9 registration requirements of Part 2 and Part 3 of this Article."

10 Section 4. This act becomes effective December 1, 1999, and applies to  
11 offenses committed on or after that date.