

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 933**

Short Title: Jessica Lunsford Act for NC.

(Public)

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Sponsors: Representatives Howard, Clary, Moore, Thomas (Primary Sponsors); Allred, Almond, Barnhart, Boylan, Brown, Cleveland, Coates, Current, Dockham, Dollar, Folwell, Frye, Gillespie, Grady, Hilton, Holloway, Johnson, Justice, Justus, Killian, Langdon, Lewis, McComas, McElraft, McGee, Neumann, Pate, Ray, Setzer, Starnes, Stiller, Tillis, and Walend.

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Referred to: Judiciary I, if favorable, Appropriations.

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March 21, 2007

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT CERTAIN CRIMINAL OFFENSES OF RAPE OR  
2 FIRST-DEGREE SEXUAL OFFENSE COMMITTED AGAINST A CHILD ARE  
3 PUNISHABLE BY EITHER LIFE IMPRISONMENT WITHOUT PAROLE OR A  
4 MANDATORY ACTIVE SENTENCE OF TWENTY-FIVE YEARS AND  
5 LIFETIME SATELLITE-BASED MONITORING, TO CREATE THE CRIMINAL  
6 OFFENSE OF LEWD OR LASCIVIOUS MOLESTATION OF A CHILD TO BE  
7 PUNISHABLE BY LIFE IMPRISONMENT WITHOUT PAROLE OR A  
8 MANDATORY ACTIVE SENTENCE OF TWENTY-FIVE YEARS AND  
9 LIFETIME SATELLITE-BASED MONITORING, TO INCREASE THE  
10 CRIMINAL PENALTIES FOR SEXUAL EXPLOITATION OF A MINOR AND  
11 PROMOTING PROSTITUTION OF A MINOR, TO AMEND THE SEX  
12 OFFENDER REGISTRATION REQUIREMENTS TO BE MORE STRINGENT,  
13 TO REQUIRE COMMUNITY NOTIFICATION REGARDING THE PRESENCE  
14 OF A SEXUALLY VIOLENT PREDATOR OR REPEAT SEX OFFENDER IN  
15 THE AREA, TO AMEND THE LAW REGARDING BAIL FOR VIOLATIONS  
16 OF PROBATION AND POST-RELEASE SUPERVISION, TO CREATE A NEW  
17 CRIMINAL OFFENSE THAT MAKES IT UNLAWFUL FOR A SEX OFFENDER  
18 TO BE ON CERTAIN PREMISES INCLUDING THOSE WHERE A  
19 REASONABLE PERSON WOULD KNOW CHILDREN REGULARLY  
20 CONGREGATE, AND TO REQUIRE CRIMINAL BACKGROUND CHECKS OF  
21 CONTRACTUAL PERSONNEL BEFORE ALLOWING THEM TO GO ON  
22 SCHOOL GROUNDS, HAVE DIRECT CONTACT WITH STUDENTS, OR  
23 HAVE ACCESS TO SCHOOL FUNDS.

24 The General Assembly of North Carolina enacts:

1           **SECTION 1.** G.S. 14-27.2 reads as rewritten:

2   "**§ 14-27.2. First-degree rape.**

3       (a) A person is guilty of rape in the first degree if the person engages in vaginal  
4 intercourse:

5           (1) With a victim who is a child under the age of 13 years and the  
6 defendant is at least 12 years old and is at least four years older than  
7 the victim; or

8           (2) With another person by force and against the will of the other person,  
9 and:

10           a. Employs or displays a dangerous or deadly weapon or an article  
11 which the other person reasonably believes to be a dangerous or  
12 deadly weapon; or

13           b. Inflicts serious personal injury upon the victim or another  
14 person; or

15           c. The person commits the offense aided and abetted by one or  
16 more other persons.

17       (a1) A person is guilty of rape in the first degree if the person is at least 18 years  
18 of age and engages in vaginal intercourse with a victim who is a child under the age of  
19 13 years.

20       (b) Any person who commits an offense defined in subsection (a) of this section  
21 is guilty of a Class B1 felony.

22       (b1) Any person who commits an offense defined in subsection (a1) of this section  
23 is guilty of a Class B1 felony. Notwithstanding G.S. 15A-1340.1 or any other provision  
24 of law, the court, in its discretion, shall impose one of the following sentences on a  
25 person convicted of an offense under subsection (a1) of this section:

26           (1) Life imprisonment without parole; or

27           (2) Twenty-five years mandatory active punishment to be followed by  
28 satellite-based monitoring for life pursuant to Part 5 of Article 27A of  
29 Chapter 14 of the General Statutes.

30       (c) Upon conviction, a person convicted under this section has no rights to  
31 custody of or rights of inheritance from any child born as a result of the commission of  
32 the rape, nor shall the person have any rights related to the child under Chapter 48 or  
33 Subchapter 1 of Chapter 7B of the General Statutes."

34           **SECTION 2.** G.S. 14-27.4 reads as rewritten:

35   "**§ 14-27.4. First-degree sexual offense.**

36       (a) A person is guilty of a sexual offense in the first degree if the person engages  
37 in a sexual act:

38           (1) With a victim who is a child under the age of 13 years and the  
39 defendant is at least 12 years old and is at least four years older than  
40 the victim; or

41           (2) With another person by force and against the will of the other person,  
42 and:

- 1 a. Employs or displays a dangerous or deadly weapon or an article  
2 which the other person reasonably believes to be a dangerous or  
3 deadly weapon; or  
4 b. Inflicts serious personal injury upon the victim or another  
5 person; or  
6 c. The person commits the offense aided and abetted by one or  
7 more other persons.

8 (a1) A person is guilty of sexual offense in the first degree if the person is at least  
9 18 years of age and engages in a sexual act with a victim who is a child under the age of  
10 13 years.

11 (b) Any person who commits an offense defined in subsection (a) of this section  
12 is guilty of a Class B1 felony.

13 (b1) Any person who commits an offense defined in subsection (a1) of this section  
14 is guilty of a Class B1 felony. Notwithstanding G.S. 15A-1340.1 or any other provision  
15 of law, the court, in its discretion, shall impose one of the following sentences on a  
16 person convicted of an offense under subsection (a1) of this section:

17 (1) Life imprisonment without parole; or

18 (2) Twenty-five years mandatory active punishment to be followed by  
19 satellite-based monitoring for life pursuant to Part 5 of Article 27A of  
20 Chapter 14 of the General Statutes."

21 **SECTION 3.** G.S. 14-190.16(d) reads as rewritten:

22 "(d) Punishment and Sentencing. – Violation of this section is a ~~Class D~~  
23 ~~felony.~~Class C felony."

24 **SECTION 4.** G.S. 14-190.17(d) reads as rewritten:

25 "(d) Punishment and Sentencing. – Violation of this section is a ~~Class F~~  
26 ~~felony.~~Class D felony."

27 **SECTION 5.** G.S. 14-190.17A(d) reads as rewritten:

28 "(d) Punishment and Sentencing. – Violation of this section is a ~~Class I~~  
29 ~~felony.~~Class E felony."

30 **SECTION 6.** G.S. 14-190.18(c) reads as rewritten:

31 "(c) Punishment and Sentencing. – Violation of this section is a ~~Class D~~  
32 ~~felony.~~Class C felony."

33 **SECTION 7.** Article 26 of Chapter 14 of the General Statutes is amended by  
34 adding a new section to read:

35 "**§ 14-202.5. Lewd or lascivious molestation of a child.**

36 (a) Offense. – Any person who is 18 years of age or older who intentionally  
37 touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or  
38 the clothing covering them, of a person less than 12 years of age, or forces or entices a  
39 person under 12 years of age to so touch the perpetrator, is guilty of a Class B1 felony  
40 punishable as provided in subsection (b) of this section.

41 (b) Penalty. – Notwithstanding G.S. 15A-1340.17, the court shall impose either  
42 of the following sentences for a violation of subsection (a) of this section:

43 (1) Life imprisonment without parole; or

1           (2) A term of 25 years of active punishment followed by post-release  
2 supervision with satellite-based monitoring for the duration of the  
3 defendant's natural life. When the court imposes a sentence under this  
4 subdivision, the court shall order the following: (i) that the person  
5 serve an active punishment of 25 years; (ii) that the person enroll in the  
6 satellite-based monitoring program upon being placed on post-release  
7 supervision; and (iii) that upon completion of post-release supervision,  
8 the person shall continue to be enrolled in the satellite-based  
9 monitoring program for the person's life and shall be placed on  
10 unsupervised probation for the person's life, unless the requirement  
11 that the person enroll in a satellite-based monitoring program is  
12 terminated pursuant to G.S. 14-208.43."

13 **SECTION 8.** G.S. 14-208.6(5) reads as rewritten:

14 "(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first  
15 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first  
16 degree sexual offense), G.S. 14-27.5 (second degree sexual offense),  
17 G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual  
18 offense), G.S. 14-27.7 (intercourse and sexual offense with certain  
19 victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person  
20 who is 13-, 14-, or 15-years-old where the defendant is at least six  
21 years older), G.S. 14-43.13 (subjecting or maintaining a person for  
22 sexual servitude), G.S. 14-178 (incest between near relatives),  
23 G.S. 14-190.6 (employing or permitting minor to assist in offenses  
24 against public morality and decency), G.S. 14-190.9(a1)(felonious  
25 indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of  
26 a minor), G.S. 14-190.17 (second degree sexual exploitation of a  
27 minor), G.S. 14-190.17A (third degree sexual exploitation of a minor),  
28 G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19  
29 (participating in the prostitution of a minor), G.S. 14-202.1 (taking  
30 indecent liberties with children), or G.S. 14-202.3 (Solicitation of child  
31 by computer to commit an unlawful sex ~~act~~-act), or G.S. 14-202.5  
32 (lewd or lascivious molestation). The term also includes the following:  
33 a solicitation or conspiracy to commit any of these offenses; aiding and  
34 abetting any of these offenses."

35 **SECTION 9.** G.S. 14-208.6A reads as rewritten:

36 "**§ 14-208.6A. Lifetime registration requirements for criminal offenders.**

37 It is the objective of the General Assembly to establish a ~~10-year~~ 30-year registration  
38 requirement for persons convicted of certain offenses against minors or sexually violent  
39 offenses. It is the further objective of the General Assembly to establish a more  
40 stringent set of registration requirements for recidivists, persons who commit  
41 aggravated offenses, and for a subclass of highly dangerous sex offenders who are  
42 determined by a sentencing court with the assistance of a board of experts to be sexually  
43 violent predators.

1 To accomplish this objective, there are established two registration programs: the  
2 Sex Offender and Public Protection Registration Program and the Sexually Violent  
3 Predator Registration Program. Any person convicted of an offense against a minor or  
4 of a sexually violent offense as defined by this Article shall register in person as an  
5 offender in accordance with Part 2 of this Article. Any person who is a recidivist, who  
6 commits an aggravated offense, or who is determined to be a sexually violent predator  
7 shall register in person as such in accordance with Part 3 of this Article.

8 The information obtained under these programs shall be immediately shared with the  
9 appropriate local, State, federal, and out-of-state law enforcement officials and penal  
10 institutions. In addition, the information designated under G.S. 14-208.10(a) as public  
11 record shall be readily available to and accessible by the public. However, the identity  
12 of the victim is not public record and shall not be released as a public record."

13 **SECTION 10.** G.S. 14-208.7 reads as rewritten:

14 **"§ 14-208.7. Registration.**

15 (a) A person who is a State resident and who has a reportable conviction shall be  
16 required to maintain registration with the sheriff of the county where the person resides.  
17 If the person moves to North Carolina from outside this State, the person shall register  
18 within ~~10 days~~ 48 hours of establishing residence in this State, or whenever the person  
19 has been present in the State for 15 days, whichever comes first. If the person is a  
20 current resident of North Carolina, the person shall register:

- 21 (1) Within ~~10 days~~ 48 hours of release from a penal institution or arrival in  
22 a county to live outside a penal institution; or  
23 (2) Immediately upon conviction for a reportable offense where an active  
24 term of imprisonment was not imposed.

25 Registration shall be maintained for a period of at least ~~10 years~~ 30 years following the  
26 date of initial county registration.

27 (a1) A person who is a nonresident student or a nonresident worker and who has a  
28 reportable conviction, or is required to register in the person's state of residency, is  
29 required to maintain registration with the sheriff of the county where the person works  
30 or attends school. In addition to the information required under subsection (b) of this  
31 section, the person shall also provide information regarding the person's school or place  
32 of employment as appropriate and the person's address in his or her state of residence.

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

- 35 (1) The person's full name, each alias, date of birth, sex, race, height,  
36 weight, eye color, hair color, drivers license number, and home  
37 address;  
38 (2) The type of offense for which the person was convicted, the date of  
39 conviction, and the sentence imposed;  
40 (3) A current photograph;  
41 (4) The person's fingerprints;  
42 (5) A statement indicating whether the person is a student or expects to  
43 enroll as a student within a year of registering. If the person is a  
44 student or expects to enroll as a student within a year of registration,

1 then the registration form shall also require the name and address of  
2 the educational institution at which the person is a student or expects  
3 to enroll as a student; and

- 4 (6) A statement indicating whether the person is employed or expects to  
5 be employed at an institution of higher education within a year of  
6 registering. If the person is employed or expects to be employed at an  
7 institution of higher education within a year of registration, then the  
8 registration form shall also require the name and address of the  
9 educational institution at which the person is or expects to be  
10 employed.

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

15 (c) When a person registers, the sheriff with whom the person registered shall  
16 immediately send the registration information to the Division in a manner determined  
17 by the Division. The sheriff shall retain the original registration form and other  
18 information collected and shall compile the information that is a public record under  
19 this Part into a county registry.

20 (d) Any person required to register under this section shall report in person at the  
21 appropriate sheriff's office to comply with the registration requirements set out in this  
22 section. The sheriff shall provide the registrant with written proof of registration at the  
23 time of registration."

24 **SECTION 11.** G.S. 14-208.9 reads as rewritten:

25 **"§ 14-208.9. Change of address; change of academic status or educational**  
26 **employment status.**

27 (a) If a person required to register changes address, the person shall report in  
28 person and provide written notice of the new address not later than ~~the tenth day~~ 48  
29 hours after the change to the sheriff of the county with whom the person had last  
30 registered. Upon receipt of the notice, the sheriff shall immediately forward this  
31 information to the Division. If the person moves to another county in this State, the  
32 Division shall inform the sheriff of the new county of the person's new residence.

33 (b) If a person required to register intends to move to another state, the person  
34 shall report in person to the sheriff of the county of current residence at least ~~10 days~~ 48  
35 hours before the date the person intends to leave this State to establish residence in  
36 another state or jurisdiction. The person shall provide to the sheriff a written notification  
37 that includes all of the following information: the address, municipality, county, and  
38 state of intended residence.

- 39 (1) If it appears to the sheriff that the record photograph of the sex  
40 offender no longer provides a true and accurate likeness of the sex  
41 offender, then the sheriff shall take a photograph of the offender to  
42 update the registration.

- 43 (2) The sheriff shall inform the person that the person must comply with  
44 the registration requirements in the new state of residence. The sheriff

1 shall also immediately forward the information included in the  
2 notification to the Division, and the Division shall inform the  
3 appropriate state official in the state to which the registrant moves of  
4 the person's notification and new address.

5 (b1) A person who indicates his or her intent to reside in another state or  
6 jurisdiction and later decides to remain in this State shall, within ~~10 days~~48 hours after  
7 the date upon which the person indicated he or she would leave this State, report in  
8 person to the sheriff's office to which the person reported the intended change of  
9 residence, of his or her intent to remain in this State. If the sheriff is notified by the  
10 sexual offender that he or she intends to remain in this State, the sheriff shall promptly  
11 report this information to the Division.

12 (c) If a person required to register changes his or her academic status either by  
13 enrolling as a student or by terminating enrollment as a student, then the person shall,  
14 within ~~10 days~~48 hours report in person to the sheriff of the county with whom the  
15 person registered and provide written notice of the person's new status. The written  
16 notice shall include the name and address of the institution of higher education at which  
17 the student is or was enrolled. The sheriff shall immediately forward this information to  
18 the Division.

19 (d) If a person required to register changes his or her employment status either by  
20 obtaining employment at an institution of higher education or by terminating  
21 employment at an institution of higher education, then the person shall, within ~~10~~  
22 ~~days~~48 hours report in person to the sheriff of the county with whom the person  
23 registered and provide written notice of the person's new status not later than the tenth  
24 day after the change to the sheriff of the county with whom the person registered. The  
25 written notice shall include the name and address of the institution of higher education  
26 at which the person is or was employed. The sheriff shall immediately forward this  
27 information to the Division."

28 **SECTION 12.** G.S. 14-208.9A reads as rewritten:

29 **"§ 14-208.9A. Verification of registration information.**

30 (a) The information in the county registry shall be verified semiannually for each  
31 registrant as follows:

32 (1) Every year on the anniversary of a person's initial registration date, and  
33 again six months after that date, the Division shall mail a  
34 nonforwardable verification form to the last reported address of the  
35 person.

36 (2) The person shall return the verification form in person to the sheriff  
37 within ~~10 days~~48 hours after the receipt of the form.

38 (3) The verification form shall be signed by the person and shall indicate  
39 whether the person still resides at the address last reported to the  
40 sheriff. If the person has a different address, then the person shall  
41 indicate that fact and the new address.

42 (3a) If it appears to the sheriff that the record photograph of the sex  
43 offender no longer provides a true and accurate likeness of the sex

1 offender, then the sheriff shall take a photograph of the offender to  
2 include with the verification form.

- 3 (4) If the person fails to return the verification form in person to the sheriff  
4 within ~~10 days~~48 hours after receipt of the form, the person is subject  
5 to the penalties provided in G.S. 14-208.11. If the person fails to report  
6 in person and provide the written verification as provided by this  
7 section, the sheriff shall make a reasonable attempt to verify that the  
8 person is residing at the registered address. If the person cannot be  
9 found at the registered address and has failed to report a change of  
10 address, the person is subject to the penalties provided in  
11 G.S. 14-208.11, unless the person reports in person to the sheriff and  
12 proves that the person has not changed his or her residential address.

13 (b) Additional Verification May Be Required. – During the period that an  
14 offender is required to be registered under this Article, the sheriff is authorized to  
15 attempt to verify that the offender continues to reside at the address last registered by  
16 the offender.

17 (c) Additional Photograph May Be Required. – If it appears to the sheriff that the  
18 current photograph of the sex offender no longer provides a true and accurate likeness  
19 of the sex offender, upon in-person notice from the sheriff, the sex offender shall allow  
20 the sheriff to take another photograph of the sex offender at the time of the sheriff's  
21 request. If requested by the sheriff, the sex offender shall appear in person at the  
22 sheriff's office during normal business hours within ~~72 hours~~48 hours of being  
23 requested to do so and shall allow the sheriff to take another photograph of the sex  
24 offender. A person who willfully fails to comply with this subsection is guilty of a Class  
25 1 misdemeanor."

26 **SECTION 13.** G.S. 14-208.12A reads as rewritten:

27 "**§ 14-208.12A. Request for termination of registration requirement.**

28 (a) A person required to register under this Part may petition the superior court in  
29 the district where the person resides to terminate the registration requirement ~~10 years~~  
30 30 years from the date of initial county registration if the person has not been convicted  
31 of a subsequent offense requiring registration under this Article.

32 (a1) The court may grant the relief if:

- 33 (1) The petitioner demonstrates to the court that he or she has not been  
34 arrested for any crime that would require registration under this Article  
35 since completing the sentence,  
36 (2) The requested relief complies with the provisions of the federal Jacob  
37 Wetterling Act, as amended, and any other federal standards applicable  
38 to the termination of a registration requirement or required to be met as  
39 a condition for the receipt of federal funds by the State, and  
40 (3) The court is otherwise satisfied that the petitioner is not a current or  
41 potential threat to public safety.

42 (a2) The district attorney in the district in which the petition is filed shall be given  
43 notice of the petition at least three weeks before the hearing on the matter. The  
44 petitioner may present evidence in support of the petition and the district attorney may



1 present evidence in opposition to the requested relief or may otherwise demonstrate the  
2 reasons why the petition should be denied.

3 (a3) If the court denies the petition, the person may again petition the court for  
4 relief in accordance with this section one year from the date of the denial of the original  
5 petition to terminate the registration requirement. If the court grants the petition to  
6 terminate the registration requirement, the clerk of court shall forward a certified copy  
7 of the order to the Division to have the person's name removed from the registry.

8 (b) If there is a subsequent offense, the county registration records shall be  
9 retained until the registration requirement for the subsequent offense is terminated by  
10 the court under subsection (a1) of this section."

11 **SECTION 14.** Article 27A of Chapter 14 of the General Statutes is amended  
12 by adding a new section to read:

13 **"§ 14-208.18. Unlawful for sex offender to be on certain premises where children**  
14 **are or where a reasonable person knows that children regularly**  
15 **congregate.**

16 (a) It is unlawful for any person convicted of an offense that requires registration  
17 under this Article to be on the premises of any of the following: a school, child care  
18 center, park, playground, children's museum, library, business that a reasonable person  
19 knows is a place where children regularly congregate, or any other facility that a  
20 reasonable person knows is a place where children regularly congregate.

21 (b) A violation of this section is a Class F felony."

22 **SECTION 15.** Article 27A of Chapter 14 of the General Statutes is amended  
23 by adding a new section to read:

24 **"§ 14-208.25A. Community and public notification.**

25 (a) Law enforcement agencies shall inform members of the community and the  
26 public of the presence of any person required to register under this Part as a recidivist,  
27 as a sexually violent predator, or because the person has committed an aggravated  
28 offense. Upon notification of the presence of a registrant under this Part, the sheriff of  
29 the county where the registrant establishes or maintains a permanent or temporary  
30 residence shall notify members of the community and the public of the presence of the  
31 registrant in a manner deemed appropriate by the sheriff. Within 48 hours after  
32 receiving notification of the presence of a registrant under this Part, the sheriff of the  
33 county where the registrant temporarily or permanently resides shall notify each  
34 licensed day care center, elementary school, middle school, and high school within a  
35 one-mile radius of the registrant's temporary or permanent residence of the registrant's  
36 presence. The information to be provided under this section shall not include the name  
37 of any victim of the registrant but shall include all of the following:

38 (1) The name of the registrant.

39 (2) A description of the registrant, including a photograph.

40 (3) The registrant's current address, including the name of the county or  
41 municipality, if known.

42 (4) The circumstances of the registrant's offense.

43 (5) Whether the victim of the offense was, at the time of the offense, a  
44 minor or an adult.

1       (b) The sheriff may coordinate the community and public notification efforts  
2 with the Division. Statewide notification to the public is authorized, as deemed  
3 appropriate by local law enforcement personnel and the Division.

4       (c) The Division shall notify the public of all registrants under this Part through  
5 the Internet. The Internet notice shall include the information required by subsection (a)  
6 of this section.

7       (d) The Division shall adopt a protocol to assist law enforcement agencies in  
8 their efforts to notify the community and public of the presence of persons required to  
9 register under this Part."

10       **SECTION 16.** G.S. 14-208.27 reads as rewritten:

11       "**§ 14-208.27. Change of address.**

12       If a juvenile who is adjudicated delinquent and required to register changes address,  
13 the juvenile court counselor for the juvenile shall provide written notice of the new  
14 address not later than ~~the tenth day~~ 48 hours after the change to the sheriff of the county  
15 with whom the juvenile had last registered. Upon receipt of the notice, the sheriff shall  
16 immediately forward this information to the Division. If the juvenile moves to another  
17 county in this State, the Division shall inform the sheriff of the new county of the  
18 juvenile's new residence."

19       **SECTION 17.** G.S. 14-208.28 reads as rewritten:

20       "**§ 14-208.28. Verification of registration information.**

21       The information provided to the sheriff shall be verified semiannually for each  
22 juvenile registrant as follows:

- 23       (1) Every year on the anniversary of a juvenile's initial registration date  
24 and six months after that date, the sheriff shall mail a verification form  
25 to the juvenile court counselor assigned to the juvenile.
- 26       (2) The juvenile court counselor for the juvenile shall return the  
27 verification form to the sheriff within ~~10 days~~ 48 hours after the receipt  
28 of the form.
- 29       (3) The verification form shall be signed by the juvenile court counselor  
30 and the juvenile and shall indicate whether the juvenile still resides at  
31 the address last reported to the sheriff. If the juvenile has a different  
32 address, then that fact and the new address shall be indicated on the  
33 form."

34       **SECTION 18.** G.S. 14-208.40(a) reads as rewritten:

35       "(a) The Department of Correction shall establish a sex offender monitoring  
36 program that uses a continuous satellite-based monitoring system and shall create  
37 guidelines to govern the program. The program shall be designed to monitor ~~two~~ three  
38 categories of offenders as follows:

- 39       (1) Any offender who is convicted of a reportable conviction as defined by  
40 G.S. 14-208.6(4) and who is required to register under Part 3 of Article  
41 27A of Chapter 14 of the General Statutes because the defendant is  
42 classified as a sexually violent predator, is a recidivist, or was  
43 convicted of an aggravated offense as those terms are defined in  
44 G.S. 14-208.6. An offender in this category who is ordered by the

1 court to submit to satellite-based monitoring is subject to that  
2 requirement for the person's natural life, unless the requirement is  
3 terminated pursuant to G.S. 14-208.43.

4 (2) Any offender who satisfies all of the following criteria: (i) is convicted  
5 of a reportable conviction as defined by G.S. 14-208.6(4), (ii) is  
6 required to register under Part 2 of Article 27A of Chapter 14 of the  
7 General Statutes, (iii) has committed an offense involving the physical,  
8 mental, or sexual abuse of a minor, and (iv) based on the Department's  
9 risk assessment program requires the highest possible level of  
10 supervision and monitoring. An offender in this category who is  
11 ordered by the court to submit to satellite-based monitoring is subject  
12 to that requirement only for the period of time ordered by the court and  
13 is not subject to a requirement of lifetime satellite-based monitoring.

14 (3) Any offender who is convicted of any of the following offenses and  
15 sentenced to a term of 25 years active punishment and satellite-based  
16 monitoring for the duration of the defendant's natural life pursuant to  
17 G.S. 14-202.5(b)(2):

18 a. G.S.14-24.2(a1)(First-degree rape of a child less than 13 years  
19 of age by an offender who is at least 18 years of age).

20 b. G.S. 14-24.4(a1)(First-degree sexual offense of a child less than  
21 13 years of age by an offender who is at least 18 years of age).

22 c. G.S. 14-202.5 (Lewd or lascivious molestation of a child)."

23 **SECTION 19.** G.S. 14-208.41 is amended by adding a new subsection to  
24 read:

25 "(c) Any person described by G.S. 14-208.40(a)(3), upon completion of the 25  
26 years of active punishment shall enroll in a satellite-based monitoring program with the  
27 Division of Community Corrections office in the county where the person resides. The  
28 person shall enroll in the satellite-based monitoring program for the entire period of  
29 post-release supervision and shall remain enrolled in the satellite-based monitoring  
30 program for the person's life, unless the requirement to enroll in the satellite-based  
31 monitoring program is terminated pursuant to G.S. 14-208.42."

32 **SECTION 20.** G.S. 14-208.42 reads as rewritten:

33 **"§ 14-208.42. Lifetime registration offenders required to submit to satellite-based**  
34 **monitoring for life and to continue on unsupervised probation upon**  
35 **completion of sentence.**

36 Notwithstanding any other provision of law, when the court sentences an offender  
37 who is in the category described by G.S. 14-208.40(a)(1) for a reportable conviction as  
38 defined by G.S. 14-208.6(4), or an offender who is in the category described by  
39 G.S. 14-208.40(a)(3), and orders the offender to enroll in a satellite-based monitoring  
40 program, the court shall also order that the offender, upon completion of the offender's  
41 sentence and any term of parole, post-release supervision, intermediate punishment, or  
42 supervised probation that follows the sentence, continue to be enrolled in the  
43 satellite-based monitoring program for the offender's life and be placed on unsupervised

1 probation unless the requirement that the person enroll in a satellite-based monitoring  
2 program is terminated pursuant to G.S. 14-208.43."

3 **SECTION 21.** G.S. 14-208.43(a) reads as rewritten:

4 "(a) An offender described by ~~G.S. 14-308.40(a)(1)~~14-208.40(a)(1) or  
5 G.S. 14-208.40(a)(3) who is required to submit to satellite-based monitoring for the  
6 offender's life may file a request for termination of monitoring requirement with the  
7 Post-Release Supervision and Parole Commission. The request to terminate the  
8 satellite-based monitoring requirement and to terminate the accompanying requirement  
9 of unsupervised probation may not be submitted until at least one year after the  
10 offender: (i) has served his or her sentence for the offense for which the satellite-based  
11 monitoring requirement was imposed, and (ii) has also completed any period of  
12 probation, parole, or post-release supervision imposed as part of the sentence."

13 **SECTION 22.** G.S. 15A-1345(b) reads as rewritten:

14 "(b) Bail Following Arrest for Probation Violation. – If at any time during the  
15 period of probation the probationer is arrested for a violation of any of the conditions of  
16 probation, he must be taken without unnecessary delay before a judicial official to have  
17 conditions of release pending a revocation hearing set in the same manner as provided  
18 in G.S. 15A-534. If the probationer has been convicted of an offense at any time that  
19 requires registration under Article 27A of Chapter 14 of the General Statutes or an  
20 offense that would have required registration but for the effective date of the law  
21 establishing the Sex Offender and Public Protection Registration Programs, the court  
22 must make a finding that the probationer is not a danger to the public prior to release  
23 with or without bail."

24 **SECTION 23.** G.S. 15A-1368.4 is amended by adding a new subsection to  
25 read:

26 "(b1) Bail Following Arrest for Violation of Post-Release Supervision if Releasee  
27 is a Sex Offender. – Notwithstanding subsection (b) of this section, if the releasee has  
28 been convicted of an offense that requires registration under Article 27A of Chapter 14  
29 of the General Statutes and is arrested for a violation in accordance with this section, the  
30 releasee shall be detained without bond until the preliminary hearing is conducted."

31 **SECTION 24.** Part 6 of Article 22 of Chapter 115C of the General Statutes  
32 is amended by adding a new section to read:

33 "§ 115C-332A. **Background screening requirements for certain contractual**  
34 **personnel.**

35 (a) For purposes of this section, the term "contractual personnel" includes any  
36 vendor, individual, or entity under contract with the local board of education. The term  
37 also includes any other vendor, individual, or entity designated as contractual personnel  
38 by the local school board or the other party to the contract.

39 (b) Each local school board shall require, as a term of any contract the local  
40 school board enters, that a person who is contractual personnel undergo a criminal  
41 history check that has been reviewed and approved by the local school board or other  
42 party to the contract as appropriate before the person is allowed to do any of the  
43 following:

44 (1) Is permitted on school grounds when students are present.

- 1           (2)   Has direct contact with students.  
2           (3)   Has access to or control of school funds.  
3       (c)   The criminal history check required to comply with this section is a security  
4 background investigation that satisfies the same criteria set out in G.S. 115C-332."  
5           **SECTION 25.** This act becomes effective December 1, 2007, and applies to  
6 offenses committed on or after that date.