

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 713
Judiciary I Committee Substitute Adopted 5/7/09

Short Title: Removal of Electronic Monitoring Device. (Public)

Sponsors:

Referred to:

March 24, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR
3 CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING
4 DEVICE.

5 The General Assembly of North Carolina enacts:

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

8 "**§ 14-226.3. Interference with electronic monitoring devices.**

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

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

14 (1) Complying with a house arrest program;

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

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

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

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

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

24 (d) This section does not apply to persons who are being monitored by an electronic
25 monitoring device pursuant to the provisions of Chapter 7B of the General Statutes.

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

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

