

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 333
Mar 19, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH80110-RK-24 (03/14)

Short Title: Sex Offender Residency/Regis. Amendments. (Public)

Sponsors: Representatives Warren, Moffitt, Schaffer, and Whitmire (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY SEX OFFENDER STATUTES RELATING TO RESIDENCY AND
3 REGISTRATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-208.16(a) reads as rewritten:

6 "(a) A registrant under this Article shall not knowingly reside within 1,000 feet of the
7 property on which any public or nonpublic school or child care center is located. This
8 subsection applies to any registrant who did not establish his or her residence, in accordance
9 with subsection (d) of this section, prior to August 16, 2006."

10 **SECTION 2.** Section 11(c) of S.L. 2006-247 reads as rewritten:

11 "**SECTION 11.(c)** Subsection (a) of this section becomes effective December 1, 2006, and
12 applies to all persons registered or required to register on or after that date. Subsection (a) of
13 this section does not apply to a person who has established a residence prior to ~~the effective~~
14 ~~date of this subsection~~ August 16, 2006, in accordance with the provisions in
15 G.S. 14-208.16(d)(1), (2), or (3) as enacted by this act. This subsection is effective ~~when this~~
16 ~~act becomes law~~ on August 16, 2006. The remainder of this section is effective on December
17 1, 2006, and applies to offenses committed on or after that date."

18 **SECTION 3.** G.S. 14-208.11 reads as rewritten:

19 "**§ 14-208.11. Failure to register; falsification of verification notice; failure to return**
20 **verification form; order for arrest.**

21 (a) A person required by this Article to register who willfully does any of the following
22 is guilty of a Class F felony:

- 23 (1) Fails to register as required by this ~~Article~~ Article, including failure to
24 register with the sheriff in the county designated by the person, pursuant to
25 G.S. 14-208.8, as their expected county of residence.
26 (2) Fails to notify the last registering sheriff of a change of address as required
27 by this Article.
28 (3) Fails to return a verification notice as required under G.S. 14-208.9A.
29 (4) Forges or submits under false pretenses the information or verification
30 notices required under this Article.
31 (5) Fails to inform the registering sheriff of enrollment or termination of
32 enrollment as a student.
33 (6) Fails to inform the registering sheriff of employment at an institution of
34 higher education or termination of employment at an institution of higher
35 education.



- 1 (7) Fails to report in person to the sheriff's office as required by G.S. 14-208.7,
2 14-208.9, and 14-208.9A.
- 3 (8) Reports his or her intent to reside in another state or jurisdiction but remains
4 in this State without reporting to the sheriff in the manner required by
5 G.S. 14-208.9.
- 6 (9) Fails to notify the registering sheriff of out-of-county employment if
7 temporary residence is established as required under G.S. 14-208.8A.
- 8 (10) Fails to inform the registering sheriff of any new or changes to existing
9 online identifiers that the person uses or intends to use.

10 (a1) If a person commits a violation of subsection (a) of this section, the probation
11 officer, parole officer, or any other law enforcement ~~officer~~ officer, regardless of the law
12 enforcement officer's jurisdiction, who is aware of the violation shall immediately arrest the
13 person in accordance with G.S. 15A-401, or seek an order for the person's arrest in accordance
14 with G.S. 15A-305.

15 (a2) A person arrested pursuant to subsection (a1) of this section shall be subject to the
16 jurisdiction of the prosecutorial and judicial district that includes the sheriff's office in the
17 county where the person failed to register, pursuant to this Article. If the arrest is made outside
18 of the applicable prosecutorial district, the person shall be transferred to the custody of the
19 sheriff of the county where the person failed to register and all further criminal and judicial
20 proceedings shall be held in that county.

21"

22 **SECTION 4.** This act is effective when it becomes law.