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SENATE BILL 683
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Short Title: Safe Harbor/Victims of Human Trafficking.

(Public)

Sponsors:

Referred to:

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING
3 AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH
4 CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE
5 CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR
6 SENTENCING ACT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-43.11 reads as rewritten:

9 "**§ 14-43.11. Human trafficking.**

10 (a) A person commits the offense of human trafficking when that ~~person~~ person (i)
11 knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors,
12 transports, provides, or obtains by any means another person with the intent that the other
13 person be held in involuntary servitude or sexual ~~servitude~~ servitude or (ii) willfully or in
14 reckless disregard of the consequences of the action causes a minor to be held in involuntary
15 servitude or sexual servitude.

16 (b) A person who violates this section is guilty of a Class F felony if the victim of the
17 offense is an adult. A person who violates this section is guilty of a Class C felony if the victim
18 of the offense is a minor.

19 (c) Each violation of this section constitutes a separate offense and shall not merge with
20 any other offense. Evidence of failure to deliver benefits or perform services standing alone
21 shall not be sufficient to authorize a conviction under this section.

22 (c1) Mistake of age is not a defense to prosecution under this section. Consent of a minor
23 is not a defense to prosecution under this section.

24 (d) A person who is not a legal resident of North Carolina, and would consequently be
25 ineligible for State public benefits or services, shall be eligible for the public benefits and
26 services of any State agency if the person is otherwise eligible for the public benefit and is a
27 victim of an offense charged under this section. Eligibility for public benefits and services shall
28 terminate at such time as the victim's eligibility to remain in the United States is terminated
29 under federal law."

30 **SECTION 2.** G.S. 14-43.12 reads as rewritten:

31 "**§ 14-43.12. Involuntary servitude.**



1 (a) A person commits the offense of involuntary servitude when that person knowingly
2 and willfully or in reckless disregard of the consequences of the action holds another in
3 involuntary servitude.

4 (b) A person who violates this section is guilty of a Class F felony if the victim of the
5 offense is an adult. A person who violates this section is guilty of a Class C felony if the victim
6 of the offense is a minor.

7 (c) Each violation of this section constitutes a separate offense and shall not merge with
8 any other offense. Evidence of failure to deliver benefits or perform services standing alone
9 shall not be sufficient to authorize a conviction under this section.

10 (c1) Mistake of age is not a defense to prosecution under this section. Consent of a minor
11 is not a defense to prosecution under this section.

12 (d) Nothing in this section shall be construed to affect the laws governing the
13 relationship between an unemancipated minor and his or her parents or legal guardian.

14 (e) If any person reports a violation of this section, which violation arises out of any
15 contract for labor, to any party to the contract, the party shall immediately report the violation
16 to the sheriff of the county in which the violation is alleged to have occurred for appropriate
17 action. A person violating this subsection shall be guilty of a Class 1 misdemeanor."

18 **SECTION 3.** G.S. 14-43.13 reads as rewritten:

19 **"§ 14-43.13. Sexual servitude.**

20 (a) A person commits the offense of sexual servitude when that person knowingly or in
21 reckless disregard of the consequences of the action subjects or maintains another in sexual
22 servitude.

23 (b) A person who violates this section is guilty of a ~~Class F~~ Class D felony if the victim
24 of the offense is an adult. A person who violates this section is guilty of a Class C felony if the
25 victim of the offense is a minor.

26 (b1) Mistake of age is not a defense to prosecution under this section. Consent of a minor
27 is not a defense to prosecution under this section.

28 (c) Each violation of this section constitutes a separate offense and shall not merge with
29 any other offense. Evidence of failure to deliver benefits or perform services standing alone
30 shall not be sufficient to authorize a conviction under this section."

31 **SECTION 4.** The following statutes are repealed: G.S. 14-190.18, 14-190.19,
32 14-204.1, 14-205, 14-207, and 14-208.

33 **SECTION 5.** Article 27 of Chapter 14 of the General Statutes reads as rewritten:

34 "Article 27.

35 "Prostitution.

36 **"§ 14-203. Definition of terms.**

37 ~~The term "prostitution" shall be construed to include the offering or receiving of the body~~
38 ~~for sexual intercourse for hire, and shall also be construed to include the offering or receiving~~
39 ~~of the body for indiscriminate sexual intercourse without hire. The term "assignation" shall be~~
40 ~~construed to include the making of any appointment or engagement for prostitution or any act~~
41 ~~in furtherance of such appointment or engagement.~~

42 The following definitions apply in this Article:

43 (1) Advance prostitution. – The term includes all of the following:

44 a. Soliciting for a prostitute by performing any of the following acts
45 when acting as other than a prostitute or a patron of a prostitute:

46 1. Soliciting another for the purpose of prostitution.

47 2. Arranging or offering to arrange a meeting of persons for the
48 purpose of prostitution.

49 3. Directing another to a place knowing the direction is for the
50 purpose of prostitution.

- 1 4. Using the Internet, including any social media Web site, to
2 solicit another for the purpose of prostitution.
3 b. Keeping a place of prostitution by controlling or exercising control
4 over the use of any place that could offer seclusion or shelter for the
5 practice of prostitution and performing any of the following acts
6 when acting as other than a prostitute or a patron of a prostitute:
7 1. Knowingly granting or permitting the use of the place for the
8 purpose of prostitution.
9 2. Granting or permitting the use of the place under
10 circumstances from which the person should reasonably
11 know that the place is used or is to be used for purposes of
12 prostitution.
13 3. Permitting the continued use of the place after becoming
14 aware of facts or circumstances from which the person should
15 know that the place is being used for the purpose of
16 prostitution.
17 (2) Minor. – Any person who is less than 18 years of age.
18 (3) Profit from prostitution. – When acting as other than a prostitute, to receive
19 anything of value for personally rendered prostitution services or to receive
20 anything of value from a prostitute, if the thing received is not for lawful
21 consideration and the person knows it was earned in whole or in part from
22 the practice of prostitution.
23 (4) Prostitute. – A person who engages in prostitution.
24 (5) Prostitution. – The performance of, offer of, or agreement to perform vaginal
25 intercourse, any sexual act as defined in G.S. 14-27.1, or any sexual contact
26 as defined in G.S. 14-27.1, for the purpose of sexual arousal or gratification
27 for any money or other consideration.

28 "**§ 14-204. Prostitution and various acts abetting prostitution unlawful.**Prostitution.

29 It shall be unlawful:

- 30 (1) ~~To keep, set up, maintain, or operate any place, structure, building or~~
31 ~~conveyance for the purpose of prostitution or assignation.~~
32 (2) ~~To occupy any place, structure, building, or conveyance for the purpose of~~
33 ~~prostitution or assignation; or for any person to permit any place, structure,~~
34 ~~building or conveyance owned by him or under his control to be used for the~~
35 ~~purpose of prostitution or assignation, with knowledge or reasonable cause~~
36 ~~to know that the same is, or is to be, used for such purpose.~~
37 (3) ~~To receive, or to offer or agree to receive any person into any place,~~
38 ~~structure, building, or conveyance for the purpose of prostitution or~~
39 ~~assignation, or to permit any person to remain there for such purpose.~~
40 (4) ~~To direct, take, or transport, or to offer or agree to take or transport, any~~
41 ~~person to any place, structure, or building or to any other person, with~~
42 ~~knowledge or reasonable cause to know that the purpose of such directing,~~
43 ~~taking, or transporting is prostitution or assignation.~~
44 (5) ~~To procure, or to solicit, or to offer to procure or solicit for the purpose of~~
45 ~~prostitution or assignation.~~
46 (6) ~~To reside in, enter, or remain in any place, structure, or building, or to enter~~
47 ~~or remain in any conveyance, for the purpose of prostitution or assignation.~~
48 (7) ~~To engage in prostitution or assignation, or to aid or abet prostitution or~~
49 ~~assignation by any means whatsoever.~~
50 (a) Offense. – Any person who willfully engages in prostitution is guilty of a Class 1
51 misdemeanor.

1 (b) First Offender; Conditional Discharge. –

2 (1) Whenever any person who has not previously been convicted of or placed on
3 probation for a violation of this section pleads guilty to or is found guilty of
4 a violation of this section, the court, without entering a judgment and with
5 the consent of such person, shall place the person on probation pursuant to
6 this subsection.

7 (2) When a person is placed on probation, the court shall enter an order
8 specifying a period of probation of 12 months and shall defer further
9 proceedings in the case until the conclusion of the period of probation or
10 until the filing of a petition alleging violation of a term or condition of
11 probation.

12 (3) The conditions of probation shall be that the person (i) not violate any
13 criminal statute of any jurisdiction, (ii) refrain from possessing a firearm or
14 other dangerous weapon, (iii) submit to periodic drug testing at a time and in
15 a manner as ordered by the court, but no less than three times during the
16 period of the probation, with the cost of the testing to be paid by the
17 probationer, (iv) obtain a vocational assessment administered by a program
18 approved by the court, and (v) attend no fewer than 10 counseling sessions
19 administered by a program approved by the court.

20 (4) The court may, in addition to other conditions, require that the person do any
21 of the following:

22 a. Make a report to and appear in person before or participate with the
23 court or such courts, person, or social service agency as directed by
24 the court in the order of probation.

25 b. Pay a fine and costs.

26 c. Attend or reside in a facility established for the instruction or
27 residence of defendants on probation.

28 d. Support the person's dependents.

29 e. Refrain from having in the person's body the presence of any illicit
30 drug prohibited by the North Carolina Controlled Substances Act,
31 unless prescribed by a physician, and submit samples of the person's
32 blood or urine or both for tests to determine the presence of any illicit
33 drug.

34 (5) Upon violation of a term or condition of probation, the court may enter a
35 judgment on its original finding of guilt and proceed as otherwise provided.

36 (6) Upon fulfillment of the terms and conditions of probation, the court shall
37 discharge the person and dismiss the proceedings against the person. Upon
38 the discharge of the person and dismissal of the proceedings against the
39 person under this subsection, the person is eligible to apply for expunction of
40 records pursuant to G.S. 15A-145.6.

41 (7) Discharge and dismissal under this subsection shall not be deemed a
42 conviction for purposes of structured sentencing or for purposes of
43 disqualifications or disabilities imposed by law upon conviction of a crime.

44 (8) There may be only one discharge and dismissal under this section.

45 (c) Deferred Prosecution for Minors. – Notwithstanding G.S. 15A-1341(a1),
46 prosecution of any 16- or 17-year-old minor charged with a misdemeanor under this section,
47 who has not previously been convicted of or placed on probation for violation of this section,
48 shall be deferred pursuant to Article 82 of Chapter 15A of the General Statutes with no
49 conditions other than supervision, nonsecure custody, and treatment. Any 16- or 17-year-old
50 minor charged with a second or subsequent misdemeanor offense under this section may be
51 considered for deferred prosecution.

1 (d) Pursuant to the provisions of G.S. 7B-301, a law enforcement officer who takes any
2 minor into custody under this section shall immediately report an allegation of a violation of
3 G.S. 14-43.11 and G.S. 14-43.13 to the director of the department of social services in the
4 county where the minor resides or is found, as appropriate, which shall commence an initial
5 investigation into child abuse or child neglect within 24 hours pursuant to G.S. 7B-301 and
6 G.S. 7B-302. Pending investigation by the department of social services, the minor shall be
7 retained in nonsecure custody or placed in specialized housing if available in the jurisdiction.

8 **"§ 14-205.1. Solicitation of prostitution.**

9 Except as otherwise provided in this section, any person who solicits another for the
10 purpose of prostitution is guilty of a Class 1 misdemeanor for a first offense and a Class H
11 felony for a second or subsequent offense. Any person 18 years of age or older who willfully
12 solicits a minor for the purpose of prostitution is guilty of a Class G felony. Any person who
13 willfully solicits a person who is severely or profoundly mentally disabled for the purpose of
14 prostitution is guilty of a Class E felony. Punishment under this section may include
15 participation in a program devised for the education and prevention of sexual exploitation (i.e.
16 "John School"), where available. A person who violates this subsection shall not be eligible for
17 a disposition of prayer for judgment continued under any circumstances.

18 **"§ 14-205.2. Patronizing a prostitute.**

19 (a) Any person who willfully performs any of the following acts with a person not his
20 or her spouse commits the offense of patronizing a prostitute:

21 (1) Engages in vaginal intercourse, any sexual act as defined in G.S. 14-27.1, or
22 any sexual contact as defined in G.S. 14-27.1, for the purpose of sexual
23 arousal or gratification with a prostitute.

24 (2) Enters or remains in a place of prostitution with intent to engage in vaginal
25 intercourse, any sexual act as defined in G.S. 14-27.1, or any sexual contact
26 as defined in G.S. 14-27.1, for the purpose of sexual arousal or gratification.

27 (b) Except as provided in subsections (c) and (d) of this section, a first violation of this
28 section is a Class A1 misdemeanor. Unless a higher penalty applies, a second or subsequent
29 violation of this section is a Class G felony.

30 (c) A violation of this section is a Class F felony if the defendant is 18 years of age or
31 older and the prostitute is a minor.

32 (d) A violation of this section is a Class D felony if the prostitute is a severely or
33 profoundly mentally disabled person.

34 **"§ 14-205.3. Promoting prostitution.**

35 (a) Any person who willfully performs any of the following acts commits promoting
36 prostitution:

37 (1) Advances prostitution as defined in G.S. 14-203.

38 (2) Profits from prostitution by doing any of the following:

39 a. Compelling a person to become a prostitute.

40 b. Receiving a portion of the earnings from a prostitute for arranging or
41 offering to arrange a situation in which the person may practice
42 prostitution.

43 c. Any means other than those described in sub-subdivisions a. and b.
44 of this subdivision, including from a person who patronizes a
45 prostitute. This sub-subdivision does not apply to a person engaged
46 in prostitution who is a minor. A person cannot be convicted of
47 promoting prostitution under this sub-subdivision if the practice of
48 prostitution underlying the offense consists exclusively of the
49 accused's own acts of prostitution under G.S. 14-204.

50 (b) Any person who willfully performs any of the following acts commits the offense of
51 promoting prostitution of a minor or mentally disabled person:

- 1 (1) Advances prostitution as defined in G.S. 14-203, where a minor or severely
2 or profoundly mentally disabled person engaged in prostitution, or any
3 person engaged in prostitution in the place of prostitution is a minor or is
4 severely or profoundly mentally disabled at the time of the offense.
- 5 (2) Profits from prostitution by any means where the prostitute is a minor or is
6 severely or profoundly mentally disabled at the time of the offense.
- 7 (3) Confines a minor or a severely or profoundly mentally disabled person
8 against the person's will by the infliction or threat of imminent infliction of
9 great bodily harm, permanent disability, or disfigurement or by
10 administering to the minor or severely or profoundly mentally disabled
11 person, without the person's consent or by threat or deception and for other
12 than medical purposes, any alcoholic intoxicant or a drug as defined in
13 Article 5 of Chapter 90 of the General Statutes (North Carolina Controlled
14 Substances Act) and does any of the following:
- 15 a. Compels the minor or severely or profoundly mentally disabled
16 person to engage in prostitution.
- 17 b. Arranges a situation in which the minor or severely or profoundly
18 mentally disabled person may practice prostitution.
- 19 c. Profits from prostitution by the minor or severely or profoundly
20 mentally disabled person.

21 For purposes of this subsection, administering drugs or an alcoholic intoxicant to a minor or
22 a severely or profoundly mentally disabled person, as described in subdivision (3) of this
23 subsection, shall be deemed to be without consent if the administering is done without the
24 consent of the parents or legal guardian or if the administering is performed or permitted by the
25 parents or legal guardian for other than medical purposes. Mistake of age is not a defense to a
26 prosecution under this subsection.

27 (c) Unless a higher penalty applies, a violation of subsection (a) of this section is a
28 Class F felony. A violation of subsection (a) of this section by a person with a prior conviction
29 for a violation of this section or a violation of G.S. 14-204 (prostitution), G.S. 14-204.1
30 (solicitation of prostitution), or G.S. 14-204.2 (patronizing a prostitute) is a Class E felony.

31 (d) Unless a higher penalty applies, a violation of subdivision (1) or (2) of subsection
32 (b) of this section is a Class D felony. A violation of subdivision (3) of subsection (b) of this
33 section is a Class C felony. Any violation of subsection (b) of this section by a person with a
34 prior conviction for a violation of this section or a violation of G.S. 14-204 (prostitution),
35 G.S. 14-204.1 (solicitation of prostitution), G.S. 14-204.2 (patronizing a prostitute) is a Class C
36 felony.

37 **"§ 14-205.4. Certain probation conditions.**

38 (a) The court may order any convicted defendant to be examined for sexually
39 transmitted infections. If a person convicted of a crime under this Article receives a sentence
40 which includes probation and that person is infected with a sexually transmitted infection, the
41 period of probation may commence only upon such terms and conditions as shall ensure
42 medical treatment and prevent the spread of the infection.

43 (b) No female convicted under this Article shall be placed on probation in the care or
44 charge of any person except a female probation officer.

45 **"§ 14-206. Reputation and prior conviction admissible as evidence.**

46 In the trial of any person charged with a violation of any of the provisions of this Article,
47 testimony of a prior conviction, or testimony concerning the reputation of any place, structure,
48 or building, and of the person or persons who reside in or frequent the same, and of the
49 defendant, shall be admissible in evidence in support of the charge."

50 **SECTION 6.** G.S. 15A-290(c)(1) reads as rewritten:

1 "(c) Orders authorizing or approving the interception of wire, oral, or electronic
2 communications may be granted, subject to the provisions of this Article and Chapter 119 of
3 the United States Code, when the interception may provide, or has provided, evidence of any of
4 the following offenses, or any conspiracy to commit these offenses, or when the interception
5 may expedite the apprehension of persons indicted for the commission of these offenses:

- 6 (1) Any felony offense against a minor, including any violation of G.S. 14-27.7
7 (Intercourse and sexual offenses with certain victims; consent no defense),
8 G.S. 14-41 (Abduction of children), G.S. 14-43.11 (Human trafficking),
9 G.S. 14-43.12 (Involuntary servitude), G.S. 14-43.13 (Sexual servitude),
10 G.S. 14-190.16 (First degree sexual exploitation of a minor), G.S. 14-190.17
11 (Second degree sexual exploitation of a minor), ~~G.S. 14-190.18 (Promoting~~
12 ~~prostitution of a minor),~~ ~~G.S. 14-190.19 (Participating in prostitution of a~~
13 ~~minor), or~~ G.S. 14-202.1 (Taking indecent liberties with ~~children~~ children),
14 G.S. 14-205.2(c) or (d) (Patronizing a prostitute who is a minor or a mentally
15 disabled person), or G.S. 14-205.3(b) (Promoting prostitution of a minor or a
16 mentally disabled person).

17"

18 **SECTION 7.** G.S. 15A-1341 is amended by adding a new subsection to read:

19 "(a3) Deferred Prosecution for Prostitution. – A defendant whose prosecution is deferred
20 pursuant to G.S. 14-204(c) may be placed on probation as provided in this Article."

21 **SECTION 8.** G.S. 15A-1342(a1) reads as rewritten:

22 "(a1) Supervision of Defendants on Deferred Prosecution. – The Section of Community
23 Corrections of the Division of Adult Correction of the Department of Public Safety may be
24 ordered by the court to supervise an offender's compliance with the terms of a deferred
25 prosecution agreement entered into under ~~G.S. 15A-1341(a1).~~ G.S. 15A-1341(a1) or (a3).
26 Violations of the terms of the agreement shall be reported to the court as provided in this
27 Article and to the district attorney in the district in which the agreement was entered."

28 **SECTION 9.** G.S. 15A-1415(b) is amended by adding a new subdivision to read:

29 "(10) The defendant was convicted of a first offense of prostitution under
30 G.S. 14-204, and the court did not discharge the defendant and dismiss the
31 charge pursuant to G.S. 14-204(b); the defendant's participation in the
32 offense was a result of having been a victim of human trafficking under
33 G.S. 14-43.11, sexual servitude under G.S. 14-43.13, or the federal
34 Trafficking Victims Protection Act (22 U.S.C. § 7102(13)); and the
35 defendant seeks to have the conviction vacated."

36 **SECTION 10.** Article 89 of Chapter 15A of the General Statutes is amended by
37 adding a new section to read:

38 **§ 15A-1416.1. Motion by the defendant to vacate prostitution conviction for sex**
39 **trafficking victim.**

40 (a) A motion for appropriate relief seeking to vacate a conviction for prostitution based
41 on the grounds set out in G.S. 15A-1415(b)(10) shall be filed in the court where the conviction
42 occurred. The motion may be filed at any time following the entry of a verdict or finding of
43 guilty under G.S. 14-204. Any motion for appropriate relief filed under this section shall state
44 why the facts giving rise to this motion were not presented to the trial court and shall be made
45 with due diligence after the defendant has ceased to be a victim of such trafficking or has
46 sought services for victims of such offenses, subject to reasonable concerns for the safety of the
47 defendant, family members of the defendant, or other victims of such trafficking that may be
48 jeopardized by the bringing of such motion or for other reasons consistent with the purpose of
49 this section. Reasonable notice of the motion shall be served upon the State.

50 (b) The court may grant the motion if, in the discretion of the court, the violation was a
51 result of the defendant having been a victim of human trafficking or sexual servitude. Evidence

1 of such may include any of the following documents listed in subdivisions (1) through (3) of
2 this subsection; alternatively, the court may consider such other evidence as it deems of
3 sufficient credibility and probative value in determining whether the defendant is a trafficking
4 victim:

- 5 (1) Certified records of federal or State court proceedings which demonstrate
6 that the defendant was a victim of a person charged with an offense under
7 G.S. 14-43.11, G.S. 14-43.13, or under 22 U.S.C. Chapter 78.
- 8 (2) Certified records of "approval notices" or "enforcement certifications"
9 generated from federal immigration proceedings available to such victims.
- 10 (3) A sworn statement from a trained professional staff of a victim services
11 organization, an attorney, a member of the clergy, or a medical or other
12 professional from whom the defendant has sought assistance in addressing
13 the trauma associated with being trafficked.

14 (c) If the court grants a motion under this section, the court must vacate the conviction
15 and may take such additional action as is appropriate in the circumstances."

16 **SECTION 11.** Article 5 of Chapter 14 of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 15A-145.6. Expunctions for certain defendants convicted of prostitution.**

19 (a) The following definitions apply in this section:

- 20 (1) Prostitution offense. – A conviction for (i) violation of G.S. 14-204 or (ii)
21 engaging in prostitution in violation of G.S. 14-204(7) for an offense that
22 occurred prior to October 1, 2013.
- 23 (2) Violent felony or violent misdemeanor. – A Class A through G felony or a
24 Class A1 misdemeanor that includes assault as an essential element of the
25 offense.

26 (b) A person who has been convicted of a prostitution offense may file a petition in the
27 court where the person was convicted for expunction of the prostitution offense from the
28 person's criminal record provided that all the following criteria are met:

- 29 (1) The person has not previously been convicted of any violent felony or
30 violent misdemeanor under the laws of the United States or the laws of this
31 State or any other state.
- 32 (2) The person satisfies any one of the following criteria:
 - 33 a. The person's participation in the prostitution offense was a result of
34 having been a trafficking victim under G.S. 14-43.11 (human
35 trafficking) or G.S. 14-43.13 (sexual servitude) or a victim of a
36 severe form of trafficking under the federal Trafficking Victims
37 Protection Act (22 U.S.C. § 7102(13)).
 - 38 b. The person has no prior convictions for a prostitution offense and at
39 least three years have passed since the date of conviction or the
40 completion of any active sentence, period of probation, and
41 post-release supervision, whichever occurs later.
 - 42 c. The person received a conditional discharge pursuant to
43 G.S. 14-204(b).

44 (c) The petition shall contain all of the following:

- 45 (1) An affidavit by the petitioner that the petitioner (i) has no prior conviction of
46 a violent felony or violent misdemeanor, (ii) has been of good moral
47 character since the date of conviction of the prostitution offense in question,
48 and (iii) has not been convicted of any felony or misdemeanor under the
49 laws of the United States or the laws of this State or any other state since the
50 date of the conviction of the prostitution offense in question.

- 1 (2) Verified affidavits of two persons, who are not related to the petitioner or to
2 each other by blood or marriage, that they know the character and reputation
3 of the petitioner in the community in which the petitioner lives and that the
4 petitioner's character and reputation are good.
- 5 (3) A statement that the petition is a motion in the cause in the case wherein the
6 petitioner was convicted.
- 7 (4) An application on a form approved by the Administrative Office of the
8 Courts requesting and authorizing (i) a State and national criminal history
9 record check by the Department of Justice using any information required by
10 the Administrative Office of the Courts to identify the individual; (ii) a
11 search by the Department of Justice for any outstanding warrants or pending
12 criminal cases; and (iii) a search of the confidential record of expunctions
13 maintained by the Administrative Office of the Courts. The application shall
14 be forwarded to the Department of Justice and to the Administrative Office
15 of the Courts, which shall conduct the searches and report their findings to
16 the court.
- 17 (5) An affidavit by the petitioner that no restitution orders or civil judgments
18 representing amounts ordered for restitution entered against the petitioner
19 are outstanding.
- 20 (d) The petition shall be served upon the district attorney of the court wherein the case
21 was tried resulting in conviction. The district attorney shall have 30 days thereafter in which to
22 file any objection thereto and shall be duly notified as to the date of the hearing of the petition.
- 23 (e) The court in which the petition was filed shall take the following steps and shall
24 consider the following issues in rendering a decision upon a petition for expunction of records
25 of a prostitution offense under this section:
- 26 (1) Call upon a probation officer for additional investigation or verification of
27 the petitioner's conduct during the period since the date of conviction of the
28 prostitution offense in question.
- 29 (2) Review any other information the court deems relevant, including, but not
30 limited to, affidavits or other testimony provided by law enforcement
31 officers and district attorneys.
- 32 (f) The court shall order that the person be restored, in the contemplation of the law, to
33 the status the person occupied before the arrest or indictment or information if the court finds
34 all of the following after a hearing:
- 35 (1) The criteria set out in subsection (b) of this section are satisfied.
- 36 (2) The petitioner has remained of good moral character and has been free of
37 conviction of any felony or misdemeanor, other than a traffic violation, since
38 the date of conviction of the prostitution offense in question.
- 39 (3) The petitioner has no outstanding warrants or pending criminal cases.
- 40 (4) The petitioner has no outstanding restitution orders or civil judgments
41 representing amounts ordered for restitution entered against the petitioner.
- 42 (5) The search of the confidential records of expunctions conducted by the
43 Administrative Office of the Courts shows that the petitioner has not been
44 previously granted an expunction, other than an expunction for a prostitution
45 offense.
- 46 (g) No person as to whom an order has been entered pursuant to subsection (f) of this
47 section shall be held thereafter under any provision of any laws to be guilty of perjury or
48 otherwise giving a false statement by reason of that person's failure to recite or acknowledge
49 the arrest, indictment, information, trial, or conviction. Persons pursuing certification under the
50 provisions of Chapter 17C or 17E of the General Statutes, however, shall disclose any and all

1 prostitution convictions to the certifying Commission regardless of whether or not the
2 prostitution convictions were expunged pursuant to the provisions of this section.

3 Persons required by State law to obtain a criminal history record check on a prospective
4 employee shall not be deemed to have knowledge of any convictions expunged under this
5 section.

6 (h) The court shall also order that the conviction of the prostitution offense be expunged
7 from the records of the court and direct all law enforcement agencies bearing record of the
8 same to expunge their records of the conviction. The clerk shall notify State and local agencies
9 of the court's order as provided in G.S. 15A-150.

10 (i) Any other applicable State or local government agency shall expunge from its
11 records entries made as a result of the conviction ordered expunged under this section. The
12 agency shall also reverse any administrative actions taken against a person whose record is
13 expunged under this section as a result of the charges or convictions expunged. This subsection
14 shall not apply to the Department of Justice for DNA records and samples stored in the State
15 DNA Database and the State DNA Databank.

16 (j) Any person eligible for expunction of a criminal record under this section shall be
17 notified about the provisions of this section by the probation officer assigned to that person. If
18 no probation officer is assigned, notification of the provisions of this section shall be provided
19 by the court at the time of the conviction of the prostitution offense which is to be expunged
20 under this section."

21 **SECTION 12.** G.S. 15A-150(a) reads as rewritten:

22 "(a) Notification to AOC. – The clerk of superior court in each county in North Carolina
23 shall, as soon as practicable after each term of court, file with the Administrative Office of the
24 Courts the names of the following:

- 25 (1) Persons granted an expunction under this Article.
- 26 (2) Persons granted a conditional discharge under G.S. 14-50.29.
- 27 (3) Persons granted a conditional discharge under G.S. 90-96 or G.S. 90-113.14.
- 28 (4) Repealed by Session Laws 2010-174, s. 7, effective October 1, 2010.
- 29 (5) Persons granted a conditional discharge under G.S. 14-204."

30 **SECTION 13.** G.S. 15A-151(a) reads as rewritten:

31 "(a) The Administrative Office of the Courts shall maintain a confidential file containing
32 the names of those people for whom it received a notice under G.S. 15A-150. The information
33 contained in the file may be disclosed only as follows:

- 34 (1) To a judge of the General Court of Justice of North Carolina for the purpose
35 of ascertaining whether a person charged with an offense has been
36 previously granted a discharge or an expunction.
- 37 (2) To a person requesting confirmation of the person's own discharge or
38 expunction, as provided in G.S. 15A-152.
- 39 (3) To the General Court of Justice of North Carolina in response to a subpoena
40 or other court order issued pursuant to a civil action under G.S. 15A-152.
- 41 (4) If the criminal record was expunged pursuant to G.S. 15A-145.4 or
42 G.S. 15A-145.5, to State and local law enforcement agencies for
43 employment purposes only.
- 44 (5) If the criminal record was expunged pursuant to ~~G.S. 15A-145.4 or~~
45 ~~G.S. 15A-145.5~~, G.S. 15A-145.4, 15A-145.5, or 145.6, to the North Carolina
46 Criminal Justice Education and Training Standards Commission for
47 certification purposes only.
- 48 (6) If the criminal record was expunged pursuant to ~~G.S. 15A-145.4 or~~
49 ~~G.S. 15A-145.5~~, G.S. 15A-145.4, 15A-145.5, or 15A-145.6, to the North
50 Carolina Sheriffs' Education and Training Standards Commission for
51 certification purposes only."

1 **SECTION 14.** G.S. 15A-1340.16(d) is amended by adding the following
2 subdivisions to read:

3 "(19a) The offense is a violation of G.S. 14-43.11 (human trafficking),
4 G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude)
5 and involved multiple victims.

6 (19b) The offense is a violation of G.S. 14-43.11 (human trafficking),
7 G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude),
8 and the victim suffered serious injury as a result of the offense."

9 **SECTION 15.** G.S. 15B-2(2) reads as rewritten:

10 "**§ 15B-2. Definitions.**

11 As used in this Article, the following definitions apply, unless the context requires
12 otherwise:

- 13 ...
- 14 (2) Claimant. – Any of the following persons who claims an award of
15 compensation under this Article:
- 16 a. A victim;
- 17 b. A dependent of a deceased victim;
- 18 c. A third person who is not a collateral source and who provided
19 benefit to the victim or his family other than in the course or scope of
20 his employment, business, or profession;
- 21 d. A person who is authorized to act on behalf of a victim, a dependent,
22 or a third person described in ~~subdivision e.~~sub-subdivision c. of this
23 subdivision;
- 24 e. A person who was convicted of a first offense under G.S. 14-204 and
25 whose participation in the offense was a result of having been a
26 trafficking victim under G.S. 14-43.11 or G.S. 14-43.13 or a victim
27 of a severe form of trafficking under the federal Trafficking Victims
28 Protection Act (22 U.S.C. § 7102(13)).

29 The claimant, however, may not be the offender or an accomplice of the
30 offender who committed the criminally injurious ~~conduct.~~conduct, except as
31 provided in sub-subdivision e. of this subdivision.

32 "

33 **SECTION 16.** G.S. 7B-101(1) reads as rewritten:

34 "**§ 7B-101. Definitions.**

35 As used in this Subchapter, unless the context clearly requires otherwise, the following
36 words have the listed meanings:

- 37 (1) Abused juveniles. – Any juvenile less than 18 years of age whose parent,
38 guardian, custodian, or caretaker:
- 39 a. Inflicts or allows to be inflicted upon the juvenile a serious physical
40 injury by other than accidental means;
- 41 b. Creates or allows to be created a substantial risk of serious physical
42 injury to the juvenile by other than accidental means;
- 43 c. Uses or allows to be used upon the juvenile cruel or grossly
44 inappropriate procedures or cruel or grossly inappropriate devices to
45 modify behavior;
- 46 d. Commits, permits, or encourages the commission of a violation of
47 the following laws by, with, or upon the juvenile: first-degree rape,
48 as provided in G.S. 14-27.2; rape of a child by an adult offender, as
49 provided in G.S. 14-27.2A; second degree rape as provided in
50 G.S. 14-27.3; first-degree sexual offense, as provided in
51 G.S. 14-27.4; sexual offense with a child by an adult offender, as

1 provided in G.S. 14-27.4A; second degree sexual offense, as
 2 provided in G.S. 14-27.5; sexual act by a custodian, as provided in
 3 G.S. 14-27.7; unlawful sale, surrender, or purchase of a minor, as
 4 provided in G.S. 14-43.14; crime against nature, as provided in
 5 G.S. 14-177; incest, as provided in G.S. 14-178; preparation of
 6 obscene photographs, slides, or motion pictures of the juvenile, as
 7 provided in G.S. 14-190.5; employing or permitting the juvenile to
 8 assist in a violation of the obscenity laws as provided in
 9 G.S. 14-190.6; dissemination of obscene material to the juvenile as
 10 provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or
 11 disseminating material harmful to the juvenile as provided in
 12 G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual
 13 exploitation of the juvenile as provided in G.S. 14-190.16 and
 14 G.S. 14-190.17; promoting the prostitution of the juvenile as
 15 provided in ~~G.S. 14-190.18~~; G.S. 14-205.3(b); and taking indecent
 16 liberties with the juvenile, as provided in G.S. 14-202.1;

- 17 e. Creates or allows to be created serious emotional damage to the
 18 juvenile; serious emotional damage is evidenced by a juvenile's
 19 severe anxiety, depression, withdrawal, or aggressive behavior
 20 toward himself or others; ~~or~~
- 21 f. Encourages, directs, or approves of delinquent acts involving moral
 22 turpitude committed by the ~~juvenile~~; juvenile; or
- 23 g. Commits or allows to be committed an offense under G.S. 14-43.11
 24 (human trafficking), G.S. 14-43.12 (involuntary servitude), or
 25 G.S. 14-43.13 (sexual servitude) against the child.

26 "...."

27 **SECTION 17.** Article 10A of Chapter 14 of the General Statutes is amended by
 28 adding a new section to read:

29 **"§ 14-43.20. Mandatory restitution; victim services; forfeiture.**

30 (a) Definition. – For purposes of this section, a "victim" is a person subjected to the
 31 practices set forth in G.S. 14-43.11, 14-43.12, or 14-43.13.

32 (b) Restitution. – Restitution for a victim is mandatory under this Article. At a
 33 minimum, the court shall order restitution in an amount equal to the value of the victim's labor
 34 as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor
 35 Standards Act (FLSA). In addition, the judge may order any other amount of loss identified,
 36 including the gross income or value to the defendant of the victim's labor or services.

37 (c) Trafficking Victim Services. – Subject to the availability of funds, the Department
 38 of Health and Human Services may provide or fund emergency services and assistance to
 39 individuals who are victims of one or more offenses under G.S. 14-43.11, 14-43.12, or
 40 14-43.13.

41 (d) Certification. – The Attorney General, a district attorney, or any law enforcement
 42 official shall certify in writing to the United States Department of Justice or other federal
 43 agency, such as the United States Department of Homeland Security, that an investigation or
 44 prosecution under this Article for a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 has begun
 45 and the individual who is a likely victim of one of those crimes is willing to cooperate or is
 46 cooperating with the investigation to enable the individual, if eligible under federal law, to
 47 qualify for an appropriate special immigrant visa and to access available federal benefits.
 48 Cooperation with law enforcement shall not be required of victims who are under 18 years of
 49 age. This certification shall be made available to the victim and the victim's designated legal
 50 representative.

1 (e) A person who commits a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 is
2 subject to the property forfeiture provisions set forth in G.S. 14-2.3."

3 **SECTION 18.** The introductory language in G.S. 14-190.13 reads as rewritten:
4 **"§ 14-190.13. Definitions for certain offenses concerning minors.**

5 The following definitions apply to G.S. 14-190.14, displaying material harmful to minors;
6 G.S. 14-190.15, disseminating or exhibiting to minors harmful material or performances;
7 G.S. 14-190.16, first degree sexual exploitation of a minor; G.S. 14-190.17, second degree
8 sexual exploitation of a minor; G.S. 14-190.17A, third degree sexual exploitation of a ~~minor~~;
9 ~~G.S. 14-190.18, promoting prostitution of a minor; G.S. 14-190.19, participating in prostitution~~
10 ~~of a minor.~~ minor."

11 **SECTION 19.** G.S. 14-208.6(5) reads as rewritten:

12 "(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree
13 rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second
14 degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex
15 offense with a child; adult offender), G.S. 14-27.5 (second degree sexual
16 offense), G.S. 14-27.5A (sexual battery), former G.S. 14-27.6 (attempted
17 rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with
18 certain victims), G.S. 14-27.7A(a)(statutory rape or sexual offense of person
19 who is 13-, 14-, or 15-years-old where the defendant is at least six years
20 older), G.S. 14-43.13 (subjecting or maintaining a person for sexual
21 servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6
22 (employing or permitting minor to assist in offenses against public morality
23 and decency), G.S. 14-190.9(a1)(felonious indecent exposure),
24 G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17
25 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third
26 degree sexual exploitation of a minor), ~~G.S. 14-190.18 (promoting~~
27 ~~prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of~~
28 ~~a minor),~~ G.S. 14-202.1 (taking indecent liberties with children),
29 G.S. 14-202.3 (Solicitation of child by computer or certain other electronic
30 devices to commit an unlawful sex act), G.S. 14-202.4(a)(taking indecent
31 liberties with a student), G.S. 14-205.2(c) or (d) (patronizing a prostitute
32 who is a minor or a mentally disabled person), G.S. 14-205.3(b) (promoting
33 prostitution of a minor or a mentally disabled person),
34 G.S. 14-318.4(a1)(parent or caretaker commit or permit act of prostitution
35 with or by a juvenile), or G.S. 14-318.4(a2)(commission or allowing of
36 sexual act upon a juvenile by parent or guardian). The term also includes the
37 following: a solicitation or conspiracy to commit any of these offenses;
38 aiding and abetting any of these offenses."

39 **SECTION 20.** G.S. 15A-1371(a) reads as rewritten:

40 "(a) Eligibility. – Unless his sentence includes a minimum sentence, a prisoner serving a
41 term of imprisonment for a conviction of impaired driving under G.S. 20-138.1 other than one
42 included in a sentence of special probation imposed under authority of this Subchapter is
43 eligible for release on parole at any time. A prisoner whose sentence includes a minimum term
44 of imprisonment imposed under authority of this Subchapter is eligible for release on parole
45 only upon completion of the service of that minimum term or one fifth of the maximum penalty
46 allowed by law for the offense for which the prisoner is sentenced, whichever is less, less any
47 credit allowed under G.S. 15A-1355(c) and Article 19A of Chapter 15 of the General Statutes.
48 A prisoner sentenced under the Fair Sentencing Act for a Class D through Class J felony, who
49 meets the criteria established pursuant to this section, is eligible for parole consideration after
50 completion of the service of at least 20 years imprisonment less any credit allowed under
51 applicable State law."

1 **SECTION 21.** G.S. 15A-622 reads as rewritten:

2 "**§ 15A-622. Formation and organization of grand juries; other preliminary matters.**

3 ...

4 (h) A written petition for convening of grand jury under this section may be filed by the
5 district attorney, the district attorney's designated assistant, or a special prosecutor requested
6 pursuant to G.S. 114-11.6, with the approval of a committee of at least three members of the
7 North Carolina Conference of District Attorneys, and with the concurrence of the Attorney
8 General, with the Clerk of the North Carolina Supreme Court. The Chief Justice shall appoint a
9 panel of three judges to determine whether to order the grand jury convened. A grand jury
10 under this section may be convened if the three-judge panel determines that:

- 11 (1) The petition alleges the commission of or a conspiracy to commit ~~a violation~~
12 ~~of G.S. 90-95(h) or G.S. 90-95.1, any of the crimes listed in subsection (i) of~~
13 this section, any part of which violation or conspiracy occurred in the county
14 where the grand jury sits, and that persons named in the petition have
15 knowledge related to the identity of the perpetrators of those crimes but will
16 not divulge that knowledge voluntarily or that such persons request that they
17 be allowed to testify before the grand jury; and
- 18 (2) The affidavit sets forth facts that establish probable cause to believe that the
19 crimes specified in the petition have been committed and reasonable grounds
20 to suspect that the persons named in the petition have knowledge related to
21 the identity of the perpetrators of those crimes.

22 The affidavit shall be based upon personal knowledge or, if the source of the information
23 and basis for the belief are stated, upon information and belief. The panel's order convening the
24 grand jury as an investigative grand jury shall direct the grand jury to investigate the crimes and
25 persons named in the petition, and shall be filed with the Clerk of the North Carolina Supreme
26 Court. A grand jury so convened retains all powers, duties, and responsibilities of a grand jury
27 under this Article. The contents of the petition and the affidavit shall not be disclosed. Upon
28 receiving a petition under this subsection, the Chief Justice shall appoint a panel to determine
29 whether the grand jury should be convened as an investigative grand jury.

30 A grand jury authorized by this subsection may be convened from an existing grand jury or
31 grand juries authorized by subsection (b) of this section or may be convened as an additional
32 grand jury to an existing grand jury or grand juries. Notwithstanding subsection (b) of this
33 section, grand jurors impaneled pursuant to this subsection shall serve for a period of 12
34 months, and, if an additional grand jury is convened, 18 persons shall be selected to constitute
35 that grand jury. At any time for cause shown, the presiding superior court judge may excuse a
36 juror temporarily or permanently, and in the latter event the court may impanel another person
37 in place of the juror excused.

38 (i) An investigative grand jury may be convened pursuant to subsection (h) of this
39 section if the petition alleges the commission of, attempt to commit or solicitation to commit,
40 or a conspiracy to commit any of the following:

- 41 (1) A violation of G.S. 90-95(h) or G.S. 90-95.1.
- 42 (2) A violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary
43 servitude), or G.S. 14-43.12 (sexual servitude).
- 44 (3) A violation of Article 29 or 30 of Chapter 14 of the General Statutes
45 (relating to bribery and obstructing justice), G.S. 14-228 (buying and selling
46 of offices), G.S. 14-230 (failing to discharge duties), or G.S. 14-234 (public
47 officers or employees benefiting from public contracts).
- 48 (4) A violation of G.S. 14-90 (embezzlement of property received by virtue of
49 office or employment), G.S. 14-100 (obtaining property by false pretenses),
50 G.S. 14-118.4 (extortion), or G.S. 14-119 (forgery of notes, checks, and
51 other securities; counterfeiting of instruments).

1 (5) A violation of G.S. 14-254 (malfeasance of corporation officers and
2 agents)."

3 **SECTION 22.** G.S. 115C-296(d)(2) reads as rewritten:

4 "(2) The State Board shall automatically revoke the license of a teacher or school
5 administrator without the right to a hearing upon receiving verification of the
6 identity of the teacher or school administrator together with a certified copy
7 of a criminal record showing that the teacher or school administrator has
8 entered a plea of guilty or nolo contendere to or has been finally convicted of
9 any of the following crimes: Murder in the first or second degree,
10 G.S. 14-17; Conspiracy or solicitation to commit murder, G.S. 14-18.1; Rape
11 or sexual offense as defined in Article 7A of Chapter 14 of the General
12 Statutes. Felonious assault with deadly weapon with intent to kill or
13 inflicting serious injury, G.S. 14-32; Kidnapping, G.S. 14-39; Abduction of
14 children, G.S. 14-41; Crime against nature, G.S. 14-177; Incest, G.S. 14-178
15 or G.S. 14-179; Employing or permitting minor to assist in offense against
16 public morality and decency, G.S. 14-190.6; Dissemination to minors under
17 the age of 16 years, G.S. 14-190.7; Dissemination to minors under the age of
18 13 years, G.S. 14-190.8; Displaying material harmful to minors,
19 G.S. 14-190.14; Disseminating harmful material to minors, G.S. 14-190.15;
20 First degree sexual exploitation of a minor, G.S. 14-190.16; Second degree
21 sexual exploitation of a minor, G.S. 14-190.17; Third degree sexual
22 exploitation of a minor, G.S. 14-190.17A; ~~Promoting prostitution of a minor,~~
23 ~~G.S. 14-190.18; Participating in prostitution of a minor, G.S. 14-190.19;~~
24 Taking indecent liberties with children, G.S. 14-202.1; Solicitation of child
25 by computer to commit an unlawful sex act, G.S. 14-202.3; Taking indecent
26 liberties with a student, G.S. 14-202.4; Prostitution, G.S. 14-204; Patronizing
27 a prostitute who is a minor or a mentally disabled person, G.S. 14-205.2(c)
28 or (d); Promoting prostitution of a minor or a mentally disabled person,
29 G.S. 14-205.3(b); and child abuse under G.S. 14-318.4. The Board shall mail
30 notice of its intent to act pursuant to this subdivision by certified mail, return
31 receipt requested, directed to the teacher or school administrator at their last
32 known address. The notice shall inform the teacher or school administrator
33 that it will revoke the person's license unless the teacher or school
34 administrator notifies the Board in writing within 10 days after receipt of the
35 notice that the defendant identified in the criminal record is not the same
36 person as the teacher or school administrator. If the teacher or school
37 administrator provides this written notice to the Board, the Board shall not
38 revoke the license unless it can establish as a fact that the defendant and the
39 teacher or school administrator are the same person."

40 **SECTION 23.** Subsections (a) through (k) of Section 15.3A of S.L. 2012-142 are
41 codified as subsections (a) through (k) of G.S. 143A-55.10, respectively.

42 **SECTION 24.** G.S. 143A-55.10, as codified by Section 21 of this act, reads as
43 rewritten:

44 "**§ 143A-55.10. North Carolina Human Trafficking Commission.**

45 (a) Establishment. – There is established in the Department of Justice the North
46 Carolina Human Trafficking Commission. For purposes of this section, "Commission" means
47 the North Carolina Human Trafficking Commission.

48 (b) ~~Members.~~ Membership. – The Commission shall consist of 12 members as follows:

49 (1) The President Pro Tempore of the Senate shall appoint one representative
50 from each of the following:

51 a. The public at large.

- 1 b. A county sheriff's department.
 2 c. A city or town police department.
 3 d. Legal Aid of North Carolina.
 4 (2) The Speaker of the House of Representatives shall appoint one
 5 representative from each of the following:
 6 a. The public at large.
 7 ~~b. A county sheriff's department.~~
 8 ~~c. A city or town police department.~~
 9 b. North Carolina Coalition Against Human Trafficking.
 10 c. A faith-based shelter or benefits organization providing services to
 11 victims of human trafficking.
 12 d. A district attorney.
 13 (3) The Governor shall appoint one representative from ~~the public at large~~ each
 14 of the following:
 15 a. The Department of Labor.
 16 b. The Department of Justice.
 17 c. The Department of Public Safety.
 18 d. A health care representative.
 19 (4) ~~The following persons, or their designees, shall serve as ex officio members~~
 20 ~~of the Commission:~~
 21 ~~a. The Secretary of Public Safety.~~
 22 ~~b. The Secretary of Administration.~~
 23 ~~c. The Secretary of Labor.~~
 24 ~~d. The Secretary of Health and Human Services.~~
 25 ~~e. The Attorney General.~~
 26 (c) Powers. – The Commission shall have the following powers:
 27 (1) To apply for and receive, on behalf of the State, funding from federal, public
 28 or private initiatives, grant programs, or donors that will assist in examining
 29 and countering the problem of human trafficking in North Carolina.
 30 (2) To commission, fund, and facilitate quantitative and qualitative research to
 31 explore the specific ways human trafficking is occurring in North Carolina
 32 and the links to international and domestic human trafficking, and to assist in
 33 creating measurement, assessment, and accountability mechanisms.
 34 (3) To contribute to efforts to inform and educate law enforcement personnel,
 35 social services providers, and the general public about human trafficking so
 36 that human traffickers can be prosecuted and victim-survivors can receive
 37 appropriate services.
 38 (4) To suggest new policies, procedures, or legislation to further the work of
 39 eradicating human trafficking and to provide assistance and review with new
 40 policies, procedures, and legislation.
 41 (5) To assist in developing regional response teams or other coordinated efforts
 42 to counter human trafficking at the level of law enforcement, legal services,
 43 social services, and nonprofits.
 44 (6) To identify gaps in law enforcement or service provision and recommend
 45 solutions to those gaps.
 46 (7) To consider whether human trafficking should be added to the list of
 47 criminal convictions that require registration under the sex offender and
 48 public protection registration program.
 49 (d) ~~Terms.~~ Terms and Chair. – Members shall serve ~~until the Commission~~
 50 ~~terminates.~~ two-year terms, with no prohibition against being reappointed. Any individual
 51 appointed to serve on the Commission shall serve until his or her successor is appointed and

1 qualified. The chair shall be appointed biennially by the Governor from among the membership
2 of the Commission.

3 (e) Meetings. – The chair shall convene the Commission. Meetings shall be held as
4 often as necessary, but not less than four times a year.

5 (f) Quorum. – A majority of the members of the Commission shall constitute a quorum
6 for the transaction of business. The affirmative vote of a majority of the members present at
7 meetings of the Commission shall be necessary for action to be taken by the Commission.

8 (g) Vacancies. – A vacancy on the Commission or as chair of the Commission resulting
9 from the resignation of a member or otherwise shall be filled in the same manner in which the
10 original appointment was made, and the term shall be for the balance of the unexpired term.

11 (h) Removal. – The Commission may remove a member for misfeasance, malfeasance,
12 nonfeasance, or neglect of duty.

13 (i) Compensation. – Commission members shall receive no per diem for their services
14 but shall be entitled to receive travel allowances in accordance with the provisions of
15 G.S. 138-5 or G.S. 138-6, as appropriate.

16 (j) Staffing. – The Department of Justice shall be responsible for staffing the
17 Commission.

18 ~~(k) Termination.Funding. – The Commission established under this section shall~~
19 ~~terminate on December 31, 2014.From funds available to the Department of Justice, the~~
20 ~~Attorney General shall allocate monies to fund the work of the Commission."~~

21 **SECTION 25.** Section 20 of this act is effective when it becomes law. The
22 remainder of this act becomes effective October 1, 2013, and applies to offenses committed on
23 or after that date. Prosecutions for offenses committed before the effective date of this act are
24 not abated or affected by this act, and the statutes that would be applicable but for this act
25 remain applicable to those prosecutions.