

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 170

Short Title: Sex Offender Registration.

(Public)

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Sponsors: Senators Gunter; Forrester, Smith, Cochrane, Lee, Edwards, Lucas, Marshall, Harris, Walker, Seymour, and Folger.

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Referred to: Courts.

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February 15, 1994

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE REGISTRATION OF PERSONS CONVICTED OF  
3 CERTAIN CRIMINAL SEXUAL OFFENSES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Subchapter VII of Chapter 14 of the General Statutes is amended  
6 by adding a new Article to read:

7 **"ARTICLE 27A.**

8 **"SEXUAL OFFENDER REGISTRATION PROGRAM.**

9 **"§ 14-208.5. Purpose.**

10 The General Assembly recognizes that sex offenders often pose a high risk of  
11 engaging in sex offenses even after being released from incarceration or commitment  
12 and that protection of the public from sex offenders is of paramount governmental  
13 interest. Further, the General Assembly recognizes that local law enforcement officers'  
14 efforts to protect their communities, conduct investigations, and quickly apprehend  
15 offenders who commit sex offenses are impaired by the lack of information available to  
16 law enforcement agencies about convicted sex offenders who live within the agency's  
17 jurisdiction. Persons found to have committed a sex offense have a reduced expectation  
18 of privacy because of the public's interest in public safety and in the effective operation  
19 of government. Release of information about sex offenders to law enforcement  
20 agencies and under limited circumstances the general public, will further the  
21 governmental interests of public safety so long as the information released is rationally  
22 related to the furtherance of those goals.

1 Therefore, it is the purpose of this Article to assist local law enforcement agencies'  
2 efforts to protect their communities by requiring sex offenders to register with local law  
3 enforcement agencies and to require the exchange of relevant information about sex  
4 offenders among law enforcement agencies and to authorize the release of necessary  
5 and relevant information about sex offenders to members of the general public as  
6 provided in this Article.

7 **"§ 14-208.6. Definitions.**

8 The following definitions apply in this Article:

- 9 (1) 'Division' means the Division of Criminal Statistics of the Department  
10 of Justice.  
11 (2) 'Penal institution' means a detention facility operated under the  
12 jurisdiction of the Division of Prisons of the Department of Correction,  
13 or a county jail.  
14 (3) 'Released' means discharged, paroled, or placed on probation.  
15 (4) 'Reportable conviction' means:  
16 a. A conviction for violation of G.S. 14-27.2 (first degree rape),  
17 14-27.3 (second degree rape), 14-27.4 (first degree sexual  
18 offense), 14-27.5 (second degree sexual offense), 14-27.6  
19 (attempted rape or sexual offense), 14-27.7 (intercourse and  
20 sexual offense with certain victims), 14-178 (incest between  
21 near relatives), 14-179 (incest between uncle and niece, nephew  
22 and aunt), 14-190.6 (employing or permitting minor to assist in  
23 obscene materials), 14-190.16 (first degree sexual exploitation  
24 of a minor), 14-190.17 (second degree sexual exploitation of a  
25 minor), 14-190.17A (third degree sexual exploitation of a  
26 minor), 14-190.18 (promoting prostitution of a minor), 14-  
27 190.19 (participating in prostitution of a minor), or 14-202.1  
28 (taking indecent liberties with children);  
29 b. The fourth conviction for a violation of G.S. 14-190.9  
30 (indecent exposure).  
31 (5) 'Sheriff' means the sheriff of a county in this State.

32 **"§ 14-208.7. Registration.**

33 (a) A person who has a reportable conviction shall register with the sheriff of  
34 the county where the person resides or intends to reside for more than seven days. The  
35 person shall register not later than the tenth day after the person's arrival in the county.

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

- 38 (1) The person's full name, each alias, date of birth, sex, race, height,  
39 weight, eye color, hair color, social security number, drivers license  
40 number, and home address;  
41 (2) The type of offense for which the person was convicted, the date of  
42 conviction, and the sentence imposed;  
43 (3) A current photograph; and

1           (4) Any other information required by the Division, including fingerprints  
2           or other collaborative information.

3           (c) Not later than the third day after a person registers, the sheriff with whom the  
4 person registered shall send the registration information to the Division.

5 **"§ 14-208.8. Prerelease notification.**

6           (a) At least 10 days, but not earlier than 30 days, before a person who will be  
7 subject to registration under this Article is due to be released from a penal institution, an  
8 official of the penal institution shall:

9           (1) Inform the person of the person's duty to register under this Article and  
10 require the person to sign a written statement that the person was so  
11 informed or, if the person refuses to sign the statement, certify that the  
12 person was so informed;

13           (2) Obtain the address where the person expects to reside upon the  
14 person's release; and

15           (3) Inform the Division and the sheriff of the county in which the person  
16 expects to reside of the person's name, release date, address, and the  
17 offense of which the person was convicted.

18           (b) If a person who is subject to registration under this Article receives  
19 probation, suspended sentence, or only a fine, the court pronouncing sentence shall  
20 conduct the prerelease notification specified in subsection (a) of this section on the day  
21 of sentencing.

22 **"§ 14-208.9. Change of address.**

23           If a person required to register changes address, the person shall provide written  
24 notice not later than the tenth day after the change to the sheriff of the county with  
25 whom the person had last registered. Not later than the third day after receipt of the  
26 notice, the sheriff shall forward this information to the Division. If the person moves to  
27 another county in this State, the Division shall inform the sheriff of the new county of  
28 the person's residence.

29 **"§ 14-208.10. Confidential information.**

30           The information required for registration under this Article is not a matter of public  
31 record except for use by a law enforcement officer or agency, except that a sheriff shall  
32 verify, upon request, whether a person has registered as a sex offender for offenses  
33 defined in G.S. 14-208.6(4)a. or b.

34 **"§ 14-208.11. Failure to register.**

35           A person required by this Article to register who fails to register shall be guilty of a  
36 Class 1 misdemeanor for a first offense of violation of this Article, and a Class I felony  
37 for a subsequent conviction of a violation of this Article.

38 **"§ 14-208.12. Exemption.**

39           A person who has a reportable conviction may petition the district court in the  
40 county where the person resides or intends to reside for an exemption from this Article.  
41 The person shall serve a copy of the petition on the district attorney. If the person  
42 shows for good cause, by clear and convincing evidence, that registration will not serve  
43 the purposes of this Article, the court shall grant the exemption.

44 **"§ 14-208.13. File with Police Information Network.**

1 The Division shall include the registration information in the Police Information  
2 Network as set forth in G.S. 114-10.1."

3 Sec. 2. G.S. 114-10 reads as rewritten:

4 **"§ 114-10. Division of Criminal Statistics.**

5 The Attorney General shall set up in the Department of Justice a division to be  
6 designated as the Division of Criminal Statistics. There shall be assigned to this  
7 Division by the Attorney General duties as follows:

8 (1) To collect and correlate information in criminal law administration,  
9 including crimes committed, arrests made, dispositions on preliminary  
10 hearings, prosecutions, convictions, acquittals, punishment, appeals,  
11 together with the age, race, and sex of the offender, and such other  
12 information concerning crime and criminals as may appear significant  
13 or helpful. To correlate such information with the operations of  
14 agencies and institutions charged with the supervision of offenders on  
15 probation, in penal and correctional institutions, on parole and pardon,  
16 so as to show the volume, variety and tendencies of crime and  
17 criminals and the workings of successive links in the machinery set up  
18 for the administration of the criminal law in connection with the  
19 arrests, trial, punishment, probation, prison parole and pardon of all  
20 criminals in North Carolina.

21 (2) To collect, correlate, and maintain access to information that will assist  
22 in the performance of duties required in the administration of criminal  
23 justice throughout the State. This information may include, but is not  
24 limited to, motor vehicle registration, drivers' licenses, wanted and  
25 missing persons, stolen property, warrants, stolen vehicles, firearms  
26 registration, sexual offender registration as provided under Article 27A  
27 of Chapter 14, drugs, drug users and parole and probation histories. In  
28 performing this function, the Division may arrange to use information  
29 available in other agencies and units of State, local and federal  
30 government, but shall provide security measures to insure that such  
31 information shall be made available only to those whose duties,  
32 relating to the administration of justice, require such information.

33 (3) To make scientific study, analysis and comparison from the  
34 information so collected and correlated with similar information  
35 gathered by federal agencies, and to provide the Governor and the  
36 General Assembly with the information so collected biennially, or  
37 more often if required by the Governor.

38 (4) To perform all the duties heretofore imposed by law upon the Attorney  
39 General with respect to criminal statistics.

40 (5) To perform such other duties as may be from time to time prescribed  
41 by the Attorney General."

42 Sec. 3. This act is effective upon ratification and applies to convictions  
43 occurring on or after January 1, 1995, and persons released from a penal institution on  
44 or after January 1, 1995.