

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1297

Judiciary I/Constitution Committee Substitute Adopted 6/12/96

Short Title: Conditions of Probation.

(Public)

Sponsors:

Referred to:

May 23, 1996

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR MANDATORY CONDITIONS OF PROBATION FOR SEX OFFENDERS AND PERSONS CONVICTED OF OFFENSES INVOLVING PHYSICAL, MENTAL, OR SEXUAL ABUSE OF CHILDREN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1343 is amended by adding a new subsection to read:

"(b2) Special Conditions of Probation for Sex Offenders. – As special conditions of probation, a defendant who has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, must:

(1) Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).

(2) Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.

(3) Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.

(4) Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a minor.

1 (5) Not reside in a household with any minor child if the offense is one in
2 which there is evidence of physical or mental abuse of a minor, unless
3 the court expressly finds that it is unlikely that the defendant's harmful
4 or abusive conduct will recur and that it would be in the minor child's
5 best interest to allow the probationer to reside in the same household
6 with a minor child.

7 (6) Satisfy any other conditions determined by the court to be reasonably
8 related to his rehabilitation.

9 Defendants subject to the provisions of this subsection shall not be placed on
10 unsupervised probation."

11 Sec. 2. This act becomes effective December 1, 1996.