

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 933
Committee Substitute Favorable 7/28/07
Senate Judiciary I (Civil) Committee Substitute Adopted 6/4/08

Short Title: Jessica Lunsford Act for NC.

(Public)

Sponsors:

Referred to:

March 21, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CERTAIN CRIMINAL OFFENSES OF RAPE OR SEXUAL OFFENSE COMMITTED AGAINST A CHILD ARE PUNISHABLE BY EITHER LIFE IMPRISONMENT WITHOUT PAROLE OR A MANDATORY ACTIVE SENTENCE OF TWENTY-FIVE YEARS AND LIFETIME SATELLITE-BASED MONITORING, TO INCREASE THE CRIMINAL PENALTIES FOR SEXUAL EXPLOITATION OF A MINOR AND PROMOTING PROSTITUTION OF A MINOR, TO AMEND THE SEX OFFENDER REGISTRATION REQUIREMENTS TO BE MORE STRINGENT, TO REQUIRE COMMUNITY NOTIFICATION REGARDING THE PRESENCE OF A SEXUALLY VIOLENT PREDATOR OR REPEAT SEX OFFENDER, TO AMEND THE LAW REGARDING BAIL FOR VIOLATIONS OF PROBATION AND POST-RELEASE SUPERVISION, TO CREATE A NEW CRIMINAL OFFENSE THAT MAKES IT UNLAWFUL FOR A SEX OFFENDER TO BE ON CERTAIN PREMISES, AND TO REQUIRE SEX OFFENDER REGISTRIES CHECKS OF CONTRACTUAL PERSONNEL BEFORE ALLOWING THEM TO HAVE DIRECT INTERACTION WITH STUDENTS.

The General Assembly of North Carolina enacts:

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

"§ 14-27.2A. Rape of a child; adult offender.

(a) A person is guilty of rape of a child if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.

(b) Any person who commits an offense in violation of this section is guilty of a Class B1 felony. Notwithstanding G.S. 15A-1340.10 or any other provision of law, the court, in its discretion, shall impose one of the following sentences on a person convicted of an offense under this section:

1 (1) Life imprisonment without parole; or

2 (2) Twenty-five years mandatory active punishment to be followed by
3 satellite-based monitoring for life pursuant to Part 5 of Article 27A of
4 Chapter 14 of the General Statutes.

5 (c) Upon conviction, a person convicted under this section has no rights to
6 custody of or rights of inheritance from any child born as a result of the commission of
7 the rape, nor shall the person have any rights related to the child under Chapter 48 or
8 Subchapter 1 of Chapter 7B of the General Statutes.

9 (d) The offense under G.S. 14-27.2(a)(1) is a lesser included offense of the
10 offense in this section."

11 **SECTION 2.** Article 7A of Chapter 14 of the General Statutes is amended
12 by adding a new section to read:

13 **"§ 14-27.4A. Sexual offense with a child; adult offender.**

14 (a) A person is guilty of sexual offense with a child if the person is at least 18
15 years of age and engages in a sexual act with a victim who is a child under the age of 13
16 years.

17 (b) Any person who commits an offense in violation of this section is guilty of a
18 Class B1 felony. Notwithstanding G.S. 15A-1340.10 or any other provision of law, the
19 court, in its discretion, shall impose one of the following sentences on a person
20 convicted of an offense under this section:

21 (1) Life imprisonment without parole; or

22 (2) Twenty-five years mandatory active punishment to be followed by
23 satellite-based monitoring for life pursuant to Part 5 of Article 27A of
24 Chapter 14 of the General Statutes.

25 (c) The offense under G.S. 14-27.4(a)(1) is a lesser included offense of the
26 offense in this section."

27 **SECTION 3.** G.S. 14-190.16 reads as rewritten:

28 **"§ 14-190.16. First degree sexual exploitation of a minor.**

29 (a) Offense. – A person commits the offense of first degree sexual exploitation of
30 a minor if, knowing the character or content of the material or performance, he:

31 ...

32 (d) Punishment and Sentencing. – Violation of this section is a ~~Class D~~
33 felony.~~Class C felony.~~"

34 **SECTION 4.** G.S. 14-190.17 reads as rewritten:

35 **"§ 14-190.17. Second degree sexual exploitation of a minor.**

36 (a) Offense. – A person commits the offense of second degree sexual exploitation
37 of a minor if, knowing the character or content of the material, he:

38 ...

39 (d) Punishment and Sentencing. – Violation of this section is a ~~Class F~~
40 felony.~~Class E felony.~~"

41 **SECTION 5.** G.S. 14-190.17A reads as rewritten:

42 **"§ 14-190.17A. Third degree sexual exploitation of a minor.**

1 (a) Offense. – A person commits the offense of third degree sexual exploitation
2 of a minor if, knowing the character or content of the material, he possesses material
3 that contains a visual representation of a minor engaging in sexual activity.

4 ...

5 (d) Punishment and Sentencing. – Violation of this section is a ~~Class I~~
6 ~~felony.~~Class H felony."

7 **SECTION 6.** G.S. 14-190.18 reads as rewritten:

8 **"§ 14-190.18. Promoting prostitution of a minor.**

9 (a) Offense. – A person commits the offense of promoting prostitution of a minor
10 if he knowingly:

11 (1) Entices, forces, encourages, or otherwise facilitates a minor to
12 participate in prostitution; or

13 (2) Supervises, supports, advises, or protects the prostitution of or by a
14 minor.

15 (b) Mistake of Age. – Mistake of age is not a defense to a prosecution under this
16 section.

17 (c) Punishment and Sentencing. – Violation of this section is a ~~Class D~~
18 ~~felony.~~Class C felony."

19 **SECTION 7.** G.S. 14-208.6A reads as rewritten:

20 **"§ 14-208.6A. Lifetime registration requirements for criminal offenders.**

21 It is the objective of the General Assembly to establish a ~~10-year~~30-year registration
22 requirement for persons convicted of certain offenses against minors or sexually violent
23 ~~offenses.~~offenses with an opportunity for those persons to petition in superior court to
24 shorten their registration time period after 10 years of registration. It is the further
25 objective of the General Assembly to establish a more stringent set of registration
26 requirements for recidivists, persons who commit aggravated offenses, and for a
27 subclass of highly dangerous sex offenders who are determined by a sentencing court
28 with the assistance of a board of experts to be sexually violent predators.

29"

30 **SECTION 8.** G.S. 14-208.7 reads as rewritten:

31 **"§ 14-208.7. Registration.**

32 (a) A person who is a State resident and who has a reportable conviction shall be
33 required to maintain registration with the sheriff of the county where the person resides.
34 If the person moves to North Carolina from outside this State, the person shall register
35 within ~~10 days~~three business days of establishing residence in this State, or whenever
36 the person has been present in the State for 15 days, whichever comes first. If the person
37 is a current resident of North Carolina, the person shall register:

38 (1) Within ~~10 days~~three business days, of release from a penal institution
39 or arrival in a county to live outside a penal institution; or

40 (2) Immediately upon conviction for a reportable offense where an active
41 term of imprisonment was not imposed.

42 Registration shall be maintained for a period of at least ~~10 years~~30 years following the
43 date of initial county ~~registration.~~registration unless the person, after 10 years of

1 registration, successfully petitions the superior court to shorten his or her registration
2 time period under G.S. 14-208.12A.

3"

4 **SECTION 9.** G.S. 14-208.9 reads as rewritten:

5 **"§ 14-208.9. Change of address; change of academic status or educational**
6 **employment status.**

7 (a) If a person required to register changes address, the person shall report in
8 person and provide written notice of the new address not later than ~~the tenth day~~ the
9 third business day after the change to the sheriff of the county with whom the person
10 had last registered. Upon receipt of the notice, the sheriff shall immediately forward this
11 information to the Division. If the person moves to another county in this State, the
12 Division shall inform the sheriff of the new county of the person's new residence.

13 (b) If a person required to register intends to move to another state, the person
14 shall report in person to the sheriff of the county of current residence at least ~~10 days~~
15 three business days before the date the person intends to leave this State to establish
16 residence in another state or jurisdiction. The person shall provide to the sheriff a
17 written notification that includes all of the following information: the address,
18 municipality, county, and state of intended residence.

19 (1) If it appears to the sheriff that the record photograph of the sex
20 offender no longer provides a true and accurate likeness of the sex
21 offender, then the sheriff shall take a photograph of the offender to
22 update the registration.

23 (2) The sheriff shall inform the person that the person must comply with
24 the registration requirements in the new state of residence. The sheriff
25 shall also immediately forward the information included in the
26 notification to the Division, and the Division shall inform the
27 appropriate state official in the state to which the registrant moves of
28 the person's notification and new address.

29 (b1) A person who indicates his or her intent to reside in another state or
30 jurisdiction and later decides to remain in this State shall, within ~~10 days~~ three business
31 days after the date upon which the person indicated he or she would leave this State,
32 report in person to the sheriff's office to which the person reported the intended change
33 of residence, of his or her intent to remain in this State. If the sheriff is notified by the
34 sexual offender that he or she intends to remain in this State, the sheriff shall promptly
35 report this information to the Division.

36 (c) If a person required to register changes his or her academic status either by
37 enrolling as a student or by terminating enrollment as a student, then the person shall,
38 within ~~10 days~~ three business days, report in person to the sheriff of the county with
39 whom the person registered and provide written notice of the person's new status. The
40 written notice shall include the name and address of the institution of higher education
41 at which the student is or was enrolled. The sheriff shall immediately forward this
42 information to the Division.

43 (d) If a person required to register changes his or her employment status either by
44 obtaining employment at an institution of higher education or by terminating

1 employment at an institution of higher education, then the person shall, within ~~10~~
2 ~~days, three business days,~~ report in person to the sheriff of the county with whom the
3 person registered and provide written notice of the person's new status not later than the
4 tenth day after the change to the sheriff of the county with whom the person registered.
5 The written notice shall include the name and address of the institution of higher
6 education at which the person is or was employed. The sheriff shall immediately
7 forward this information to the Division."

8 **SECTION 10.** G.S. 14-208.9A reads as rewritten:

9 **"§ 14-208.9A. Verification of registration information.**

10 (a) The information in the county registry shall be verified semiannually for each
11 registrant as follows:

12 (1) Every year on the anniversary of a person's initial registration date, and
13 again six months after that date, the Division shall mail a
14 nonforwardable verification form to the last reported address of the
15 person.

16 (2) The person shall return the verification form in person to the sheriff
17 within ~~10 days~~three business days after the receipt of the form.

18 (3) The verification form shall be signed by the person and shall indicate
19 whether the person still resides at the address last reported to the
20 sheriff. If the person has a different address, then the person shall
21 indicate that fact and the new address.

22 (3a) If it appears to the sheriff that the record photograph of the sex
23 offender no longer provides a true and accurate likeness of the sex
24 offender, then the sheriff shall take a photograph of the offender to
25 include with the verification form.

26 (4) If the person fails to return the verification form in person to the sheriff
27 within ~~10 days~~three business days after receipt of the form, the person
28 is subject to the penalties provided in G.S. 14-208.11. If the person
29 fails to report in person and provide the written verification as
30 provided by this section, the sheriff shall make a reasonable attempt to
31 verify that the person is residing at the registered address. If the person
32 cannot be found at the registered address and has failed to report a
33 change of address, the person is subject to the penalties provided in
34 G.S. 14-208.11, unless the person reports in person to the sheriff and
35 proves that the person has not changed his or her residential address.

36 (b) Additional Verification May Be Required. – During the period that an
37 offender is required to be registered under this Article, the sheriff is authorized to
38 attempt to verify that the offender continues to reside at the address last registered by
39 the offender.

40 (c) Additional Photograph May Be Required. – If it appears to the sheriff that the
41 current photograph of the sex offender no longer provides a true and accurate likeness
42 of the sex offender, upon in-person notice from the sheriff, the sex offender shall allow
43 the sheriff to take another photograph of the sex offender at the time of the sheriff's
44 request. If requested by the sheriff, the sex offender shall appear in person at the

1 sheriff's office during normal business hours within ~~72-hour~~three business days of
2 being requested to do so and shall allow the sheriff to take another photograph of the
3 sex offender. A person who willfully fails to comply with this subsection is guilty of a
4 Class 1 misdemeanor."

5 **SECTION 11.** G.S. 14-208.12A reads as rewritten:

6 **"§ 14-208.12A. Request for termination of registration requirement.**

7 (a) ~~A Ten years from the date of initial county registration, a person required to~~
8 register under this Part may petition the superior court in the district where the person
9 resides to terminate the 30-year registration requirement ~~10 years from the date of initial~~
10 ~~county registration~~ if the person has not been convicted of a subsequent offense
11 requiring registration under this Article.

12"

13 **SECTION 12.** Article 27A of Chapter 14 of the General Statutes is amended
14 by adding a new section to read:

15 **"§ 14-208.18. Sex offender unlawfully on premises.**

16 (a) It shall be unlawful for any person required to register under this Article, if
17 the offense requiring registration is described in subsection (b) of this section, to be at
18 any of the following locations:

19 (1) On the premises of any place intended primarily for the use, care, or
20 supervision of minors, including, but not limited to, schools, children's
21 museums, child care centers, nurseries, and playgrounds.

22 (2) Within 300 feet of any location intended primarily for the use, care, or
23 supervision of minors when the place is located on premises that is not
24 intended primarily for the use, care, or supervision of minors,
25 including, but not limited to, places described in subdivision (1) of this
26 subsection that are located in malls, shopping centers, or other
27 property open to the general public.

28 (3) At any place where minors gather for regularly scheduled educational,
29 recreational, or social programs.

30 (b) Subsection (a) of this section is applicable only to persons required to register
31 under this Article who have committed any of the following offenses:

32 (1) Any offense in Article 7A of this Chapter.

33 (2) Any offense where the victim of the offense was under the age of 16
34 years at the time of the offense.

35 (c) A violation of this section is a Class H felony."

36 **SECTION 13.** Article 27A of Chapter 14 of the General Statutes is amended
37 by adding a new section to read:

38 **"§ 14-208.25A. Community and public notification.**

39 The licensee for each licensed day care center and the principal of each elementary
40 school, middle school, and high school shall register with the North Carolina Sex
41 Offender and Public Protection Registry to receive e-mail notification when a registered
42 sex offender moves within a one-mile radius of the licensed day care center or school."

43 **SECTION 14.** G.S. 14-208.27 reads as rewritten:

44 **"§ 14-208.27. Change of address.**

1 If a juvenile who is adjudicated delinquent and required to register changes address,
2 the juvenile court counselor for the juvenile shall provide written notice of the new
3 address not later than ~~the tenth day~~the third business day after the change to the sheriff
4 of the county with whom the juvenile had last registered. Upon receipt of the notice, the
5 sheriff shall immediately forward this information to the Division. If the juvenile moves
6 to another county in this State, the Division shall inform the sheriff of the new county of
7 the juvenile's new residence."

8 **SECTION 15.** G.S. 14-208.28(2) reads as rewritten:

9 **"§ 14-208.28. Verification of registration information.**

10 ...

11 (2) The juvenile court counselor for the juvenile shall return the
12 verification form to the sheriff within ~~10 days~~three business days after
13 the receipt of the form.

14"

15 **SECTION 16.** G.S. 14-208.40(a) reads as rewritten:

16 "(a) The Department of Correction shall establish a sex offender monitoring
17 program that uses a continuous satellite-based monitoring system and shall create
18 guidelines to govern the program. The program shall be designed to monitor ~~two~~three
19 categories of offenders as follows:

20 (1) Any offender who is convicted of a reportable conviction as defined by
21 G.S. 14-208.6(4) and who is required to register under Part 3 of Article
22 27A of Chapter 14 of the General Statutes because the defendant is
23 classified as a sexually violent predator, is a recidivist, or was
24 convicted of an aggravated offense as those terms are defined in
25 G.S. 14-208.6. An offender in this category who is ordered by the
26 court to submit to satellite-based monitoring is subject to that
27 requirement for the person's natural life, unless the requirement is
28 terminated pursuant to G.S. 14-208.43.

29 (2) Any offender who satisfies all of the following criteria: (i) is convicted
30 of a reportable conviction as defined by G.S. 14-208.6(4), (ii) is
31 required to register under Part 2 of Article 27A of Chapter 14 of the
32 General Statutes, (iii) has committed an offense involving the physical,
33 mental, or sexual abuse of a minor, and (iv) based on the Department's
34 risk assessment program requires the highest possible level of
35 supervision and monitoring. An offender in this category who is
36 ordered by the court to submit to satellite-based monitoring is subject
37 to that requirement only for the period of time ordered by the court and
38 is not subject to a requirement of lifetime satellite-based monitoring.

39 (3) Any offender who is convicted of any of the following offenses and
40 sentenced to a term of 25 years active punishment and satellite-based
41 monitoring for the duration of the defendant's natural life pursuant to:

42 a. G.S. 14-24.2A(Rape of a child by an adult offender).

43 b. G.S. 14-24.4A(Sexual offense with a child by an adult
44 offender)."

1 **SECTION 16.1.** G.S. 14-208.40A, as enacted by S.L. 2007-213, reads as
2 rewritten:

3 **"§ 14-208.40A. Determination of satellite-based monitoring requirement by court.**

4 (a) When an offender is convicted of a reportable conviction as defined by
5 G.S. 14-208.6(4), during the sentencing phase, the district attorney shall present to the
6 court any evidence that (i) the offender has been classified as a sexually violent predator
7 pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense
8 was an aggravated offense, ~~or (iv) (iv) the conviction offense was a violation of~~
9 G.S. 14-27.2A, or G.S. 14-27.4A, or (v) the offense involved the physical, mental, or
10 sexual abuse of a minor. The district attorney shall have no discretion to withhold any
11 evidence required to be submitted to the court pursuant to this subsection.

12 The offender shall be allowed to present to the court any evidence that the district
13 attorney's evidence is not correct.

14 (b) After receipt of the evidence from the parties, the court shall determine
15 whether the offender's conviction places the offender in one of the categories described
16 in G.S. 14-208.40(a), and if so, shall make a finding of fact of that determination,
17 specifying whether (i) the offender has been classified as a sexually violent predator
18 pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense
19 was an aggravated offense, ~~or (iv) (iv) the conviction offense was a violation of~~
20 G.S. 14-27.2A or G.S. 14-27.4A, or (v) the offense involved the physical, mental, or
21 sexual abuse of a minor.

22 (c) If the court finds that the offender has been classified as a sexually violent
23 predator, is a recidivist, ~~or has committed an aggravated offense, or was convicted of~~
24 G.S. 14-27.2A or G.S. 14-27.4A the court shall order the offender to enroll in a
25 satellite-based monitoring program for life.

26 (d) If the court finds that the offender committed an offense that involved the
27 physical, mental, or sexual abuse of a minor, that the offense is not an aggravated
28 ~~offense, offense or a violation of G.S. 14-27.2A or G.S. 14-27.4A~~ and the offender is
29 not a recidivist, the court shall order that the Department do a risk assessment of the
30 offender. The Department shall have a minimum of 30 days, but not more than 60 days,
31 to complete the risk assessment of the offender and report the results to the court.

32 (e) Upon receipt of a risk assessment from the Department pursuant to subsection
33 (d) of this section, the court shall determine whether, based on the Department's risk
34 assessment, the offender requires the highest possible level of supervision and
35 monitoring. If the court determines that the offender does require the highest possible
36 level of supervision and monitoring, the court shall order the offender to enroll in a
37 satellite-based monitoring program for a period of time to be specified by the court."

38 **SECTION 16.2.** G.S. 14-208.40B(c), as enacted by Section 3 of S.L.
39 2007-213, reads as rewritten:

40 "(c) At the hearing, the court shall determine if the offender falls into one of the
41 categories described in G.S. 14-208.40(a). The court shall hold the hearing and make
42 findings of fact pursuant to G.S. 14-208.40A.

43 If the court finds that (i) the offender has been classified as a sexually violent
44 predator pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, ~~or (iii) the~~

1 conviction offense was an aggravated offense, or (iv) the conviction offense was a
2 violation of G.S. 14-27.2A or G.S. 14-27.4A the court shall order the offender to enroll
3 in satellite-based monitoring for life.

4 If the court finds that the offender committed an offense that involved the physical,
5 mental, or sexual abuse of a minor, that the offense is not an aggravated offense or a
6 violation of G.S. 14-27.2A or G.S. 14-27.4A, and the offender is not a recidivist, the
7 court shall order that the Department do a risk assessment of the offender. The
8 Department shall have a minimum of 30 days, but not more than 60 days, to complete
9 the risk assessment of the offender and report the results to the court. The Department
10 may use a risk assessment of the offender done within six months of the date of the
11 hearing.

12 Upon receipt of a risk assessment from the Department, the court shall determine
13 whether, based on the Department's risk assessment, the offender requires the highest
14 possible level of supervision and monitoring. If the court determines that the offender
15 does require the highest possible level of supervision and monitoring, the court shall
16 order the offender to enroll in a satellite-based monitoring program for a period of time
17 to be specified by the court."

18 **SECTION 17.** G.S. 14-208.41 is amended by adding a new subsection to
19 read:

20 "(c) Any person described by G.S. 14-208.40(a)(3), upon completion of the 25
21 years of active punishment shall enroll in a satellite-based monitoring program with the
22 Division of Community Corrections office in the county where the person resides. The
23 person shall enroll in the satellite-based monitoring program for the entire period of
24 post-release supervision and shall remain enrolled in the satellite-based monitoring
25 program for the person's life, unless the requirement to enroll in the satellite-based
26 monitoring program is terminated pursuant to G.S. 14-208.42."

27 **SECTION 18.** G.S. 14-208.43(a) reads as rewritten:

28 "(a) An offender described by G.S. 14-308.40(a)(1)14-208.40(a)(1) or
29 G.S. 14-208.40(a)(3) who is required to submit to satellite-based monitoring for the
30 offender's life may file a request for termination of monitoring requirement with the
31 Post-Release Supervision and Parole Commission. The request to terminate the
32 satellite-based monitoring requirement and to terminate the accompanying requirement
33 of unsupervised probation may not be submitted until at least one year after the
34 offender: (i) has served his or her sentence for the offense for which the satellite-based
35 monitoring requirement was imposed, and (ii) has also completed any period of
36 probation, parole, or post-release supervision imposed as part of the sentence."

37 **SECTION 19.** G.S. 15A-1345(b) reads as rewritten:

38 "(b) Bail Following Arrest for Probation Violation. – If at any time during the
39 period of probation the probationer is arrested for a violation of any of the conditions of
40 probation, he must be taken without unnecessary delay before a judicial official to have
41 conditions of release pending a revocation hearing set in the same manner as provided
42 in G.S. 15A-534. If the probationer has been convicted of an offense at any time that
43 requires registration under Article 27A of Chapter 14 of the General Statutes or an
44 offense that would have required registration but for the effective date of the law

1 establishing the Sex Offender and Public Protection Registration Program, the court
2 must make a finding that the probationer is not a danger to the public prior to release
3 with or without bail."

4 **SECTION 20.** G.S. 15A-1368.4 is amended by adding a new subsection to
5 read:

6 "(b2) Bail Following Arrest for Violation of Post-Release Supervision if Releasee
7 is a Sex Offender. – Notwithstanding subsection (b) of this section, if the releasee has
8 been convicted of an offense that requires registration under Article 27A of Chapter 14
9 of the General Statutes and is arrested for a violation in accordance with this section, the
10 releasee shall be detained without bond until the preliminary hearing is conducted."

11 **SECTION 21.** Part 6 of Article 22 of Chapter 115C of the General Statutes
12 is amended by adding a new section to read:

13 **§ 115C-332.1. Sex offender registries checks for certain contractual personnel.**

14 (a) For purposes of this section, the term 'contractual personnel' includes any
15 individual or entity under contract with the local board of education whose contractual
16 job involves direct interaction with students as part of the job.

17 (b) Each local board of education shall require, as a term of any contract the local
18 board of education enters, that employers of a person who is contractual personnel
19 conduct an annual check of that person on the State Sex Offender and Public Protection
20 Registration Program, the State Sexually Violent Predator Registration Program, and the
21 National Sex Offender Registry. As a term of any contract, a local board of education
22 shall prohibit any contractual personnel listed on the State Sex Offender and Public
23 Protection Registration Program, the State Sexually Violent Predator Registration
24 Program, and the National Sex Offender Registry from having direct interaction with
25 students."

26 **SECTION 21.1.** If any provision of this act or its application is held invalid,
27 the invalidity does not affect other provisions or applications of this act that can be
28 given effect without the invalid provisions or application, and to this end the provisions
29 of this act are severable.

30 **SECTION 22.** This act becomes effective December 1, 2008, and applies to
31 offenses committed on or after that date. The maintenance of the registration period of
32 30 years required by G.S. 14-208.7, as amended by Section 8 of this act, applies to
33 registrations made on or after December 1, 2008.