

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 123

Short Title: Clarify Sex Offender Residence Law. (Public)

Sponsors: Senators Meredith (Primary Sponsor); Cook, J. Davis, Pate, Rabin, and Sanderson.

Referred to: Judiciary II.

February 25, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE EXISTING LAW PERTAINING TO SEX OFFENDERS
3 RESIDING NEAR SCHOOLS OR DAY CARE CENTERS.

4 Whereas, in 2006, the General Assembly enacted restrictions on registered sex
5 offenders residing near schools and day care centers; and

6 Whereas, the law provided that the residential restrictions did not apply to a *person*
7 *who has established a residence in accordance with the law prior to the effective date of the*
8 *law* [August 16, 2006]; and

9 Whereas, the application portion of the law was in the session law, but not codified
10 as part of the statute; and

11 Whereas, law enforcement officials mistakenly believe, based only upon the
12 codified portion of the law which provides the conditions upon which a residence is established
13 and not the effective date of the residency, that a registered sex offender can legally reside
14 within 1,000 feet of a school or day care center if the offender moves in with a family member
15 who had established residence at the location prior to the effective date of the law, even though
16 the offender did not establish residence at that location prior to August 16, 2006; Now,
17 therefore,

18 The General Assembly of North Carolina enacts:

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

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

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

25 "**SECTION 11.(c)** Subsection (a) of this section becomes effective December 1, 2006, and
26 applies to all persons registered or required to register on or after that date. Subsection (a) of
27 this section does not apply to a person who has established a residence prior to ~~the effective~~
28 ~~date of this subsection~~ August 16, 2006, in accordance with the provisions in
29 G.S. 14-208.16(d)(1), (2), or (3) as enacted by this act. This subsection is effective ~~when this~~
30 ~~act becomes law, on August 16, 2006.~~ The remainder of this section is effective on December
31 1, 2006, and applies to offenses committed on or after that date."

32 **SECTION 3.** This act is effective when it becomes law.

