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Short Title: Sex Offender Laws/Fed. Compliance.

(Public)

Sponsors:

Referred to:

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE SEXUAL OFFENDER REGISTRATION PROGRAM TO
3 COMPLY WITH FEDERAL LAW.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 27A of Chapter 14 of the General Statutes reads as
6 rewritten:
7 "ARTICLE 27A.
8 ~~"SEXUAL OFFENDER REGISTRATION PROGRAM.~~
9 "SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION
10 PROGRAMS.
11 "Part 1. Registration Programs, Purpose and Definitions Generally.
12 "§ 14-208.5. Purpose.

1 The General Assembly recognizes that sex offenders often pose a high risk of
2 engaging in sex offenses even after being released from incarceration or commitment and
3 that protection of the public from sex offenders is of paramount governmental interest.

4 The General Assembly also recognizes that persons who commit certain other types of
5 offenses against minors, such as kidnapping, pose significant and unacceptable threats to
6 the public safety and welfare of the children in this State and that the protection of those
7 children is of great governmental interest. Further, the General Assembly recognizes that
8 ~~local~~—law enforcement officers' efforts to protect ~~their~~—communities, conduct
9 investigations, and quickly apprehend offenders who commit sex offenses or certain
10 offenses against minors are impaired by the lack of information available to law
11 enforcement agencies about convicted ~~sex~~—offenders who live within the agency's
12 jurisdiction. Release of information about ~~sex~~—these offenders will further the
13 governmental interests of public safety so long as the information released is rationally
14 related to the furtherance of those goals.

15 Therefore, it is the purpose of this Article to assist ~~local~~—law enforcement agencies'
16 efforts to protect ~~their~~—communities by requiring ~~sex offenders~~—persons who are convicted
17 of sex offenses or of certain other offenses committed against minors to register with
18 ~~local~~—law enforcement ~~agencies~~—and agencies, to require the exchange of relevant
19 information about ~~sex~~—those offenders among law enforcement ~~agencies~~—agencies, and to
20 authorize the access to necessary and relevant information about ~~sex~~—those offenders to
21 others as provided in this Article.

22 **"§ 14-208.6. Definitions.**

23 The following definitions apply in this Article:

24 (1a) 'County registry' means the information compiled by the sheriff of a
25 county in compliance with this Article.

26 ~~(+)~~(1b) 'Division' means the Division of Criminal Statistics of the
27 Department of Justice.

28 (1c) 'Mental abnormality' means a congenital or acquired condition of a
29 person that affects the emotional or volitional capacity of the person in a
30 manner that predisposes that person to the commission of criminal
31 sexual acts to a degree that makes the person a menace to the health and
32 safety of others.

33 (1d) 'Offense against a minor' means any of the following offenses if the
34 offense is committed against a minor, and the person committing the
35 offense is not the minor's parent or legal custodian: G.S. 14-39
36 (kidnapping), G.S. 14-41 (abduction of children), and G.S. 14-43.3
37 (felonious restraint).

38 (2) 'Penal institution' means:

- 39 a. A detention facility operated under the jurisdiction of the
40 Division of Prisons of the Department of Correction;
- 41 b. A detention facility operated under the jurisdiction of another
42 state or the federal government; or

- 1 c. A detention facility operated by a local government in this State
2 or another state.
- 3 (2a) 'Personality disorder' means an enduring pattern of inner experience and
4 behavior that deviates markedly from the expectations of the
5 individual's culture, is pervasive and inflexible, has an onset in
6 adolescence or early adulthood, is stable over time, and leads to distress
7 or impairment.
- 8 (3) 'Release' means discharged or paroled.
- 9 (4) 'Reportable conviction' means:
- 10 a. A final conviction for an offense against a minor, a sexually
11 violent offense, or an attempt to commit any of those offenses. A
12 final conviction for violation of G.S. 14-27.2 (first degree rape), 14-
13 27.3 (second degree rape), 14-27.4 (first degree sexual offense), 14-
14 27.5 (second degree sexual offense), 14-27.6 (attempted rape or sexual
15 offense), 14-27.7 (intercourse and sexual offense with certain victims),
16 14-178 (incest between near relatives), 14-190.6 (employing or
17 permitting minor to assist in offenses against public morality and
18 decency), 14-190.16 (first degree sexual exploitation of a minor), 14-
19 190.17 (second degree sexual exploitation of a minor), 14-190.17A
20 (third degree sexual exploitation of a minor), 14-190.18 (promoting
21 prostitution of a minor), 14-190.19 (participating in prostitution of a
22 minor), or 14-202.1 (taking indecent liberties with children).
- 23 b. A final conviction in another state of an offense, which if
24 committed in this State, would have been a ~~sex offense as defined~~
25 ~~by the sections of the General Statutes set forth in paragraph a. of this~~
26 ~~subdivision.~~ an offense against a minor or a sexually violent
27 offense as defined by this section.
- 28 c. A final conviction in a federal jurisdiction of an ~~offense which is~~
29 ~~substantially similar to an offense set forth in paragraph a. of this~~
30 ~~subdivision.~~ offense, which is substantially similar to an offense
31 against a minor or a sexually violent offense as defined by this
32 section.
- 33 (5) 'Sexually violent offense' means a violation of G.S. 14-27.2 (first degree
34 rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree
35 sexual offense), G.S. 14-27.5 (second degree sexual offense), G.S. 14-
36 27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and
37 sexual offense with certain victims), G.S. 14-178 (incest between near
38 relatives), G.S. 14-190.6 (employing or permitting minor to assist in
39 offenses against public morality and decency), G.S. 14-190.16 (first
40 degree sexual exploitation of a minor), G.S. 14-190.17 (second degree
41 sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual
42 exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a
43 minor), G.S. 14-190.19 (participating in prostitution of a minor), or G.S.
44 14-202.1 (taking indecent liberties with children).

1 (6) 'Sexually violent predator' means a person who has been convicted of a
2 sexually violent offense and who suffers from a mental abnormality or
3 personality disorder that makes the person likely to engage in sexually
4 violent offenses directed at strangers or at a person with whom a
5 relationship has been established or promoted for the primary purpose
6 of victimization.

7 (4)(7) 'Sheriff' means the sheriff of a county in this State.

8 (8) 'Statewide registry' means the central registry compiled by the Division
9 in accordance with G.S. 14-208.14.

10 **"§ 14-208.6A. Registration requirements for criminal offenders and for criminal**
11 **offenders determined to be sexually violent predators.**

12 It is the objective of the General Assembly to establish a 10-year registration
13 requirement for persons convicted of certain offenses against minors or sexually violent
14 offenses. It is the further objective of the General Assembly to establish a more stringent
15 set of registration requirements for a subclass of highly dangerous sex offenders who are
16 determined by a sentencing court with the assistance of a board of experts to be sexually
17 violent predators.

18 To accomplish this objective, there are established two registration programs: the Sex
19 Offender and Public Protection Registration Program and the Sexually Violent Predator
20 Registration Program. Any person convicted of an offense against a minor or of a
21 sexually violent offense as defined by this Article shall register as an offender in
22 accordance with Part 2 of this Article. Any person determined to be a sexually violent
23 predator shall register as such in accordance with Part 3 of this Article.

24 The information obtained under these programs shall be immediately shared with the
25 appropriate local, State, federal, and out-of-state law enforcement officials and penal
26 institutions. In addition, the information designated under G.S. 14-208.10(a) as
27 public record shall be readily available to and accessible by the public. However, the
28 identity of the victim is not public record and shall not be released as a public record.

29 "Part 2. Sex Offender and Public Protection Registration Program.

30 **"§ 14-208.7. Registration.**

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

37 (1) Within 10 days of release from a penal institution or arrival in a county
38 to live outside a penal institution; or

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

41 Registration shall be maintained for a period of 10 years following release from a penal
42 institution. If no active term of imprisonment was imposed, registration shall be
43 maintained for a period of 10 years following each conviction for a reportable offense.

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

- 3 (1) The person's full name, each alias, date of birth, sex, race, height,
4 weight, eye color, hair color, drivers license number, and home address;
5 (2) The type of offense for which the person was convicted, the date of
6 conviction, and the sentence imposed;
7 (3) A current photograph; and
8 (4) The person's fingerprints.

9 The sheriff shall photograph the individual at the time of registration and take
10 fingerprints from the individual at the time of registration both of which will be kept as
11 part of the registration form. The registrant will not be required to pay any fees for the
12 photograph or fingerprints taken at the time of registration.

13 (c) ~~Not later than the third day after~~ When a person registers, the sheriff with whom
14 the person registered shall immediately send the registration information to the Division
15 in a manner determined by the Division. The sheriff shall retain the original registration
16 form and other information ~~collected~~ collected and shall compile the information that is a
17 public record under this Part into a county registry.

18 **"§ 14-208.8. Prerelease notification.**

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

- 22 (1) Inform the person of the person's duty to register under this Article and
23 require the person to sign a written statement that the person was so
24 informed or, if the person refuses to sign the statement, certify that the
25 person was so informed;
26 (2) Obtain the registration information required under G.S. 14-208.7 (b)(1)
27 and (2), as well as the address where the person expects to reside upon
28 the person's release; and
29 (3) Send the Division and the sheriff of the county in which the person
30 expects to reside the information collected in accordance with
31 subdivision (2) of this subsection.

32 (b) If a person who is subject to registration under this Article does not receive an
33 active term of imprisonment, the court pronouncing sentence shall conduct, at the time of
34 sentencing, the notification procedures specified in subsection (a) of this section.

35 **"§ 14-208.9. Change of address.**

36 If a person required to register changes address, the person shall provide written
37 notice of the new address not later than the tenth day after the change to the sheriff of the
38 county with whom the person had last registered. ~~Not later than the third day after~~ Upon
39 receipt of the notice, the sheriff shall immediately forward this information to the
40 Division. If the person moves to another county in this State, the Division shall inform
41 the sheriff of the new county of the person's new residence.

42 **"§ 14-208.9A. Verification of registration information.**

1 The information in the county registry shall be verified annually for each registrant as
2 follows:

- 3 (1) Every year on the anniversary of a person's initial registration date, the
4 Division shall mail a nonforwardable verification form to the last
5 reported address of the person.
- 6 (2) The person shall return the verification form to the sheriff within 10
7 days after the receipt of the form.
- 8 (3) The verification form shall be signed by the person and shall indicate
9 whether the person still resides at the address last reported to the sheriff.
10 If the person has a different address, then the person shall indicate that
11 fact and the new address.
- 12 (4) If the person fails to return the verification form to the sheriff within 10
13 days after receipt of the form, the person is subject to the penalties
14 provided in G.S. 14-208.11. If the verification form is returned to the
15 sheriff as undeliverable, the sheriff shall make a reasonable attempt to
16 verify that the person is residing at the registered address. If the person
17 cannot be found at the registered address and has failed to report a
18 change of address, the person is subject to the penalties provided in G.S.
19 14-208.11, unless the person reports in person to the sheriff and proves
20 that the person has not changed his or her residential address.

21 **"§ 14-208.10. Access-Registration information is public record; access to registration**
22 **information.**

23 (a) ~~To obtain information concerning an individual's registration status, a requester~~
24 ~~shall submit to the sheriff the following:~~

- 25 ~~(1) The individual's name and sex;~~
26 ~~(2) A physical description of the individual; and~~
27 ~~(3) Any other relevant information known to the requester concerning the~~
28 ~~individual.~~

29 ~~Upon receipt of the information, the sheriff shall verify, in writing, to the requester~~
30 ~~whether the individual has registered as a sex offender in this State, the date of~~
31 ~~conviction, and the offenses for which registration was required. The registration~~
32 ~~information and the corresponding registry is a public record and shall be available for~~
33 ~~public inspection. The sheriff shall upon request, display any photograph provided in~~
34 ~~compliance with G.S. 14-208.7(b)(3); however, the sheriff shall not provide or allow a~~
35 ~~copy to be made of the photograph.~~

36 The following information regarding a person required to register under this Article is
37 public record and shall be available for public inspection: name, sex, address, physical
38 description, picture, conviction date, offense for which registration was required, the
39 sentence imposed as a result of the conviction, and registration status. The information
40 obtained under G.S. 14-208.22 regarding a person's medical records or documentation of
41 treatment for the person's mental abnormality or personality disorder shall not be a part of
42 the public record.

1 The sheriff shall release any other relevant information that is necessary to protect the
2 public concerning a specific person, but shall not release the identity of the victim of the
3 offense that required registration under this Article.

4 (b) Any person may obtain a copy of an individual's registration form, ~~excluding~~
5 ~~the photograph, upon payment to the sheriff of a reasonable fee for the costs of duplicating the~~
6 ~~form, a part of the county registry, or all of the county registry, by submitting a written~~
7 ~~request for the information to the sheriff. However, the identity of the victim of an~~
8 ~~offense that requires registration under this Article shall not be released. The sheriff may~~
9 ~~charge a reasonable fee for duplicating costs and for mailing costs when appropriate.~~

10 (c) ~~The sheriff of each county is authorized, upon written request, to provide a~~
11 ~~copy of the entire registry to any group, entity, organization, corporation, or school, that~~
12 ~~utilizes volunteers or employees in working with, caring for, supervising or protecting~~
13 ~~children or disabled or elderly persons. The sheriff may charge a reasonable fee for~~
14 ~~duplicating costs and for mailing costs when appropriate.~~

15 **"§ 14-208.11. Failure to register; register; falsification of verification notice; failure**
16 **to return verification form; order for arrest.**

17 (a) A person required by this Article to register ~~who, knowingly and with the~~
18 ~~intent to violate the provisions of this Article, fails to register shall be guilty of a Class 3~~
19 ~~misdemeanor for a first conviction of a violation of this Article, and a Class I felony for a~~
20 ~~subsequent conviction of a violation of this Article. who does any of the following is~~
21 ~~guilty of a Class F felony:~~

22 (1) Fails to register.

23 (2) Fails to notify the last registering sheriff of a change of address.

24 (3) Fails to return a verification notice as required under G.S. 14-208.9A.

25 (4) Forges or submits under false pretenses the information or verification
26 notices required under this Article.

27 (a1) If a person commits a violation of subsection (a) of this section, the probation
28 officer, parole officer, or any other law enforcement officer who is aware of the violation
29 shall immediately arrest the person in accordance with G.S. 15A-401, or seek an order for
30 the person's arrest in accordance with G.S. 15A-305.

31 (b) Before a person convicted of a violation of this Article is due to be released
32 from a penal institution, an official of the penal institution shall conduct the prerelease
33 notification procedures specified under G.S. 14-208.8(a)(2) and (3). If upon a conviction
34 for a violation of this Article, no active term of imprisonment is imposed, the court
35 pronouncing sentence shall, at the time of sentencing, conduct the notification procedures
36 specified under G.S. 14-208.8(a)(2) and (3).

37 **"§ 14-208.12. Exemption.**

38 (a) A person who has a reportable conviction may petition the superior court in the
39 county where the person resides for an exemption from this Article.

40 The person shall serve a copy of the petition on the district attorney. If the person
41 shows for good cause, by clear and convincing evidence, that registration will not serve
42 any useful purpose, the court shall grant the exemption.

1 (b) ~~When a registered person presents the sheriff with a certified copy of the court~~
2 ~~order showing that an exemption has been granted, the sheriff shall remove any~~
3 ~~information from his records that was obtained pursuant to this Article. The sheriff shall~~
4 ~~then notify the Division of the exemption by sending a copy of the exemption to the~~
5 ~~Division within three days and the Division shall remove any information from its files~~
6 ~~obtained pursuant to this Article. The Division shall notify the registered person of the~~
7 ~~exemption by letter telling the registrant that the exemption has been accomplished.~~

8 **"§ 14-208.12A. Termination of registration requirement.**

9 (a) The requirement that a person register under this Part automatically terminates 10
10 years from the date of initial county registration if the person has not been convicted of a
11 subsequent offense requiring registration under this Article.

12 (b) If there is a subsequent offense, the county registration records shall be
13 retained until the registration requirement for the subsequent offense is terminated.

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

15 (a) The Division shall include the registration information in the Police
16 Information Network as set forth in G.S. 114-10.1.

17 (b) ~~Except as provided in G.S. 14-208.12(b), the~~ The Division shall maintain the
18 registration information permanently even after the registrant's reporting requirement
19 expires.

20 **"§ 14-208.14. Statewide registry; Division of Criminal Statistics designated**
21 **custodian of statewide registry.**

22 (a) The Division of Criminal Statistics shall compile and keep current a central
23 statewide sex offender registry. The Division is the State agency designated as the
24 custodian of the statewide registry. As custodian the Division has the following
25 responsibilities:

26 (1) To receive from the sheriff or any other law enforcement agency or
27 penal institution all sex offender registrations, changes of address, and
28 prerelease notifications required under this Article or under federal law.
29 The Division shall also receive notices of any violation of this Article,
30 including a failure to register or a failure to report a change of address.

31 (2) To provide all need-to-know law enforcement agencies (local, State,
32 federal, and those located in other states) immediately upon receipt by
33 the Division of any of the following: registration information, a
34 prerelease notification, a change of address, or notice of a violation of
35 this Article.

36 (3) To coordinate efforts among law enforcement agencies and penal
37 institutions to ensure that the registration information, changes of
38 address, prerelease notifications, and notices of failure to register or to
39 report a change of address are conveyed in an appropriate and timely
40 manner.

41 (4) To provide public access to the statewide registry in accordance with
42 this Article.

43 (b) The statewide registry shall include the following:

- 1 (1) Registration information obtained by a sheriff or penal institution under
2 this Article or from any other local or State law enforcement agency.
- 3 (2) Registration information received from a state or local law enforcement
4 agency or penal institution in another state.
- 5 (3) Registration information received from a federal law enforcement
6 agency or penal institution.

7 **"§ 14-208.15. Certain statewide registry information is public record: access to**
8 **statewide registry.**

9 (a) The information in the statewide registry that is public record is the same as in
10 G.S. 14-208.10. The Division shall release any other relevant information that is
11 necessary to protect the public concerning a specific person, but shall not release the
12 identity of the victim of the offense that required registration under this Article.

13 (b) The Division shall provide free public access to automated data from the
14 statewide registry, including photographs provided by the registering sheriffs, via the
15 Internet. The public will be able to access the statewide registry to view an individual
16 registration record, a part of the statewide registry, or all of the statewide registry. The
17 Division may also provide copies of registry information to the public upon written
18 request and may charge a reasonable fee for duplicating costs and mailings costs.

19 **"PART 3. SEXUALLY VIOLENT PREDATOR REGISTRATION PROGRAM.**

20 **"§ 14-208.20. Sexually violent predator determination; notice of intent; presentence**
21 **investigation.**

22 (a) When a person is charged by indictment or information with the commission of
23 a sexually violent offense, the district attorney shall decide whether to seek classification
24 of the offender as a sexually violent predator if the person is convicted. If the district
25 attorney intends to seek the classification of a sexually violent predator, the district
26 attorney shall within the time provided for the filing of pretrial motions under G.S. 15A-
27 952 file a notice of the district attorney's intent. The court may for good cause shown
28 allow late filing of the notice, grant additional time to the parties to prepare for trial, or
29 make other appropriate orders.

30 (b) Prior to sentencing a person as a sexually violent predator, the court shall order
31 a presentence investigation in accordance with G.S. 15A-1332(c). However, the study of
32 the defendant and whether the defendant is a sexually violent predator shall be conducted
33 by a board of experts selected by the Department of Correction. The board of experts
34 shall be composed of at least two people who are experts in the field of the behavior and
35 treatment of sexual offenders, one of whom is selected from a panel of experts in those
36 fields provided by the North Carolina Medical Society and not employed with the
37 Department of Correction or employed on a full-time basis with any other State agency.

38 (c) When the defendant is returned from the presentence commitment, the court
39 shall hold a sentencing hearing in accordance with G.S. 15A-1334. At the sentencing
40 hearing, the court shall, after taking the presentencing report under advisement, make
41 written findings as to whether the defendant is classified as a sexually violent predator
42 and the basis for the court's findings.

1 **"§ 14-208.21. Registration procedure for sexually violent predator; application of**
2 **Part 2 of this Article.**

3 The provisions of Part 2 of this Article apply to a person classified as a sexually
4 violent predator unless provided otherwise by this Part. The procedure for registering as
5 a sexually violent predator is the same as under Part 2 of this Article.

6 **"§ 14-208.22. Additional registration information required.**

7 (a) In addition to the information required by G.S. 14-208.7, the following
8 information shall also be obtained in the same manner as set out in Part 2 of this Article
9 from a person who is classified as a sexually violent predator:

10 (1) Identifying factors.

11 (2) Offense history.

12 (3) Documentation of any treatment received by the person for the person's
13 mental abnormality or personality disorder.

14 (b) The Division shall provide each sheriff with forms for registering persons as
15 required by this Article.

16 (c) The Department of Correction shall also obtain the additional information set
17 out in subsection (a) of this section and shall include this information in the prerelease
18 notice forwarded to the sheriff or other appropriate law enforcement agency.

19 **"§ 14-208.23. Length of registration.**

20 The requirement that a person who is classified as a sexually violent predator
21 maintain registration shall terminate only upon a determination, made in accordance with
22 this Part, that the person no longer suffers from a mental abnormality or personality
23 disorder that would make the person likely to engage in a predatory sexually violent
24 offense.

25 **"§ 14-208.24. Verification of registration information.**

26 (a) The information in the county registry shall be verified by the sheriff for each
27 registrant who is classified as a sexually violent predator every 90 days after the person's
28 initial registration date.

29 (b) The procedure for verifying the information in the criminal offender registry is
30 the same as under G.S. 14-208.9A, except that verification shall be every 90 days as
31 provided by subsection (a) of this section.

32 **"§ 14-208.25. Termination of registration requirement.**

33 Ten years from the date of a person's initial registration as a sexually violent predator,
34 a person may petition the superior court to review the person's classification as a sexually
35 violent predator if the person has committed no subsequent reportable convictions. The
36 decision as to whether to grant the review is in the discretion of the court. If the court
37 grants the review, the court shall order a presentence commitment study as provided in
38 G.S. 14-208.20(b). Upon receipt of the study results, the court shall hold a hearing to
39 determine whether the person's classification as a sexually violent predator should be
40 terminated. The procedure for the hearing shall be the same as under G.S. 15A-1334(b)
41 and (c). The court shall make written findings of fact with regard to the court's decision
42 and the basis for that decision.

43 **"PART 4. REGISTRATION OF JUVENILES ADJUDICATED**

DELINQUENT FOR COMMITTING CERTAIN OFFENSES.**"§ 14-208.26. Registration of juveniles adjudicated delinquent for committing certain offenses.**

(a) When a juvenile is adjudicated delinquent for committing a sexually violent offense or an offense against a minor as defined by G.S. 14-208.6, the court shall consider whether the juvenile should be required to register in the county registry in accordance with this Part. The determination as to whether the juvenile shall be ordered to register shall be made by the presiding judge at the dispositional hearing. If the judge rules that the juvenile shall register, then an order shall be entered requiring the juvenile to register. The court's findings regarding the decision to require or not to require a juvenile to register shall be entered into the court record.

A juvenile ordered to register under this Part shall register and maintain that registration as provided by this Part and Part 2 of this Article.

(b) If the court finds that the juvenile must register, the presiding judge shall conduct the notification procedures specified in G.S. 14-208.8(a). The chief court counselor of that district shall file the registration information for the juvenile with the appropriate sheriff.

"§ 14-208.27. Change of address.

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

"§ 14-208.28. Verification of registration information.

The information in the county registry shall be verified annually for each registrant as follows:

- (1) Every year on the anniversary of a juvenile's initial registration date, the Division shall mail a nonforwardable verification form to the last reported address of the juvenile and to the court counselor assigned to the juvenile.
- (2) The court counselor for the juvenile shall return the verification form to the sheriff within 10 days after the receipt of the form.
- (3) The verification form shall be signed by the court counselor and the juvenile and shall indicate whether the juvenile still resides at the address last reported to the sheriff. If the juvenile has a different address, then that fact and the new address shall be indicated on the form.

"§ 14-208.29. Registration information is public record; access to registration information available only through the county registry.

(a) Notwithstanding any other provision of law, the following information regarding a juvenile required to register under this Part is public record and shall be

1 available for public inspection: name, sex, address, physical description, picture,
2 adjudication date, offense for which registration was required, and registration status.
3 The sheriff shall release any other relevant information that is necessary to protect the
4 public concerning a specific juvenile but shall not release the identity of the victim of the
5 offense that required registration under this Part.

6 (b) Any person may obtain a copy of a juvenile's registration information by
7 submitting a written request to the sheriff for a copy of the juvenile's registration form, a
8 part of the county registry, or all of the county registry. However, the identity of the
9 victim of an offense that requires registration under this Article shall not be released.
10 The sheriff may charge a reasonable fee for duplicating costs and for mailing costs as
11 already authorized by law.

12 (c) The registration information of a juvenile adjudicated delinquent and required
13 to register under this Part shall be included only in the appropriate county registry. Under
14 no circumstances shall the registration of a juvenile adjudicated delinquent be included in
15 the statewide registry or be made available to the public via the Internet.

16 **"§ 14-208.30. Termination of registration requirement.**

17 The requirement that a juvenile adjudicated delinquent register under this Part
18 automatically terminates on the juvenile's eighteenth birthday or when the jurisdiction of
19 the juvenile court with regard to the juvenile ends, whichever occurs first.

20 **"§ 14-208.31. File with Police Information Network.**

21 (a) The Division shall include the registration information in the Police
22 Information Network as set forth in G.S. 114-10.1.

23 (b) The Division shall maintain the registration information permanently even
24 after the registrant's reporting requirement expires; however, the records shall remain
25 confidential in accordance with G.S. 7A-675.

26 **"§ 14-208.32. Application of Part.**

27 This Part does not apply to a juvenile who is tried and convicted as an adult for
28 committing or attempting to commit a sexually violent offense or an offense against a
29 minor. A juvenile who is convicted of one of those offenses as an adult is subject to the
30 registration requirements of Part 2 and Part 3 of this Article."

31 Section 1A. G.S. 7A-647 reads as rewritten:

32 **"§ 7A-647. Dispositional alternatives for delinquent, undisciplined, abused,**
33 **neglected, or dependent juvenile.**

34 The following alternatives for disposition shall be available to any judge exercising
35 jurisdiction, and the judge may combine any of the applicable alternatives when he finds
36 such disposition to be in the best interest of the juvenile:

37 (1) The judge may dismiss the case, or continue the case in order to allow
38 the juvenile, parent, or others to take appropriate action.

39 (2) In the case of any juvenile who needs more adequate care or supervision
40 or who needs placement, the judge may:

41 a. Require that he be supervised in his own home by the
42 Department of Social Services in his county, a court counselor or
43 other personnel as may be available to the court, subject to

- 1 conditions applicable to the parent or the juvenile as the judge
2 may specify; or
- 3 b. Place him in the custody of a parent, relative, private agency
4 offering placement services, or some other suitable person; or
- 5 c. Place him in the custody of the Department of Social Services in
6 the county of his residence, or in the case of a juvenile who has
7 legal residence outside the State, in the physical custody of the
8 Department of Social Services in the county where he is found so
9 that agency may return the juvenile to the responsible authorities
10 in his home state. The Director may, unless otherwise ordered by
11 the judge, arrange for, provide, or consent to, needed routine or
12 emergency medical or surgical care or treatment. In the case
13 where the parent is unknown, unavailable or unable to act on
14 behalf of their child or children, the Director may, unless
15 otherwise ordered by the judge, arrange for, provide or consent to
16 any psychiatric, psychological, educational, or other remedial
17 evaluations or treatment for the juvenile placed by a judge or his
18 designee in the custody or physical custody of a county
19 Department of Social Services under the authority of this or any
20 other Chapter of the General Statutes. Prior to exercising this
21 authority, the Director shall make reasonable efforts to obtain
22 consent from a parent or guardian of the affected child. If the
23 Director can not obtain such consent, the Director shall promptly
24 notify the parent or guardian that care or treatment has been
25 provided and shall give him frequent status reports on the
26 circumstances of the child. Upon request of a parent or guardian
27 of the affected child, the results or records of the aforementioned
28 evaluations, findings or treatment shall be made available to such
29 parent or guardian by the Director unless prohibited by G.S.
30 122C-53(d).
- 31 (3) In any case, the judge may order that the juvenile be examined by a
32 physician, psychiatrist, psychologist or other qualified expert as may be
33 needed for the judge to determine the needs of the juvenile.
- 34 a. Upon completion of the examination, the judge shall conduct a
35 hearing to determine whether the juvenile is in need of medical,
36 surgical, psychiatric, psychological, or other treatment and who
37 should pay the cost of the treatment. The county manager, or
38 such person who shall be designated by the chairman of the
39 county commissioners, of the juvenile's residence shall be
40 notified of the hearing, and allowed to be heard. If the judge
41 finds the juvenile to be in need of medical, surgical, psychiatric,
42 psychological or other treatment, the judge shall permit the
43 parent or other responsible persons to arrange for treatment. If

1 the parent declines or is unable to make necessary arrangements,
2 the judge may order the needed treatment, surgery or care, and
3 the judge may order the parent to pay the cost of the care
4 pursuant to G.S. 7A-650. If the judge finds the parent is unable to
5 pay the cost of treatment, the judge shall order the county to
6 arrange for treatment of the juvenile and to pay for the cost of the
7 treatment. The county department of social services shall
8 recommend the facility that will provide the juvenile with
9 treatment.

- 10 b. If the judge believes, or if there is evidence presented to the
11 effect that the juvenile is mentally ill or is developmentally
12 disabled, the judge shall refer the juvenile to the area mental
13 health, developmental disabilities, and substance abuse services
14 director for appropriate action. A juvenile shall not be committed
15 directly to a State hospital or mental retardation center; and
16 orders purporting to commit a juvenile directly to a State hospital
17 or mental retardation center except for an examination to
18 determine capacity to proceed shall be void and of no effect. The
19 area mental health, developmental disabilities, and substance
20 abuse director shall be responsible for arranging an
21 interdisciplinary evaluation of the juvenile and mobilizing
22 resources to meet the juvenile's needs. If institutionalization is
23 determined to be the best service for the juvenile, admission shall
24 be with the voluntary consent of the parent or guardian. If the
25 parent, guardian, or custodian refuses to consent to a mental
26 hospital or retardation center admission after such
27 institutionalization is recommended by the area mental health,
28 developmental disabilities, and substance abuse director, the
29 signature and consent of the judge may be substituted for that
30 purpose. In all cases in which a regional mental hospital refuses
31 admission to a juvenile referred for admission by a judge and an
32 area mental health, developmental disabilities, and substance
33 abuse director or discharges a juvenile previously admitted on
34 court referral prior to completion of his treatment, the hospital
35 shall submit to the judge a written report setting out the reasons
36 for denial of admission or discharge and setting out the juvenile's
37 diagnosis, indications of mental illness, indications of need for
38 treatment, and a statement as to the location of any facility
39 known to have a treatment program for the juvenile in question.

- 40 (4) In any case in which a juvenile is adjudicated delinquent for committing
41 an offense that an adult would be required to register under Part 2 or
42 Part 3 of Article 27A of Chapter 14 of the General Statutes, the judge

1 may order that the juvenile register in accordance with Part 4 of Article
2 27A of Chapter 14 of the General Statutes."

3 Section 2. The Department of Justice shall use funds available within its
4 current operations budget for the 1997-98 fiscal year to design and implement a program
5 for electronic access to the statewide sex offender registry. The program shall provide
6 on-line access to the statewide sex offender registry through the Internet, allowing
7 members of the public to locate and access the public record of sex offender registration
8 information. The Division of Criminal Statistics shall be responsible for the on-line
9 maintenance of current information regarding each registered sex offender.

10 Section 3. This act becomes effective April 1, 1998.