

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 593

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H593-ATT-91 [v.4]

Page 1 of 2

Amends Title [NO]
Fourth Edition

Date _____, 2020

Senator Daniel

1 moves to amend the bill on page 18, line 8, by rewriting the line to read:

2

3 "(a) When a person is notified by a sheriff that the person may be required to register based
4 on an out-of-state"; and

5

6 moves to amend the bill on page 18, line 15, by rewriting the line to read:

7

8 "superior court judge presiding in the district where the petition is filed. The review under this";

9

10 And moves to amend the bill on page 18, lines 24-25, by rewriting the lines to read:

11

12 "term of superior court. Prior to the hearing, the petitioner must be advised of the right to have
13 counsel present at the hearing, and to the appointment of counsel if the petitioner cannot afford
14 to retain counsel. Appointment of counsel shall be in accordance with rules adopted by the Office
15 of Indigent Defense Services."; and

16

17 moves to amend the bill on page 18, line 12, by rewriting the line to read:

18

19 "a judicial determination of the requirement to register. Notification shall be served on the person,
20 and the district attorney. The person may petition the court to"; and

21

22 moves to amend the bill on page 19, lines 11-15, by rewriting the lines to read:

23

24 "Carolina law as the result of the performance of official duties under this Article.

25

SECTION 11.5.(b) G.S. 7A-451 reads as rewritten:

26

27 "**§ 7A-451. Scope of entitlement.**
28 (a) An indigent person is entitled to services of counsel in the following actions and
29 proceedings:

30

31 (19) A proceeding involving a review of the sex offender registration requirement
as provided in G.S. 14-208.12B.

...."



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Page 2 of 2

1 **SECTION 11.5(c)** The State Bureau of Investigation, in consultation with the Office
2 of the Attorney General, shall provide each elected District Attorney with a list of the class
3 members subject to the Honorable Judge Terrence W. Boyle's order in Grabarczyk v. Stein, that
4 resides in a county in that District Attorney's district. Each District Attorney or his or her
5 designees, shall review the prior substantially similar determination for every one of those
6 individuals. If the District Attorney or his or her designees, make a preliminary determination
7 that the individual's out-of-state or federal conviction is substantially similar to a North Carolina
8 offense that would have required registration at the time of offense, the Office of the District
9 Attorney shall notify the person, and the sheriff in the county where the individual resides; and
10 petition the court in that county for judicial review of the registration requirement.

11 **SECTION 11.5(d)** The Department of Public Safety shall notify any individual
12 registered on August 1, 2020, whose registration is solely based on a substantially similar
13 determination for an out-of-state or federal conviction, of the right to contest the registration
14 requirement and the process provided in G.S. 14-208.12B, as enacted by Section 1 of this act.

15 **SECTION 11.5(e)** This section becomes effective August 1, 2020, and applies to
16 any individual notified of the right to contest required registration as a sex offender, on or after
17 that date.".

SIGNED _____



Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**