



# SENATE BILL 199: Child Sex Abuse/Strengthen Laws.

2019-2020 General Assembly

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<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	May 2, 2019
<b>Introduced by:</b>	Sens. Britt, Harrington, Chaudhuri	<b>Prepared by:</b>	Jennifer H. Bedford
<b>Analysis of:</b>	PCS to Third Edition S199-CSTT-32		Staff Attorney

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**OVERVIEW:** *Senate Bill 199 would mandate reporting crimes against children to law enforcement; amend the current statute regarding certain sex offenders' access to the Internet; require certain sex offenders to register Internet protocol (IP) addresses; authorize an investigative grand jury to convene for certain crimes against a child and gang offenses; model the subpoena procedures for an investigative grand jury after federal law; and*

*\*\*as amended on the floor, Senate Bill 199 would make records of some grand jury proceedings part of the district attorney's file.*

## **BILL ANALYSIS AND CURRENT LAW:**

**Part I of Senate Bill 199** would name the act "The Sexual Assault Fast Reporting and Enforcement (Safe Child) Act of 2019".

**Part II of Senate Bill 199** would:

- Require the reporting of a felony or a crime of abuse committed on a juvenile to local law enforcement.
- Create a Class 1 misdemeanor for failure to report or preventing someone else from reporting a felony or a crime of abuse committed on a juvenile to law enforcement.
- Define "crime of abuse".
- Protect the identity of the person making the report.

**G. S. 7B-301** currently requires the reporting of abuse, neglect, or death due to maltreatment to social services. The penalty is a Class 1 misdemeanor.

**Part III of Senate Bill 199** would explicitly extend the statute of limitations to ten years after the offense date for certain misdemeanor offenses where the victim was a minor.

**G. S. 15-1** currently provides a two-year window of time to charge most misdemeanors. There is no statutory time bar to charge a felony or a "malicious misdemeanor".

**Part IV of Senate Bill 199** would amend existing prohibitions for sex offenders to use some social networking website by:

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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- Narrowing the sex offenders who are restricted from certain online activity to individuals who have been convicted of sexual offenses against a victim who was under 18 years of age.
- Narrowing the prohibited conduct to communicating with, contacting, posing as, or gathering information about a child under 16 years of age.
- Prohibiting the use of a social networking website with a policy posted prohibiting convicted sex offenders from using the site.
- Creating and defining the term "high-risk sex offender".
- Excluding accessing news, professional networking, and governmental web sites from the prohibition.
- Increasing the criminal penalty for prohibited access, from a Class I to a Class H felony.

**G. S. 14-202.5** prohibits any registered sex offender from accessing a web site that permits use by minor children but the statute has been struck down by the U. S. Supreme Court. The ban no longer applies as a standalone crime.

In *Packingham v. North Carolina* (2017), the U. S. Supreme Court found G. S. 14-202.5 unconstitutional. Although protecting children from sex crimes is a legitimate governmental interest, the Court concluded that G. S. 14-202.5 was invalid under the First Amendment because the restriction prohibited access to too much legitimate speech.

**G. S. 14-202.3** makes soliciting a child or someone the person believes is a child, for sex via a computer a Class H felony. If the person shows up at a meeting location after soliciting a child for sex via a computer, then it is a Class G felony.

**Part IV of Senate Bill 199** would also require a "high-risk sex offender" to provide the Internet protocol (IP) addresses within the offender's control, and update the sheriff if the Internet protocol is changed.

**Part V of Senate Bill 199** would authorize an investigative grand jury to be convened for violations of the North Carolina Gang Suppression Act, and any felony sex crime against a child or crime of abuse.

**G. S. 15A-622** and **G. S. 15A-623** authorize an investigative grand jury. This is the State counterpart to the federal grand jury. The investigative grand jury may be convened if a three-judge panel finds that there is probable cause to believe that specific controlled substance or human trafficking violations have occurred.

**Part VI of Senate Bill 199** would provide a process for a District Attorney to get records while maintaining the integrity of an investigative grand jury.

**As amended on the floor**, Senate Bill 199 makes records of the grand jury part of the district attorney's file.

**EFFECTIVE DATE:** This bill would generally become effective December 1, 2019. Please see the bill for more specific detail.