



SENATE BILL 199: Child Sex Abuse/Strengthen Laws.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: May 6, 2019
Introduced by: Sens. Britt, Harrington, Chaudhuri	Prepared by: Jennifer H. Bedford
Analysis of: Fourth Edition	Staff Attorney

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, and require certain sex offenders to register Internet protocol (IP) addresses.*

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:

- 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".

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- 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.

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