



HOUSE BILL 84: Sex Offender Premises Restrictions.

2021-2022 General Assembly

Committee:		Date:	March 1, 2022
Introduced by:		Prepared by:	Susan Sitze
Analysis of:	S.L. 2021-115		Staff Attorney

OVERVIEW: *S.L. 2021-115 makes the following changes to restrictions placed on sex offenders:*

- *Extends premises restrictions to sex offenders convicted of any offense of sexual exploitation of a minor.*
- *Clarifies that convictions for misdemeanor offenses requiring registration as a sex offender are not eligible for expunction.*
- *Clarifies that the 1,000 foot residency restriction for registered sex offenders is measured from the structure or location where the offender resides, to the property line of the school or childcare center.*

The substantive provisions of this act became effective December 1, 2021. Please see complete summary for applicability of effective date.

CURRENT LAW AND BILL ANALYSIS:

Section 1

G.S. 14-208.18(a) prohibits certain sex offenders from being at the following locations:

1. The premise of a place intended primarily for the use, care, or supervision of minors, such as a school, children's museum, or day care
2. Within 300 feet of a location intended primarily for the use, care, or supervision of minors, when the place is located on premises that are not intended primarily for that purpose, such as a playground in a shopping mall
3. Any place minors frequently congregate, when minors are present, such as arcades, parks, and swimming pools
4. On the State Fairgrounds during the State Fair, the Western North Carolina Agricultural Center grounds during the Mountain State Fair, or any other fairgrounds during an agricultural fair.

Prior to this act, the prohibitions applied as follows:

- Prohibitions 1, 3, and 4 applied to any sex offender convicted of an offense in Article 7B of Chapter 14 [see **Background**] of the General Statutes or an offense where the victim was under the age of 18.
- Prohibition 2 applied to any sex offender convicted of an offense in Article 7B of Chapter 14 of the General Statutes who has also been found by a court to present a danger to minors under the age of 18, or convicted of an offense where the victim was under the age of 18.

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Violation of these prohibitions is a Class H felony, which is punishable by an absolute minimum of 4 months community punishment to an absolute maximum of 39 months active, depending on prior record level.

Section 1 of this act amends G.S. 14-208.18 to apply all four of the premises restrictions to offenders convicted of any offense in violation of G.S. 14-190.16 (First degree sexual exploitation of a minor), G.S. 14-190.17 (Second degree sexual exploitation of a minor), or G.S. 14-190.17A (Third degree sexual exploitation of a minor).

This section became effective December 1, 2021, and applies to offenses committed on or after that date.

Section 2

Section 2 of this act amends the statute authorizing expunction of certain misdemeanor convictions to clarify that offenses requiring registration as a sex offender are not eligible for expunction.

This section became effective December 1, 2021, and applies to petitions for expunction filed on or after that date.

Section 3

It is unlawful for a registered sex offender to reside within 1,000 feet of property where a school or child care center is located.

Section 3 of this act clarifies that the 1,000 foot residency restriction prohibits a registered sex offender from living at any location or within any structure, within 1,000 feet of the property line of a school or childcare property.

This section became effective December 1, 2021, and applies to offenses committed on or after that date by all persons registered or required to register on or after that date. This section does not apply to a person who has established a residence prior to December 1, 2021 in accordance with G.S. 14-208.16(d)(1), (2), or (3).

EFFECTIVE DATE: Sections 1, 2, and 3 of this act became effective December 1, 2021. Please see the body of the summary for applicability to each provision. The remainder of this act became effective August 23, 2021.

BACKGROUND: The offenses contained in Article 7B of Chapter 14 of the General Statutes are as follows:

G.S. 14-27.21 - First-degree forcible rape.

G.S. 14-27.22 - Second-degree forcible rape.

G.S. 14-27.23 - Statutory rape of a child by an adult.

G.S. 14-27.24 - First-degree statutory rape.

G.S. 14-27.25 - Statutory rape of person who is 15 years of age or younger.

G.S. 14-27.26 - First-degree forcible sexual offense.

G.S. 14-27.27 - Second-degree forcible sexual offense.

G.S. 14-27.28 - Statutory sexual offense with a child by an adult.

G.S. 14-27.29 - First-degree statutory sexual offense.

G.S. 14-27.30 - Statutory sexual offense with a person who is 15 years of age or younger.

G.S. 14-27.31 - Sexual activity by a substitute parent or custodian.

G.S. 14-27.32 - Sexual activity with a student.

G.S. 14-27.33 - Sexual battery.

G.S. 14-27.33A - Sexual contact or penetration under pretext of medical treatment.