



# HOUSE BILL 84: Sex Offender Premises Restrictions.

2021-2022 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	March 16, 2021
<b>Introduced by:</b>	Reps. Warren, McNeill, Riddell, Stevens	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *House Bill 84 would extend premises restrictions to certain additional sex offenders.*

**CURRENT LAW AND BILL ANALYSIS:** 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.

Prohibitions 1, 3, and 4 apply to any sex offender convicted of an offense in Article 7B of Chapter 14 of the General Statutes or an offense where the victim was under the age of 18.

Prohibition 2 applies 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.

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.

**House Bill 84** would amend G.S. 14-208.18 to apply the premises restrictions in prohibitions 1, 3, and 4 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).

**EFFECTIVE DATE:** This act becomes effective December 1, 2021, and applies to offenses committed on or after that date.

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**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.