



SENATE BILL 360: Modify Victim and Sex Offense Registry Laws.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 20, 2023
Introduced by:	Sens. Britt, Lazzara, Mohammed	Prepared by:	Robert Ryan
Analysis of:	First Edition		Anna Parsons Committee Co-Counsel

OVERVIEW: *Senate Bill 360 would make the following changes:*

- *Modify the law for delivery of sex offender verification forms.*
- *Remove the 72-hour communication requirement between law enforcement agencies and crime victims under the Crime Victims' Rights Act.*
- *Remove the denial of an award under the Crime Victims Compensation Act for failure of a victim to notify law enforcement of criminally injurious conduct within 72 hours of occurrence.*
- *Allow victims of attempted homicides and related household members to terminate residential rental agreements early without penalty.*
- *Create a new qualified privilege for certain communications between victims of attempted homicides (and certain individuals related to those victims) and victim assistance centers.*
- *Allow magistrate ex parte orders to be extended in duration upon approval of a district court judge.*

CURRENT LAW AND BILL ANALYSIS:

Section 1(a)

Any person convicted of a sexually violent offense or an offense against a minor must register in person as an offender under the Sex Offender and Public Protection Registration Program (Program). G.S. 14-208.6A. A person who is a State resident and who has a reportable conviction must maintain registration with the sheriff of the county where the person resides. G.S. 14-208.7(a). Registration must be maintained for at least 30 years following the date of initial county registration unless the person, after 10 years of registration, successfully petitions the superior court to shorten his or her registration time period. *Id.*

The information in the county registry must be verified semiannually for each registrant. G.S. 14-208.9A(a). Every year on the anniversary of a person's initial registration date, and again six months later, the Department of Public Safety must send a verification form by nonforwardable mail to the last reported address of the person. G.S. 14-208.9A(a)(1).

Section 1(a) would provide that if a person is serving a sentence of more than 24 months in the custody of the Division of Prisons of the Department of Adult Correction, the Department of Public Safety may deliver the verification form to the Division in lieu of nonforwardable mail.

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Section 1(b)

Ten years from the date of initial county registration, a person who must register under the Program may petition the superior court to terminate the 30-year registration requirement if the person has not been convicted of a subsequent offense requiring registration. G.S. 14-208.12A(a).

- If the reportable conviction is for an offense that occurred in North Carolina, the petition must be filed in the district where the person was convicted of the offense.
- If the reportable conviction is for an offense that occurred in another state, the petition must be filed in the district where the person resides.

Regardless of where the offense occurred, if the defendant was convicted of a reportable offense in any federal court, the conviction will be treated as an out-of-state offense.

Section 1(b) would clarify that a petition to terminate registration for an offense committed in North Carolina shall be filed in the district where the conviction occurred, regardless of the petitioner's current county or state of residence.

Section 1 would become effective August 1, 2023, and would apply to verification forms sent and petitions filed on or after that date.

Section 2(a)

The Crime Victims' Rights Act currently requires law enforcement agencies to notify victims, within 72 hours of identification, in writing, of the following: the availability of medical services, crime victims' compensation funds, the district attorney office contact information, a law enforcement agency victim contact person, information about the accused's pretrial release, and other rights afforded to the victim by law.

Section 2(a) would remove the 72-hour time constraint on law enforcement and require victim notification to take place as soon as practicable.

Section 2(a) would become effective when it becomes law and would apply to provisions of information to victims identified before, on, or after that date.

Section 2(b)

The Crime Victims Compensation Act allows certain victims to be awarded compensation for criminally injurious conduct if certain requirements are met. G.S. 15B-11 contains a list of situations where a compensation award may be denied or reduced.

Section 2(b) would remove from the list of reasons for a denial of a compensation award that the criminally injurious conduct was not reported to law enforcement within 72 hours of its occurrence.

Section 2(b) would become effective when it becomes law and would apply to award determinations made on or after that date.

Section 3

G.S. 42-45.1 currently authorizes victims of domestic violence, sexual assault, or stalking to terminate rental agreements with 30 days' notice to the landlord without penalty by providing certain documentation proving that the tenant is a protected tenant.

Section 3 would add victims of an attempted homicide or household members of a victim of a homicide to the list of individuals allowed to terminate a rental agreement with proper documentation.

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Section 3 would become effective August 1, 2023, and apply to rental agreements entered into, amended, or renewed on or after that date.

Section 4

Section 4 would create a new qualified privilege for communications between an agent of a victim assistance center and a victim of a homicide. A "victim" is a defined term and would be a person who does both of the following:

- Alleges a homicide was attempted against them or against a family member or someone with whom they have a significant relationship.
- Communicates with a victim assistance center to obtain services.

Communications between a victim and an agent of a victim assistance center would be privileged and could not be disclosed absent consent, a court order, or the death of the victim, which would terminate the privilege.

Qualification of Privilege: The court would be required to compel disclosure, either at or prior to trial, if the court finds a good faith, specific, and reasonable basis for believing each of the following:

- The records or testimony sought contain information that is relevant and material to certain factual issues.
- The evidence is not sought merely for character impeachment purposes.
- The evidence sought is not merely cumulative of other evidence or information available or already obtained by the party seeking the disclosure.

Section 4 would be effective when it becomes law and applies to communications and proceeding commenced on or after that date.

Section 5

Chapter 50B of the General Statutes allows a chief district court judge to authorize a magistrate to hear motions for emergency relief related to domestic violence ex parte. If it appears to the magistrate that there is a danger of acts of domestic violence against an aggrieved party, the magistrate may enter an ex parte order to protect the aggrieved party. G.S. 50B-2(c1) currently mandates these orders expire and the magistrate schedule an ex parte hearing before a district court judge by the end of the next day that district court is in session.

Section 5 would remove the requirement that the ex parte order expire and the ex parte hearing occur before a district court judge by the end of the next day district court is in session and instead require a hearing before a district court judge within 10 days from the issuance of the order or within seven days from the date of service of process on the other party, whichever occurs later. Continuances could be granted but would be limited to one extension of no more than 10 days unless all parties consent or good cause is shown.

Section 5 would become effective October 1, 2023, and apply to ex parte orders issued on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.