



SENATE BILL 626: Modify Human Trafficking and Rioting Laws.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 21, 2023
Introduced by:	Sens. Alexander, Hanig, Barnes	Prepared by:	Brad Krehely Staff Attorney
Analysis of:	Third Edition		

OVERVIEW: *Senate Bill 626 would make the following changes:*

- *Allow for the issuance of a permanent civil no-contact order under Chapter 50D for victims of human trafficking offenses.*
- *Allow victims of human trafficking offenses to collect under the Crime Victims Compensation Act if the victim committed certain wrongful conduct under duress.*
- *Provide that it is a violation of the laws prohibiting human trafficking and sexual servitude if a person patronizes or solicits another person who would be a victim under those laws.*
- *Remove urging provisions from G.S. 14-288.2 so that urging another person to engage in a riot would not be a crime under the statute.*

CURRENT LAW AND BILL ANALYSIS:

Section 1

Chapter 50D of the North Carolina General Statutes allows a sexual assault victim to obtain a permanent civil no-contact order against a registered sex offender when the victim did not request a permanent no-contact order at the time the sex offender was sentenced.

Specifically, Chapter 50D provides that any of the following persons may file a complaint or motion in district court to obtain the no-contact order (G.S. 50D-2(a)):

- A victim of a sex offense that occurred in the State.
- A competent adult who is a North Carolina resident, on behalf of a minor who resides in the State and is the victim of a sex offense that occurred in the State.
- A competent adult who is a North Carolina resident, on behalf of an incompetent adult who resides in the State and is a victim of a sex offense that occurred in the State.

Further, Chapter 50D provides that the Court must find all of the following before issuing a no-contact order (G.S. 50D-5(a)):

- The respondent was convicted of committing a sex offense against the complaining victim.
- The victim did not seek a permanent criminal no-contact order under G.S. 15A-1340.50.
- Reasonable grounds exist for the victim to fear future contact with the respondent.
- Process was properly served on the respondent.
- The respondent answered the complaint and notice of hearing was given, or the respondent failed to answer the complaint and is in default.

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Section 1 would allow a court to issue a permanent civil no-contact order for a victim of a human trafficking offense against a person who is convicted of a human trafficking offense. The term "Human trafficking offense" is defined as any criminal offense under Article 10A of Chapter 14, that is not a sex offense.

Section 1 would become effective August 1, 2023, and would apply to actions filed on or after that date.

Section 2

Article 1 of Chapter 15B is the Crime Victims Compensation Act, and it allows crime victims to apply for and be awarded certain expenses because of the person's status as a crime victim. G.S. 15B-11(a) provides a list of reasons why a victim's claim must be denied, including that the victim was participating in a felony at the time of the injury. G.S. 15B-11(b) provides that a victim's claim may be denied or reduced if the victim was participating in a nontraffic misdemeanor, or the victim engaged in contributory misconduct.

Section 2 would modify G.S. 15B-11(b) to allow a victim of human trafficking offenses to collect under the Crime Victims Compensation Act if the victim committed the misdemeanor or contributory misconduct under duress.

Section 2 would be effective when it becomes law and would apply to denials or award reductions issued on or after that date.

Section 3

G.S. 14-43.11, human trafficking, provides that a person commits this offense if the person does either of the following:

- Knowingly or with reckless disregard recruits, entices, harbors, transports, provides, or obtains another person with the intent that the person be held in involuntary servitude or sexual servitude.
- Willfully or with reckless disregard causes a minor to be held in involuntary servitude or sexual servitude.

A violation of G.S. 14-43.11 is a Class C felony if the victim is an adult, and a Class B2 felony if the victim is a minor.

G.S. 14-43.13, sexual servitude, provides that a person commits this offense if the person knowingly or in reckless disregard subjects, maintains, or obtains another for the purposes of sexual servitude.

A violation of G.S. 14-43.13 is a Class D felony if the victim is an adult, and a Class C felony if the victim is a minor.

Section 3 would modify G.S. 14-43.11 and G.S. 14-43.13, by further providing that these laws would be violated by a person who patronizes or solicits another person who would otherwise be a victim under the existing laws.

Section 3 would become effective December 1, 2023, and would apply to offenses committed on or after that date.

Section 4

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G.S. 14-288.2(d), as amended by S.L. 2023-6, provides that "[a]ny person who willfully incites or urges another to engage in a riot, so that as a result of such inciting or urging a riot occurs or a clear and present danger of a riot is created, is guilty of a Class A1 misdemeanor."

G.S. 14-288.2(e), as amended by S.L. 2023-6, provides that "[a]ny person who willfully incites or urges another to engage in a riot, and such inciting or urging is a contributing cause of a riot in which there is property damage in excess of two thousand five hundred dollars (\$2,500) or serious bodily injury, shall be guilty of a Class E felony."

G.S. 14-288.2(e1), as amended by S.L. 2023-6, provides that "[a]ny person who willfully incites or urges another to engage in a riot, and such inciting or urging causes a death, shall be guilty of a Class D felony."

Section 4 would remove urging provisions from G.S. 14-288.2 so that urging another person to engage in a riot would not be a crime under the statute.

It would amend G.S. 14-288.2(d) to delete the phrase "a clear and present danger of a riot" and substitute "is directly and imminently likely to produce a riot." Therefore, someone would be guilty of a Class A1 misdemeanor if the person incited a person to engage in a riot and that incitement resulted in a riot or was directly and imminently likely to produce a riot.

It also would amend G.S. 14-288.2(e) to provide that willfully inciting another to engage in a riot and the inciting is a contributing cause of a riot where there is death would be guilty of a Class D felony.

Section 4 would become effective December 1, 2023, and would apply to offenses committed on or after that date.

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

Robert Ryan, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.