

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1638  
Committee Substitute Favorable 8/27/02  
Committee Substitute #2 Favorable 9/19/02

Short Title: Crim. Hist. Check/Conform Sex Off. Reg.

(Public)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE ALE DIVISION WHEN INVESTIGATING ABC PERMIT APPLICANTS, LOCAL LAW-ENFORCEMENT AGENCIES ISSUING PRECIOUS METAL DEALER PERMITS, THE PRIVATE PROTECTIVE SERVICES BOARD, THE ALARM SYSTEMS LICENSING BOARD, THE BOARD OF LAW EXAMINERS, THE MEDICAL BOARD, THE STATE BOARD OF DENTAL EXAMINERS, THE BOARD OF PHARMACY, THE BOARD OF MORTUARY SCIENCE, THE REAL ESTATE COMMISSION, THE COMMISSIONER OF LABOR WHEN INVESTIGATING PRIVATE PERSONNEL SERVICE LICENSE APPLICANTS, THE STRUCTURAL PEST CONTROL COMMITTEE, AND CITIES WHEN INVESTIGATING TAXI LICENSE APPLICANTS AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, AND TO CONFORM SEX OFFENDER LAWS TO FEDERAL REQUIREMENTS.

The General Assembly of North Carolina enacts:

**PART I. CRIMINAL HISTORY BACKGROUND CHECKS**

**SECTION 1.** G.S. 18B-902 reads as rewritten:

**"§ 18B-902. Application for permit; fees.**

(a) Form. – An application for an ABC permit shall be on a form prescribed by the Commission and shall be notarized. ~~The application shall be signed and sworn to by each~~Each person required to qualify under ~~G.S. 18B-900(e)~~G.S. 18B-900(c) shall sign and swear to the application and shall submit a full set of fingerprints with the application.

(b) Investigation. – Before issuing a new permit, the Commission, with the assistance of the ALE Division, shall investigate the applicant and the premises for which the permit is requested. The Commission may request the assistance of local

1 ABC officers in investigating applications. An applicant shall cooperate fully with the  
2 investigation.

3 The Department of Justice may provide a criminal record check to the ALE Division  
4 for a person who has applied for a permit through the Commission. The ALE Division  
5 shall provide to the Department of Justice, along with the request, the fingerprints of the  
6 applicant, any additional information required by the Department of Justice, and a form  
7 signed by the applicant consenting to the check of the criminal record and to the use of  
8 the fingerprints and other identifying information required by the State or national  
9 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of  
10 Investigation for a search of the State's criminal history record file, and the State Bureau  
11 of Investigation shall forward a set of the fingerprints to the Federal Bureau of  
12 Investigation for a national criminal history check. The ALE Division and the  
13 Commission shall keep all information pursuant to this subsection privileged, in  
14 accordance with applicable State law and federal guidelines, and the information shall  
15 be confidential and shall not be a public record under Chapter 132 of the General  
16 Statutes.

17 The Department of Justice may charge each applicant a fee for conducting the  
18 checks of criminal history records authorized by this subsection.

19 (c) False Information. – Knowingly making a false statement in an application  
20 for an ABC permit shall be grounds for denying, suspending, revoking or taking other  
21 action against the permit as provided in G.S. 18B-104 and shall also be unlawful.

22 (d) Fees. – An application for an ABC permit shall be accompanied by payment  
23 of the following application fee:

- 24 (1) On-premises malt beverage permit – \$400.00.
- 25 (2) Off-premises malt beverage permit – \$400.00.
- 26 (3) On-premises unfortified wine permit – \$400.00.
- 27 (4) Off-premises unfortified wine permit – \$400.00.
- 28 (5) On-premises fortified wine permit – \$400.00.
- 29 (6) Off-premises fortified wine permit – \$400.00.
- 30 (7) Brown-bagging permit – \$400.00, unless the application is for a  
31 restaurant seating less than 50, in which case the fee shall be \$200.00.
- 32 (8) Special occasion permit – \$400.00.
- 33 (9) Limited special occasion permit – \$50.00.
- 34 (10) Mixed beverages permit – \$1,000.
- 35 (11) Culinary permit – \$200.00.
- 36 (12) Unfortified winery permit – \$300.00.
- 37 (13) Fortified winery permit – \$300.00.
- 38 (14) Limited winery permit – \$300.00.
- 39 (15) Brewery permit – \$300.00.
- 40 (16) Distillery permit – \$300.00.
- 41 (17) Fuel alcohol permit – \$100.00.
- 42 (18) Wine importer permit – \$300.00.
- 43 (19) Wine wholesaler permit – \$300.00.
- 44 (20) Malt beverage importer permit – \$300.00.

- 1 (21) Malt beverage wholesaler permit – \$300.00.  
2 (22) Bottler permit – \$300.00.  
3 (23) Salesman permit – \$100.00.  
4 (24) Vendor representative permit – \$50.00.  
5 (25) Nonresident malt beverage vendor permit – \$100.00.  
6 (26) Nonresident wine vendor permit – \$100.00.  
7 (27) Any special one-time permit under G.S. 18B-1002 – \$50.00.  
8 (28) Winery special event permit – \$200.00.  
9 (29) Mixed beverages catering permit – \$200.00.  
10 (30) Guest room cabinet permit – \$1,000.  
11 (31) Liquor importer/bottler permit – \$500.00.  
12 (32) Cider and vinegar manufacturer permit – \$200.00.  
13 (33) Brew on premises permit – \$400.00.  
14 (34) Wine producer permit – \$300.00.  
15 (35) Wine tasting permit – \$100.00.  
16 (e) Repealed by Session Laws 1998-95, s. 29, effective May 1, 1999.  
17 (f) Fee Not Refundable. – The fee required by subsection (d) shall not be  
18 refunded.  
19 (g) Fees to Treasurer. – All fees collected by the Commission under this or any  
20 other section of this Chapter shall be remitted to the State Treasurer for the General  
21 Fund."

22 **SECTION 2.** G.S. 66-165 reads as rewritten:

23 **"§ 66-165. Permits required.**

24 (a) Except as provided in subsection (c), it shall be unlawful for any person to  
25 engage as a dealer in the business of purchasing precious metals either as a separate  
26 business or in connection with other business operations without first obtaining a permit  
27 for the business from the local law-enforcement agency. The form of the permit and  
28 application therefor shall be as approved by the Department of Crime Control and  
29 Public Safety. The application shall be given under oath and shall be notarized. A  
30 30-day waiting period from the date of filing of the application is required prior to  
31 initial issuance of a permit. A separate permit shall be issued for each location, place, or  
32 premises within the jurisdiction of the local law-enforcement agency which is used for  
33 the conduction of a precious metals business, and each permit shall designate the  
34 location, place or premises to which it applies. Such business shall not be conducted in  
35 any other place than that designated in the permit, and no business shall be conducted in  
36 a mobile home, trailer, camper, or other vehicle, or structure not permanently affixed to  
37 the ground or in any room customarily used for lodging in any hotel, motel, tourist  
38 court, or tourist home as defined in G.S. 105-61. The permit shall be posted in a  
39 prominent place on the designated premises. Permits shall be valid for a period of 12  
40 months from the date issued and may be renewed without a waiting period upon filing  
41 of an application and payment of the annual fee. The annual fee for each dealer's  
42 permits within each jurisdiction shall be ten dollars (\$10.00) to provide for the  
43 administrative costs of the local law-enforcement agency, including purchase of  
44 required forms. The fee shall not be refundable even if the permits are denied or later

1 suspended or revoked. Such permits shall be in addition to and not in lieu of other  
2 business licenses and are not transferable.

3 Any dealer applying to the local law-enforcement agency for a permit shall furnish  
4 the local law-enforcement agency with the following information:

- 5 (1) His full name, and any other names used by the applicant during the  
6 preceding five years. In the case of a partnership, association, or  
7 corporation, the applicant shall list any partnership, association, or  
8 corporate names used during the preceding five years;
- 9 (2) Current address, and all addresses used by the applicant during the  
10 preceding five years;
- 11 (3) Physical description;
- 12 (4) Age;
- 13 (5) Driver's license number, if any, and state of issuance;
- 14 (6) Recent photograph;
- 15 (7) Record of felony ~~convictions~~; and convictions;
- 16 (8) Record of other convictions during the preceding five ~~years~~; years; and
- 17 (9) A full set of fingerprints of the applicant.

18 If the applicant for a dealer's permit is a partnership or association, all persons  
19 owning a ten percent (10%) or more interest in the partnership or association shall  
20 comply with the provisions of this subsection. Any such permits shall be issued in the  
21 name of the partnership or association.

22 If the applicant for a dealer's permit is a corporation, each officer, director and  
23 stockholder owning ten percent (10%) or more of the corporation's stock, of any class,  
24 shall comply with the provisions of this subsection. Any such permits shall be issued in  
25 the name of the corporation.

26 No permit shall be issued to an applicant who, within five years prior to the date of  
27 application, has been convicted of a felony involving a crime of moral turpitude, or  
28 larceny, or receiving stolen goods or of similar charges in any federal court or a court  
29 of this or any other state. In the case of a partnership, association, or corporation, no  
30 permit shall be issued to any applicant with an officer, partner, or director who has,  
31 within five years prior to the date of application, been convicted of a felony involving a  
32 crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in  
33 any federal court or a court of this or any other state.

34 The Department of Justice may provide a criminal record check to the local  
35 law-enforcement agency for a person who has applied for a permit through the agency.  
36 The agency shall provide to the Department of Justice, along with the request, the  
37 fingerprints of the applicant, any additional information required by the Department of  
38 Justice, and a form signed by the applicant consenting to the check of the criminal  
39 record and to the use of the fingerprints and other identifying information required by  
40 the State or national repositories. The applicant's fingerprints shall be forwarded to the  
41 State Bureau of Investigation for a search of the State's criminal history record file, and  
42 the State Bureau of Investigation shall forward a set of the fingerprints to the Federal  
43 Bureau of Investigation for a national criminal history check. The agency shall keep all  
44 information pursuant to this subsection privileged, in accordance with applicable State

1 law and federal guidelines, and the information shall be confidential and shall not be a  
2 public record under Chapter 132 of the General Statutes.

3 The Department of Justice may charge each applicant a fee for conducting the  
4 checks of criminal history records authorized by this subsection.

5 (b) Every employee engaged in the precious metal business shall, within two  
6 days of being so engaged, register his name and address with the local law-enforcement  
7 agency and have his photograph taken by the agency. The agency shall issue to him a  
8 certificate of compliance with this section upon the applicant's payment of the sum of  
9 three dollars (\$3.00) to the agency. The permit shall be posted in the work area of the  
10 permit holder.

11 (c) A special occasion permit authorizes the permittee to purchase precious  
12 metals as a dealer participating in any trade shows, antique shows, and crafts shows  
13 conducted within the State. A special occasion permit shall be issued by any local  
14 law-enforcement agency; provided, however, that a permittee under subsection (a) shall  
15 apply for a special occasion permit with the local law-enforcement agency which issued  
16 such dealer's permit. An application for a permit shall be on a form as approved by the  
17 Department of Crime Control and Public Safety and shall be given under oath and  
18 notarized. A 30-day waiting period from the date of filing of the application is required  
19 prior to initial issuance of a permit.

20 Any dealer applying to a local law-enforcement agency for a special occasion permit  
21 shall furnish the local law-enforcement agency with the information required in an  
22 application for a dealer's permit as set forth in (a).

23 If the applicant for a special occasion permit is a partnership or association, all  
24 persons owning a ten percent (10%) or more interest in the partnership or association  
25 shall comply with the provisions of this subsection. Any such permits shall be issued in  
26 the name of the partnership or association.

27 If the applicant for a special occasion permit is a corporation, each officer, director  
28 and stockholder owning ten percent (10%) or more of the corporation's stock, of any  
29 class, shall comply with the provisions of this subsection. Any such permits shall be  
30 issued in the name of the corporation.

31 No permit shall be issued to an applicant who, within five years prior to the date of  
32 application, has been convicted of a felony involving a crime of moral turpitude, or  
33 larceny, or receiving stolen goods or of similar charges in any federal court or a court  
34 of this or any other state. In the case of a partnership, association, or corporation, no  
35 permit shall be issued to any applicant with an officer, partner, or director who has,  
36 within five years prior to the date of application, been convicted of a felony involving a  
37 crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in  
38 any federal court or a court of this or any other state.

39 The Department of Justice may provide a criminal record check to the local  
40 law-enforcement agency for a person who has applied for a permit through the agency.  
41 The agency shall provide to the Department of Justice, along with the request, the  
42 fingerprints of the applicant, any additional information required by the Department of  
43 Justice, and a form signed by the applicant consenting to the check of the criminal  
44 record and to the use of the fingerprints and other identifying information required by

1 the State or national repositories. The applicant's fingerprints shall be forwarded to the  
2 State Bureau of Investigation for a search of the State's criminal history record file, and  
3 the State Bureau of Investigation shall forward a set of the fingerprints to the Federal  
4 Bureau of Investigation for a national criminal history check. The agency shall keep all  
5 information pursuant to this subsection privileged, in accordance with applicable State  
6 law and federal guidelines, and the information shall be confidential and shall not be a  
7 public record under Chapter 132 of the General Statutes.

8 The Department of Justice may charge each applicant a fee for conducting the  
9 checks of criminal history records authorized by this subsection.

10 The fee for an application for a special occasion permit shall be ten dollars (\$10.00)  
11 to provide for the administrative cost of the local law-enforcement agency including  
12 purchase of required forms. The fee shall not be refundable even if the permit is denied  
13 or is later suspended or revoked. Such permits shall be in addition to and not in lieu of  
14 other business licenses and are not transferable.

15 A special occasion permit shall be valid for 12 months from the date issued, unless  
16 earlier surrendered, suspended, or revoked. Application for renewal of a permit for an  
17 additional 12 months shall be on a form as approved by the Department of Crime  
18 Control and Public Safety and shall be accompanied by an application fee of ten dollars  
19 (\$10.00). A renewal fee shall not be refundable.

20 Each special occasion permit shall be posted in a prominent place on the premises of  
21 any show at which the permittee purchases precious metals."

22 **SECTION 3.** G.S. 74C-8(c) is amended by adding a new subdivision to  
23 read:

24 "(5) The Department of Justice may provide a criminal record check to the  
25 Private Protective Services Board for a person who has applied for a  
26 new or renewal license, registration, certification, or permit through  
27 the Private Protective Services Board. The Board shall provide to the  
28 Department of Justice, along with the request, the fingerprints of the  
29 applicant, any additional information required by the Department of  
30 Justice, and a form signed by the applicant consenting to the check of  
31 the criminal record and to the use of the fingerprints and other  
32 identifying information required by the State or national repositories.  
33 The applicant's fingerprints shall be forwarded to the State Bureau of  
34 Investigation for a search of the State's criminal history record file, and  
35 the State Bureau of Investigation shall forward a set of the fingerprints  
36 to the Federal Bureau of Investigation for a national criminal history  
37 check. The Board shall keep all information pursuant to this  
38 subdivision privileged, in accordance with applicable State law and  
39 federal guidelines, and the information shall be confidential and shall  
40 not be a public record under Chapter 132 of the General Statutes.

41 The Department of Justice may charge each applicant a fee for  
42 conducting the checks of criminal history records authorized by this  
43 subdivision."

1           **SECTION 4.** G.S. 74D-2(c) is amended by adding a new subdivision to  
2 read:

3           "(5) The Department of Justice may provide a criminal record check to the  
4           Alarm Systems Licensing Board for a person who has applied for a  
5           new or renewal license, registration, certification, or permit through  
6           the Alarm Systems Licensing Board. The Board shall provide to the  
7           Department of Justice, along with the request, the fingerprints of the  
8           applicant, any additional information required by the Department of  
9           Justice, and a form signed by the applicant consenting to the check of  
10           the criminal record and to the use of the fingerprints and other  
11           identifying information required by the State or national repositories.  
12           The applicant's fingerprints shall be forwarded to the State Bureau of  
13           Investigation for a search of the State's criminal history record file, and  
14           the State Bureau of Investigation shall forward a set of the fingerprints  
15           to the Federal Bureau of Investigation for a national criminal history  
16           check. The Board shall keep all information pursuant to this  
17           subdivision privileged, in accordance with applicable State law and  
18           federal guidelines, and the information shall be confidential and shall  
19           not be a public record under Chapter 132 of the General Statutes.

20           The Department of Justice may charge each applicant a fee for  
21           conducting the checks of criminal history records authorized by this  
22           subdivision."

23           **SECTION 5.** G.S. 84-24 reads as rewritten:

24           "**§ 84-24. Admission to practice.**

25           For the purpose of examining applicants and providing rules and regulations for  
26 admission to the Bar including the issuance of license therefor, there is hereby created  
27 the Board of Law Examiners, which shall consist of 11 members of the Bar, elected by  
28 the Council, who need not be members of the Council. No teacher in any law school,  
29 however, shall be eligible. The members of the Board of Law Examiners elected from  
30 the Bar shall each hold office for a term of three years.

31           The Board of Law Examiners shall elect a member of the Board as chair thereof, and  
32 the Board may employ an executive secretary and provide such assistance as may be  
33 required to enable the Board to perform its duties promptly and properly. The chair and  
34 any employees shall serve for a period of time determined by the Board.

35           The examination shall be held in the manner and at the times as the Board of Law  
36 Examiners may determine.

37           The Board of Law Examiners shall have full power and authority to make or cause  
38 to be made such examinations and investigations as may be deemed by it necessary to  
39 satisfy it that the applicants for admission to the Bar possess the qualifications of  
40 character and general fitness requisite for an attorney and counselor-at-law and to this  
41 end the Board of Law Examiners shall have the power of subpoena and to summons and  
42 examine witnesses under oath and to compel their attendance and the production of  
43 books, papers and other documents and writings deemed by it to be necessary or  
44 material to the inquiry and shall also have authority to employ and provide assistance as

1 may be required to enable it to perform its duties promptly and properly. Records,  
2 papers, and other documents containing information collected and compiled by the  
3 Board or its members or employees as a result of investigations, inquiries, or interviews  
4 conducted in connection with examinations or licensing matters, are not public records  
5 within the meaning of Chapter 132 of the General Statutes.

6 All applicants for admission to the Bar shall be fingerprinted to determine whether  
7 the applicant has a record of criminal conviction in this State or in any other state or  
8 jurisdiction. The information obtained as a result of the fingerprinting of an applicant  
9 shall be limited to the official use of the Board of Law Examiners in determining the  
10 character and general fitness of the applicant. ~~The Board of Law Examiners, subject to  
11 the approval of the Council shall by majority vote, from time to time, make, alter and  
12 amend such rules and regulations for admission to the Bar as in their judgment shall  
13 promote the welfare of the State and the profession: Provided, that any change in the  
14 educational requirements for admission to the Bar shall not become effective within two  
15 years from the date of the adoption of the change.~~

16 The Department of Justice may provide a criminal record check to the Board of Law  
17 Examiners for a person who has applied for a license through the Board. The Board  
18 shall provide to the Department of Justice, along with the request, the fingerprints of the  
19 applicant, any additional information required by the Department of Justice, and a form  
20 signed by the applicant consenting to the check of the criminal record and to the use of  
21 the fingerprints and other identifying information required by the State or national  
22 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of  
23 Investigation for a search of the State's criminal history record file, and the State Bureau  
24 of Investigation shall forward a set of the fingerprints to the Federal Bureau of  
25 Investigation for a national criminal history check. The Board shall keep all information  
26 pursuant to this subsection privileged, in accordance with applicable State law and  
27 federal guidelines, and the information shall be confidential and shall not be a public  
28 record under Chapter 132 of the General Statutes.

29 The Department of Justice may charge each applicant a fee for conducting the  
30 checks of criminal history records authorized by this section.

31 The Board of Law Examiners, subject to the approval of the Council, shall by  
32 majority vote, from time to time, make, alter, and amend such rules and regulations for  
33 admission to the Bar as in their judgment shall promote the welfare of the State and the  
34 profession: Provided, that any change in the educational requirements for admission to  
35 the Bar shall not become effective within two years from the date of the adoption of the  
36 change.

37 All rules and regulations, and modifications, alterations and amendments thereof,  
38 shall be recorded and promulgated as provided in G.S. 84-21 in relation to the certificate  
39 of organization and the rules and regulations of the Council.

40 Whenever the Council shall order the restoration of license to any person as  
41 authorized by G.S. 84-32, it shall be the duty of the Board of Law Examiners to issue a  
42 written license to the person, noting thereon that the license is issued in compliance with  
43 an order of the Council, whether the license to practice law was issued by the Board of  
44 Law Examiners or the Supreme Court in the first instance.



1 Appeals from the Board shall be had in accordance with rules or procedures as may  
2 be approved by the Supreme Court as may be submitted under G.S. 84-21 or as may be  
3 promulgated by the Supreme Court."

4 **SECTION 6.** G.S. 90-11 reads as rewritten:

5 "**§ 90-11. Qualifications of applicant for license.**

6 (a) Every applicant for a license to practice medicine or to perform medical acts,  
7 tasks, and functions as a physician assistant in the State shall satisfy the North Carolina  
8 Medical Board that the applicant is of good moral character and meets the other  
9 qualifications for the issuance of a license before any such license is granted by the  
10 Board to the applicant.

11 (b) The Department of Justice may provide a criminal record check to the Board  
12 for a person who has applied for a license through the Board. The Board shall provide to  
13 the Department of Justice, along with the request, the fingerprints of the applicant, any  
14 additional information required by the Department of Justice, and a form signed by the  
15 applicant consenting to the check of the criminal record and to the use of the  
16 fingerprints and other identifying information required by the State or national  
17 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of  
18 Investigation for a search of the State's criminal history record file, and the State Bureau  
19 of Investigation shall forward a set of the fingerprints to the Federal Bureau of  
20 Investigation for a national criminal history check. The Board shall keep all information  
21 pursuant to this subsection privileged, in accordance with applicable State law and  
22 federal guidelines, and the information shall be confidential and shall not be a public  
23 record under Chapter 132 of the General Statutes.

24 The Department of Justice may charge each applicant a fee for conducting the  
25 checks of criminal history records authorized by this subsection."

26 **SECTION 7.** G.S. 90-30 reads as rewritten:

27 "**§ 90-30. Examination and licensing of applicants; qualifications; causes for**  
28 **refusal to grant license; void licenses.**

29 (a) The North Carolina State Board of Dental Examiners shall grant licenses to  
30 practice dentistry to such applicants who are graduates of a reputable dental institution,  
31 who, in the opinion of a majority of the Board, shall undergo a satisfactory examination  
32 of proficiency in the knowledge and practice of dentistry, subject, however, to the  
33 further provisions of this section and of the provisions of this Article.

34 The applicant shall be of good moral character, at least 18 years of age at the time  
35 the application for examination is filed. The application shall be made to the said Board  
36 in writing and shall be accompanied by evidence satisfactory to said Board that the  
37 applicant is a person of good moral character, has an academic education, the standard  
38 of which shall be determined by the said Board; that he is a graduate of and has a  
39 diploma from a reputable dental college or the dental department of a reputable  
40 university or college recognized, accredited and approved as such by the said Board.

41 The North Carolina State Board of Dental Examiners is authorized to conduct both  
42 written or oral and clinical examinations of such character as to thoroughly test the  
43 qualifications of the applicant, and may refuse to grant license to any person who, in its  
44 discretion, is found deficient in said examination, or to any person guilty of cheating,

1 deception or fraud during such examination, or whose examination discloses to the  
2 satisfaction of the Board, a deficiency in academic education. The Board may employ  
3 such dentists found qualified therefor by the Board, in examining applicants for licenses  
4 as it deems appropriate.

5 The North Carolina State Board of Dental Examiners may refuse to grant a license to  
6 any person guilty of a crime involving moral turpitude, or gross immorality, or to any  
7 person addicted to the use of alcoholic liquors or narcotic drugs to such an extent as, in  
8 the opinion of the Board, renders the applicant unfit to practice dentistry.

9 Any license obtained through fraud or by any false representation shall be void ab  
10 initio and of no effect.

11 (b) The Department of Justice may provide a criminal record check to the North  
12 Carolina State Board of Dental Examiners for a person who has applied for a license  
13 through the Board. The Board shall provide to the Department of Justice, along with the  
14 request, the fingerprints of the applicant, any additional information required by the  
15 Department of Justice, and a form signed by the applicant consenting to the check of the  
16 criminal record and to the use of the fingerprints and other identifying information  
17 required by the State or national repositories. The applicant's fingerprints shall be  
18 forwarded to the State Bureau of Investigation for a search of the State's criminal  
19 history record file, and the State Bureau of Investigation shall forward a set of the  
20 fingerprints to the Federal Bureau of Investigation for a national criminal history check.  
21 The Board shall keep all information pursuant to this subsection privileged, in  
22 accordance with applicable State law and federal guidelines, and the information shall  
23 be confidential and shall not be a public record under Chapter 132 of the General  
24 Statutes.

25 The Department of Justice may charge each applicant a fee for conducting the  
26 checks of criminal history records authorized by this subsection."

27 **SECTION 8.** G.S. 90-85.15 is amended by adding a new subsection to read:

28 "(c) The Department of Justice may provide a criminal record check to the Board  
29 for a person who has applied for a license through the Board. The Board shall provide to  
30 the Department of Justice, along with the request, the fingerprints of the applicant, any  
31 additional information required by the Department of Justice, and a form signed by the  
32 applicant consenting to the check of the criminal record and to the use of the  
33 fingerprints and other identifying information required by the State or national  
34 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of  
35 Investigation for a search of the State's criminal history record file, and the State Bureau  
36 of Investigation shall forward a set of the fingerprints to the Federal Bureau of  
37 Investigation for a national criminal history check. The Board shall keep all information  
38 pursuant to this subsection privileged, in accordance with applicable State law and  
39 federal guidelines, and the information shall be confidential and shall not be a public  
40 record under Chapter 132 of the General Statutes.

41 The Department of Justice may charge each applicant a fee for conducting the  
42 checks of criminal history records authorized by this subsection."

43 **SECTION 9.** G.S. 90-210.25(a) reads as rewritten:

44 "**§ 90-210.25. Licensing.**

- 1 (a) Qualifications, Examinations, Resident Traineeship and Licensure. –  
2 (1) To be licensed for the practice of funeral directing under this Article, a  
3 person must:  
4 a. Be at least 18 years of age.  
5 b. Be of good moral character.  
6 c. Have completed a minimum of 32 semester hours or 48 quarter  
7 hours of instruction, including the subjects set out in sub-part  
8 e.1. of this subdivision, as prescribed by a mortuary science  
9 college approved by the Board or a school of mortuary science  
10 accredited by the American Board of Funeral Service  
11 Education.  
12 d. Have completed 12 months of resident traineeship as a funeral  
13 director, pursuant to the procedures and conditions set out in  
14 G.S. 90-210.25(a)(4), either before or after satisfying the  
15 educational requirement under sub-subdivision c. of this  
16 subdivision.  
17 e. Have passed an oral or written funeral director examination on  
18 the following subjects:  
19 1. Psychology, sociology, funeral directing, business law,  
20 funeral law, funeral management, and accounting.  
21 2. Repealed by 1997-399, s. 5.  
22 3. Laws of North Carolina and rules of the Board of  
23 Mortuary Science and other agencies dealing with the  
24 care, transportation and disposition of dead human  
25 bodies.  
26 (2) To be licensed for the practice of embalming under this Article, a  
27 person must:  
28 a. Be at least 18 years of age.  
29 b. Be of good moral character.  
30 c. Be a graduate of a mortuary science college approved by the  
31 Board.  
32 d. Have completed 12 months of resident traineeship as an  
33 embalmer pursuant to the procedures and conditions set out in  
34 G.S. 90-210.25(a)(4), either before or after satisfying the  
35 educational requirement under sub-subdivision c. of this  
36 subdivision.  
37 e. Have passed an oral or written embalmer examination on the  
38 following subjects:  
39 1. Embalming, restorative arts, chemistry, pathology,  
40 microbiology, and anatomy.  
41 2. Repealed by 1997-399, s. 6.  
42 3. Laws of North Carolina and rules of the Board of  
43 Mortuary Science and other agencies dealing with the

- 1 care, transportation and disposition of dead human  
2 bodies.
- 3 (3) To be licensed for the practice of funeral service under this Article, a  
4 person must:
- 5 a. Be at least 18 years of age.  
6 b. Be of good moral character.  
7 c. Be a graduate of a mortuary science college approved by the  
8 Board or a school of mortuary science accredited by the  
9 American Board of Funeral Service Education. Have completed  
10 a minimum of 32 semester hours or 48 quarter hours of  
11 instruction, including the subjects set out in sub-part e.1. of this  
12 subdivision, as prescribed by a mortuary science college  
13 approved by the Board or a school of mortuary science  
14 accredited by the American Board of Funeral Service  
15 Education.  
16 d. Have completed 12 months of resident traineeship as a funeral  
17 service licensee, pursuant to the procedures and conditions set  
18 out in G.S. 90-210.25(a)(4), either before or after satisfying the  
19 educational requirement under sub-subdivison c. of this  
20 subdivision.  
21 e. Have passed an oral or written funeral service examination on  
22 the following subjects:
- 23 1. Psychology, sociology, funeral directing, business law,  
24 funeral law, funeral management, and accounting.  
25 2. Embalming, restorative arts, chemistry, pathology,  
26 microbiology, and anatomy.  
27 3. Repealed by 1997-399, s. 7.  
28 4. Laws of North Carolina and rules of the Board of  
29 Mortuary Science and other agencies dealing with the  
30 care, transportation and disposition of dead human  
31 bodies.
- 32 (4) a. A person desiring to become a resident trainee shall apply to the  
33 Board on a form provided by the Board. The application shall  
34 state that the applicant is not less than 18 years of age, of good  
35 moral character, and is the graduate of a high school or the  
36 equivalent thereof, and shall indicate the licensee under whom  
37 the applicant expects to train. A person training to become an  
38 embalmer may serve under either a licensed embalmer or a  
39 funeral service licensee. A person training to become a funeral  
40 director may serve under either a licensed funeral director or a  
41 funeral service licensee. A person training to become a funeral  
42 service licensee shall serve under a funeral service licensee. The  
43 application must be sustained by oath of the applicant and be  
44 accompanied by the appropriate fee. When the Board is

- 1 satisfied as to the qualifications of an applicant it shall instruct  
2 the secretary to issue a certificate of resident traineeship.
- 3 b. When a resident trainee leaves the proctorship of the licensee  
4 under whom the trainee has worked, the licensee shall file with  
5 the Board an affidavit showing the length of time served with  
6 the licensee by the trainee, and the affidavit shall be made a  
7 matter of record in the Board's office. The licensee shall deliver  
8 a copy of the affidavit to the trainee.
- 9 c. A person who has not completed the traineeship and wishes to  
10 do so under a licensee other than the one whose name appears  
11 on the original certificate may reapply to the Board for  
12 approval, without payment of an additional fee.
- 13 d. A certificate of resident traineeship shall be signed by the  
14 resident trainee and upon payment of the renewal fee shall be  
15 renewable one year after the date of original registration; but  
16 the certificate may not be renewed more than one time. The  
17 Board shall mail to each registered trainee at his last known  
18 address a notice that the renewal fee is due and that, if not paid  
19 within 30 days of the notice, the certificate will be canceled. A  
20 penalty, in addition to the renewal fee, shall be charged for a  
21 late renewal, but the renewal of the registration of any resident  
22 trainee who is engaged in the active military service of the  
23 United States at the time renewal is due may, at the discretion  
24 of the Board, be held in abeyance for the duration of that  
25 service without penalties. No credit shall be allowed for the  
26 12-month period of resident traineeship that shall have been  
27 completed more than three years preceding the examination for  
28 a license.
- 29 e. All registered resident trainees shall report to the Board at least  
30 once every month during traineeship upon forms provided by  
31 the Board listing the work which has been completed during the  
32 preceding month of resident traineeship. The data contained in  
33 the reports shall be certified as correct by the licensee under  
34 whom the trainee has served during the period and by the  
35 licensed person who is managing the funeral service  
36 establishment. Each report shall list the following:
- 37 1. For funeral director trainees, the conduct of any funerals  
38 during the relevant time period,
  - 39 2. For embalming trainees, the embalming of any bodies  
40 during the relevant time period,
  - 41 3. For funeral service trainees, both of the activities named  
42 in 1 and 2 of this subsection, engaged in during the  
43 relevant time period.

- 1 f. To meet the resident traineeship requirements of G.S.  
2 90-210.25(a)(1), G.S. 90-210.25(a)(2) and G.S. 90-210.25(a)(3)  
3 the following must be shown by the affidavit(s) of the  
4 licensee(s) under whom the trainee worked:
- 5 1. That the funeral director trainee has, under supervision,  
6 assisted in directing at least 25 funerals during the  
7 resident traineeship,
  - 8 2. That the embalmer trainee has, under supervision,  
9 assisted in embalming at least 25 bodies during the  
10 resident traineeship,
  - 11 3. That the funeral service trainee has, under supervision  
12 assisted in directing at least 25 funerals and, under  
13 supervision, assisted in embalming at least 25 bodies  
14 during the resident traineeship.
- 15 g. The Board may suspend or revoke a certificate of resident  
16 traineeship for violation of any provision of this Article.
- 17 h. Each sponsor for a registered resident trainee must during the  
18 period of sponsorship be actively employed with a funeral  
19 establishment. The traineeship shall be a primary vocation of  
20 the trainee.
- 21 i. Only one resident trainee may register and serve at any one time  
22 under any one person licensed under this Article.
- 23 j., k. Repealed by Session Laws 1991, c. 528, s. 4.
- 24 l. The Board shall register no more than one resident trainee at a  
25 funeral establishment that served 100 or fewer families during  
26 the 12 months immediately preceding the date of the  
27 application, and shall register no more than one resident trainee  
28 for each additional 100 families served at the funeral  
29 establishment during the 12 months immediately preceding the  
30 date of the application.
- 31 (5) The Board by regulation may recognize other examinations that the  
32 Board deems equivalent to its own.
- 33 a. All licenses shall be signed by the president and secretary of the  
34 Board and the seal of the Board affixed thereto. All licenses  
35 shall be issued, renewed or duplicated for a period not  
36 exceeding one year upon payment of the renewal fee, and all  
37 licenses, renewals or duplicates thereof shall expire and  
38 terminate the thirty-first day of December following the date of  
39 their issue unless sooner revoked and canceled; provided, that  
40 the date of expiration may be changed by unanimous consent of  
41 the Board and upon 90 days' written notice of such change to all  
42 persons licensed for the practice of funeral directing,  
43 embalming and funeral service in this State.

- 1                   b.     The holder of any license issued by the Board who shall fail to  
2                   renew the same on or before January 31 of the calendar year for  
3                   which the license is to be renewed shall have forfeited and  
4                   surrendered the license as of that date. No license forfeited or  
5                   surrendered pursuant to the preceding sentence shall be  
6                   reinstated by the Board unless it is shown to the Board that the  
7                   applicant has, throughout the period of forfeiture, engaged full  
8                   time in another state of the United States or the District of  
9                   Columbia in the practice to which his North Carolina license  
10                  applies and has completed for each such year continuing  
11                  education substantially equivalent in the opinion of the Board to  
12                  that required of North Carolina licensees; or has completed in  
13                  North Carolina a total number of hours of accredited continuing  
14                  education computed by multiplying five times the number of  
15                  years of forfeiture; or has passed the North Carolina  
16                  examination for the forfeited license. No additional resident  
17                  traineeship shall be required. The applicant shall be required to  
18                  pay all delinquent annual renewal fees and a reinstatement fee.  
19                  The Board may waive the provisions of this section for an  
20                  applicant for a forfeiture which occurred during his service in  
21                  the armed forces of the United States provided he applies within  
22                  six months following severance therefrom.
- 23                  c.     All licensees now or hereafter licensed in North Carolina shall  
24                  take courses of study in subjects relating to the practice of the  
25                  profession for which they are licensed, to the end that new  
26                  techniques, scientific and clinical advances, the achievements of  
27                  research and the benefits of learning and reviewing skills will  
28                  be utilized and applied to assure proper service to the public.
- 29                  d.     As a prerequisite to the annual renewal of a license, the licensee  
30                  must complete, during the year immediately preceding renewal,  
31                  at least five hours of continuing education courses, approved by  
32                  the Board prior to enrollment. A licensee who completes more  
33                  than five hours in a year may carry over a maximum of five  
34                  hours as a credit to the following year's requirement. A licensee  
35                  who is issued an initial license on or after July 1 does not have  
36                  to satisfy the continuing education requirement for that year.
- 37                  e.     The Board shall not renew a license unless fulfillment of the  
38                  continuing education requirement has been certified to it on a  
39                  form provided by the Board, but the Board may waive this  
40                  requirement for renewal in cases of certified illness or undue  
41                  hardship or where the licensee lives outside of North Carolina  
42                  and does not practice in North Carolina, and the Board shall  
43                  waive the requirement for all licensees who have been licensed  
44                  in North Carolina for a continuous period of 25 years or more,

1 and for all licensees who are, at the time of renewal, members  
2 of the General Assembly.

3 f. The Board shall cause to be established and offered to the  
4 licensees, each calendar year, at least five hours of continuing  
5 education courses in subjects encompassing the license  
6 categories of embalming, funeral directing and funeral service.  
7 The Board may charge licensees attending these courses a  
8 reasonable registration fee in order to meet the expenses thereof  
9 and may also meet those expenses from other funds received  
10 under the provisions of this Article.

11 g. Any person who having been previously licensed by the Board  
12 as a funeral director or embalmer prior to July 1, 1975, shall not  
13 be required to satisfy the requirements herein for licensure as a  
14 funeral service licensee, but shall be entitled to have such  
15 license renewed upon making proper application therefor and  
16 upon payment of the renewal fee provided by the provisions of  
17 this Article. Persons previously licensed by the Board as a  
18 funeral director may engage in funeral directing, and persons  
19 previously licensed by the Board as an embalmer may engage  
20 in embalming. Any person having been previously licensed by  
21 the Board as both a funeral director and an embalmer may upon  
22 application therefor receive a license as a funeral service  
23 licensee.

24 h. The Department of Justice may provide a criminal record check  
25 to the Board for a person who has applied for a new or renewal  
26 license, or certification through the Board. The Board shall  
27 provide to the Department of Justice, along with the request, the  
28 fingerprints of the applicant, any additional information  
29 required by the Department of Justice, and a form signed by the  
30 applicant consenting to the check of the criminal record and to  
31 the use of the fingerprints and other identifying information  
32 required by the State or national repositories. The applicant's  
33 fingerprints shall be forwarded to the State Bureau of  
34 Investigation for a search of the State's criminal history record  
35 file, and the State Bureau of Investigation shall forward a set of  
36 the fingerprints to the Federal Bureau of Investigation for a  
37 national criminal history check. The Board shall keep all  
38 information pursuant to this subdivision privileged, in  
39 accordance with applicable State law and federal guidelines,  
40 and the information shall be confidential and shall not be a  
41 public record under Chapter 132 of the General Statutes.

42 The Department of Justice may charge each applicant a fee  
43 for conducting the checks of criminal history records authorized  
44 by this subdivision."



1           **SECTION 10.** G.S. 90-224 is amended by adding a new subsection to read:

2           "(c) The Department of Justice may provide a criminal record check to the Board  
3 for a person who has applied for a new or renewal license through the Board. The Board  
4 shall provide to the Department of Justice, along with the request, the fingerprints of the  
5 applicant, any additional information required by the Department of Justice, and a form  
6 signed by the applicant consenting to the check of the criminal record and to the use of  
7 the fingerprints and other identifying information required by the State or national  
8 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of  
9 Investigation for a search of the State's criminal history record file, and the State Bureau  
10 of Investigation shall forward a set of the fingerprints to the Federal Bureau of  
11 Investigation for a national criminal history check. The Board shall keep all information  
12 pursuant to this subsection privileged, in accordance with applicable State law and  
13 federal guidelines, and the information shall be confidential and shall not be a public  
14 record under Chapter 132 of the General Statutes.

15           The Department of Justice may charge each applicant a fee for conducting the  
16 checks of criminal history records authorized by this subsection."

17           **SECTION 11.** G.S. 93A-4 is amended by adding a new subsection to read:

18           "(b1) The Department of Justice may provide a criminal record check to the  
19 Commission for a person who has applied for a license through the Commission. The  
20 Commission shall provide to the Department of Justice, along with the request, the  
21 fingerprints of the applicant, any additional information required by the Department of  
22 Justice, and a form signed by the applicant consenting to the check of the criminal  
23 record and to the use of the fingerprints and other identifying information required by  
24 the State or national repositories. The applicant's fingerprints shall be forwarded to the  
25 State Bureau of Investigation for a search of the State's criminal history record file, and  
26 the State Bureau of Investigation shall forward a set of the fingerprints to the Federal  
27 Bureau of Investigation for a national criminal history check. The Commission shall  
28 keep all information pursuant to this subsection privileged, in accordance with  
29 applicable State law and federal guidelines, and the information shall be confidential  
30 and shall not be a public record under Chapter 132 of the General Statutes.

31           The Department of Justice may charge each applicant a fee for conducting the  
32 checks of criminal history records authorized by this subsection."

33           **SECTION 12.** G.S. 95-47.2(d) reads as rewritten:

34           "(d) Upon the receipt of an application for a license the Commissioner:

- 35           (1) Shall publish a notice of the pending application in a newspaper of  
36           general circulation in the area of the proposed location of the  
37           employment agency and may publish the notice in a newspaper of  
38           general circulation in each area in which the applicant (or if a  
39           corporation, the president and majority shareholder) has resided during  
40           the five years preceding the time of the application. The notice shall  
41           include a statement informing individuals of their right to protest the  
42           issuance of a license by filing within 10 days written comments with  
43           the Commissioner. The protest shall be in writing and signed by the  
44           person filing the protest or by his authorized agent or attorney, and

1 shall state reasons why the license should not be granted. Upon the  
2 filing of a protest, the Commissioner, if he determines the protest to be  
3 of such a nature that a hearing should be conducted and that the protest  
4 is for a cause on which denial of a license may properly be based, shall  
5 appoint a time and place for a hearing on the application and shall give  
6 at least seven days' notice of that time and place to the license  
7 applicant and to the person filing the protest. The hearing shall be  
8 conducted in accordance with the provisions of the rules of the  
9 Administrative Procedure Act;

10 (2) Shall investigate the character, criminal record and business integrity  
11 of each applicant for agency license and shall investigate the criminal  
12 records of all persons listed as agency owners, officers, directors or  
13 managers. The applicant and all agency owners, officers, directors and  
14 managers shall assist the department in obtaining necessary  
15 information by authorizing the release of all relevant information;

16 (2a) The Department of Justice may provide a criminal record check to the  
17 Commissioner for a person or agency who has applied for a license  
18 through the Commissioner. The Commissioner shall provide to the  
19 Department of Justice, along with the request, the fingerprints of all  
20 applicants, any additional information required by the Department of  
21 Justice, and a form signed by the applicants consenting to the check of  
22 the criminal record and to the use of the fingerprints and other  
23 identifying information required by the State or national repositories.  
24 The applicants' fingerprints shall be forwarded to the State Bureau of  
25 Investigation for a search of the State's criminal history record file, and  
26 the State Bureau of Investigation shall forward a set of the fingerprints  
27 to the Federal Bureau of Investigation for a national criminal history  
28 check. The Commissioner shall keep all information pursuant to this  
29 subdivision privileged, in accordance with applicable State law and  
30 federal guidelines, and the information shall be confidential and shall  
31 not be a public record under Chapter 132 of the General Statutes.

32 The Department of Justice may charge each applicant a fee for  
33 conducting the checks of criminal history records authorized by this  
34 subdivision.

35 (3) Upon completion of the investigation, or 30 days after the application  
36 was received, whichever is later, but in no case more than 45 days after  
37 the application was received, shall determine whether or not a license  
38 should be issued. The license shall be denied for any of the following  
39 reasons:

40 a. If the applicant for agency license, or the president or majority  
41 shareholder of a corporate applicant, omits or falsifies any  
42 material information asked for in the application and required  
43 by the Commissioner;

- 1           b.     If any owner, officer, director or manager of the employment  
2           agency:  
3           1.     Has been convicted in any state of the criminal offense  
4           of embezzlement, obtaining money under false  
5           pretenses, forgery, conspiracy to defraud or any similar  
6           offense involving fraud or moral turpitude;  
7           2.     Was an owner, officer, director or manager of an  
8           employment agency or other business whose license was  
9           revoked or that was otherwise caused to cease operation  
10          by action of any State or federal agency or court because  
11          of violations of law or regulation relating to deceptive or  
12          unfair practices in the conduct of business;  
13          3.     As an owner or manager of an employment agency or  
14          other business or as an employment counselor was found  
15          by any State or federal agency or court to have violated  
16          any law or regulation relating to deceptive or unfair  
17          practices in the conduct of business; or  
18          4.     In any other demonstrable way engaged in deceptive or  
19          unfair practices in the conduct of business;  
20          c.     If the employment agency will be operated on the same  
21          premises as a loan agency (as defined in G.S. 105-88) or  
22          collection agency (as defined in G.S. 58-70-15)."

23           **SECTION 13.** G.S. 106-65.26 is amended by adding a new subsection to  
24 read:

25           "(e) The Department of Justice may provide a criminal record check to the  
26 Committee for a person who has applied for a new or renewal license through the  
27 Committee. The Committee shall provide to the Department of Justice, along with the  
28 request, the fingerprints of the applicant, any additional information required by the  
29 Department of Justice, and a form signed by the applicant consenting to the check of the  
30 criminal record and to the use of the fingerprints and other identifying information  
31 required by the State or national repositories. The applicant's fingerprints shall be  
32 forwarded to the State Bureau of Investigation for a search of the State's criminal  
33 history record file, and the State Bureau of Investigation shall forward a set of the  
34 fingerprints to the Federal Bureau of Investigation for a national criminal history check.  
35 The Committee shall keep all information pursuant to this subsection privileged, in  
36 accordance with applicable State law and federal guidelines, and the information shall  
37 be confidential and shall not be a public record under Chapter 132 of the General  
38 Statutes.

39           The Department of Justice may charge each applicant a fee for conducting the  
40 checks of criminal history records authorized by this subsection."

41           **SECTION 14.** G.S. 160A-304(a) reads as rewritten:

42           "(a) A city may by ordinance license and regulate all vehicles operated for hire in  
43 the city. The ordinance may require that the drivers and operators of taxicabs engaged in  
44 the business of transporting passengers for hire over the public streets shall obtain a

1 license or permit from the city; provided, however, that the license or permit fee for  
2 taxicab drivers shall not exceed fifteen dollars (\$15.00). The ordinances may also  
3 specify the types of taxicab services which are legal in the municipality; provided, that  
4 in all cases shared-ride services as well as exclusive-ride services shall be legal.  
5 Shared-ride service is defined as a taxi service in which two or more persons with either  
6 different origins or with different destinations, or both, occupy a taxicab at one time.  
7 Exclusive-ride service is defined as a taxi service in which the first passenger or party  
8 requests exclusive use of the taxicab. In the event the applicant is to be subjected to a  
9 national criminal history background check, the ordinance shall specifically authorize  
10 the use of FBI records. The ordinance shall require any applicant who is subjected to a  
11 national criminal history background check to be fingerprinted.

12 The Department of Justice may provide a criminal record check to the city for a  
13 person who has applied for a license or permit through the city. The city shall provide to  
14 the Department of Justice, along with the request, the fingerprints of the applicant, any  
15 additional information required by the Department of Justice, and a form signed by the  
16 applicant consenting to the check of the criminal record and to the use of the  
17 fingerprints and other identifying information required by the State or national  
18 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of  
19 Investigation for a search of the State's criminal history record file, and the State Bureau  
20 of Investigation shall forward a set of the fingerprints to the Federal Bureau of  
21 Investigation for a national criminal history check. The city shall keep all information  
22 pursuant to this subsection privileged, in accordance with applicable State law and  
23 federal guidelines, and the information shall be confidential and shall not be a public  
24 record under Chapter 132 of the General Statutes.

25 The Department of Justice may charge each applicant a fee for conducting the  
26 checks of criminal history records authorized by this subsection.

27 The following factors shall be deemed sufficient grounds for refusing to issue a  
28 permit or for revoking a permit already issued:

- 29 (1) Conviction of a felony against this State, or conviction of any offense  
30 against another state which would have been a felony if committed in  
31 this State;
- 32 (2) Violation of any federal or State law relating to the use, possession, or  
33 sale of alcoholic beverages or narcotic or barbiturate drugs;
- 34 (3) Addiction to or habitual use of alcoholic beverages or narcotic or  
35 barbiturate drugs;
- 36 (4) Violation of any federal or State law relating to prostitution;
- 37 (5) Noncitizenship in the United States;
- 38 (6) Habitual violation of traffic laws or ordinances.

39 The ordinance may also require operators and drivers of taxicabs to display prominently  
40 in each taxicab, so as to be visible to the passengers, the city taxi permit, the schedule of  
41 fares, a photograph of the driver, and any other identifying matter that the council may  
42 deem proper and advisable. The ordinance may also establish rates that may be charged  
43 by taxicab operators, may limit the number of taxis that may operate in the city, and

1 may grant franchises to taxicab operators on any terms that the council may deem  
2 advisable."

3         **SECTION 15.** If the Private Security Officer Employment Standards Act of  
4 2002 is ratified by the United States Congress, the State of North Carolina declines to  
5 participate in the background check system authorized by that act as a result of the  
6 enactment of this act.

7 **PART II. CONFORM SEX OFFENDER REGISTRATION**

8         **SECTION 16.** G.S. 14-208.6 reads as rewritten:

9 **"§ 14-208.6. Definitions.**

10         The following definitions apply in this Article:

11         (1a) "Aggravated offense" means any criminal offense that includes either  
12 of the following: (i) engaging in a sexual act involving vaginal, anal,  
13 or oral penetration with a victim of any age through the use of force or  
14 the threat of serious violence; or (ii) engaging in a sexual act involving  
15 vaginal, anal, or oral penetration with a victim who is less than 12  
16 years old.

17         (1b) "County registry" means the information compiled by the sheriff of a  
18 county in compliance with this Article.

19         (1c) "Division" means the Division of Criminal Statistics of the Department  
20 of Justice.

21         (1d) "Employed" includes employment that is full-time or part-time for a  
22 period of time exceeding 14 days or for an aggregate period of time  
23 exceeding 30 days during any calendar year, whether financially  
24 compensated, volunteered, or for the purpose of government or  
25 educational benefit.

26         (1e) "Institution of higher education" means any postsecondary public or  
27 private educational institution, including any trade or professional  
28 institution, college, or university.

29         ~~(1d)~~(1f) "Mental abnormality" means a congenital or acquired condition of a  
30 person that affects the emotional or volitional capacity of the person in  
31 a manner that predisposes that person to the commission of criminal  
32 sexual acts to a degree that makes the person a menace to the health  
33 and safety of others.

34         ~~(1e)~~(1g) "Nonresident student" means a person who is not a resident of North  
35 Carolina but who is enrolled in any type of school in the State on a  
36 part-time or full-time basis.

37         ~~(1f)~~(1h) "Nonresident worker" means a person who is not a resident of North  
38 Carolina but who has employment or carries on a vocation in the State,  
39 on a part-time or full-time basis, with or without compensation or  
40 government or educational benefit, for more than 14 days, or for an  
41 aggregate period exceeding 30 days in a calendar year.

42         ~~(1g)~~(1i) "Offense against a minor" means any of the following offenses if the  
43 offense is committed against a minor, and the person committing the  
44 offense is not the minor's parent: G.S. 14-39 (kidnapping), G.S. 14-41

1 (abduction of children), and G.S. 14-43.3 (felonious restraint). The  
2 term also includes the following if the person convicted of the  
3 following is not the minor's parent: a solicitation or conspiracy to  
4 commit any of these offenses; aiding and abetting any of these  
5 offenses.

6 (2) "Penal institution" means:

- 7 a. A detention facility operated under the jurisdiction of the  
8 Division of Prisons of the Department of Correction;  
9 b. A detention facility operated under the jurisdiction of another  
10 state or the federal government; or  
11 c. A detention facility operated by a local government in this State  
12 or another state.

13 (2a) "Personality disorder" means an enduring pattern of inner experience  
14 and behavior that deviates markedly from the expectations of the  
15 individual's culture, is pervasive and inflexible, has an onset in  
16 adolescence or early adulthood, is stable over time, and leads to  
17 distress or impairment.

18 (2b) "Recidivist" means a person who has a prior conviction for an offense  
19 that is described in G.S. 14-208.6(4).

20 (3) "Release" means discharged or paroled.

21 (4) "Reportable conviction" means:

- 22 a. A final conviction for an offense against a minor, a sexually  
23 violent offense, or an attempt to commit any of those offenses  
24 unless the conviction is for aiding and abetting. A final  
25 conviction for aiding and abetting is a reportable conviction  
26 only if the court sentencing the individual finds that the  
27 registration of that individual under this Article furthers the  
28 purposes of this Article as stated in G.S. 14-208.5.  
29 b. A final conviction in another state of an offense, which if  
30 committed in this State, is substantially similar to an offense  
31 against a minor or a sexually violent offense as defined by this  
32 section.  
33 c. A final conviction in a federal jurisdiction (including a court  
34 martial) of an offense, which is substantially similar to an  
35 offense against a minor or a sexually violent offense as defined  
36 by this section.

37 (5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first  
38 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first  
39 degree sexual offense), G.S. 14-27.5 (second degree sexual offense),  
40 G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7  
41 (intercourse and sexual offense with certain victims), G.S. 14-178  
42 (incest between near relatives), G.S. 14-190.6 (employing or  
43 permitting minor to assist in offenses against public morality and  
44 decency), G.S. 14-190.16 (first degree sexual exploitation of a minor),

1 G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S.  
2 14-190.17A (third degree sexual exploitation of a minor), G.S.  
3 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19  
4 (participating in ~~in the~~ prostitution of a minor), or G.S. 14-202.1  
5 (taking indecent liberties with children). The term also includes the  
6 following: a solicitation or conspiracy to commit any of these offenses;  
7 aiding and abetting any of these offenses.

8 (6) "Sexually violent predator" means a person who has been convicted of  
9 a sexually violent offense and who suffers from a mental abnormality  
10 or personality disorder that makes the person likely to engage in  
11 sexually violent offenses directed at strangers or at a person with  
12 whom a relationship has been established or promoted for the primary  
13 purpose of victimization.

14 (7) "Sheriff" means the sheriff of a county in this State.

15 (8) "Statewide registry" means the central registry compiled by the  
16 Division in accordance with G.S. 14-208.14.

17 (9) "Student" means a person who is enrolled on a full-time or part-time  
18 basis, in any postsecondary public or private educational institution,  
19 including any trade or professional institution, or other institution of  
20 higher education."

21 **SECTION 17.** G.S. 14-208.7(b) reads as rewritten:

22 "(b) The Division shall provide each sheriff with forms for registering persons as  
23 required by this Article. The registration form shall require:

24 (1) The person's full name, each alias, date of birth, sex, race, height,  
25 weight, eye color, hair color, drivers license number, and home  
26 address;

27 (2) The type of offense for which the person was convicted, the date of  
28 conviction, and the sentence imposed;

29 (3) A current photograph; ~~and~~

30 (4) The person's ~~fingerprints~~-fingerprints;

31 (5) A statement indicating whether the person is a student or expects to  
32 enroll as a student within a year of registering. If the person is a  
33 student or expects to enroll as a student within a year of registration,  
34 then the registration form shall also require the name and address of  
35 the educational institution at which the person is a student or expects  
36 to enroll as a student; and

37 (6) A statement indicating whether the person is employed or expects to  
38 be employed at an institution of higher education within a year of  
39 registering. If the person is employed or expects to be employed at an  
40 institution of higher education within a year of registration, then the  
41 registration form shall also require the name and address of the  
42 educational institution at which the person is or expects to be  
43 employed.

1 The sheriff shall photograph the individual at the time of registration and take  
2 fingerprints from the individual at the time of registration both of which will be kept as  
3 part of the registration form. The registrant will not be required to pay any fees for the  
4 photograph or fingerprints taken at the time of registration."

5 **SECTION 18.** G.S. 14-208.8(a) reads as rewritten:

6 "(a) At least 10 days, but not earlier than 30 days, before a person who will be  
7 subject to registration under this Article is due to be released from a penal institution, an  
8 official of the penal institution shall:

- 9 (1) Inform the person of the person's duty to register under this Article and  
10 require the person to sign a written statement that the person was so  
11 informed or, if the person refuses to sign the statement, certify that the  
12 person was so informed;
- 13 (2) Obtain the registration information required under G.S. 14-208.7(b)(1)  
14 and ~~(2)~~, 14-208.7(b)(1), (2), (5), and (6), as well as the address where  
15 the person expects to reside upon the person's release; and
- 16 (3) Send the Division and the sheriff of the county in which the person  
17 expects to reside the information collected in accordance with  
18 subdivision (2) of this subsection."

19 **SECTION 19.** G.S. 14-208.9 reads as rewritten:

20 "**§ 14-208.9. Change of address; change of academic status or educational**  
21 **employment status.**

22 (a) If a person required to register changes address, the person shall provide  
23 written notice of the new address not later than the tenth day after the change to the  
24 sheriff of the county with whom the person had last registered. Upon receipt of the  
25 notice, the sheriff shall immediately forward this information to the Division. If the  
26 person moves to another county in this State, the Division shall inform the sheriff of the  
27 new county of the person's new residence.

28 (b) If a person required to register moves to another state, the person shall  
29 provide written notice of the new address not later than 10 days after the change to the  
30 sheriff of the county with whom the person had last registered. Upon receipt of the  
31 notice, the sheriff shall notify the person that the person must comply with the  
32 registration requirements in the new state of residence. The sheriff shall also  
33 immediately forward the change of address information to the Division, and the  
34 Division shall inform the appropriate state official in the state to which the registrant  
35 moves of the person's new address.

36 (c) If a person required to register changes his or her academic status either by  
37 enrolling as a student or by terminating enrollment as a student, then the person shall  
38 provide written notice of the new status not later than the tenth day after the change to  
39 the sheriff of the county with whom the person registered. The written notice shall  
40 include the name and address of the institution of higher education at which the student  
41 is or was enrolled. Upon receipt of the notice, the sheriff shall immediately forward this  
42 information to the Division.

43 (d) If a person required to register changes his or her employment status either by  
44 obtaining employment at an institution of higher education or by terminating



1 employment at an institution of higher education, then the person shall provide written  
2 notice of the new status not later than the tenth day after the change to the sheriff of the  
3 county with whom the person registered. The written notice shall include the name and  
4 address of the institution of higher education at which the person is or was employed.  
5 Upon receipt of the notice, the sheriff shall immediately forward this information to the  
6 Division."

7 **SECTION 20.** G.S. 14-208.11 reads as rewritten:

8 **"§ 14-208.11. Failure to register; falsification of verification notice; failure to**  
9 **return verification form; order for arrest.**

10 (a) A person required by this Article to register who does any of the following is  
11 guilty of a Class F felony:

- 12 (1) Fails to register.
- 13 (2) Fails to notify the last registering sheriff of a change of address.
- 14 (3) Fails to return a verification notice as required under G.S. 14-208.9A.
- 15 (4) Forges or submits under false pretenses the information or verification  
16 notices required under this Article.
- 17 (5) Fails to inform the registering sheriff of enrollment or termination of  
18 enrollment as a student.
- 19 (6) Fails to inform the registering sheriff of employment at an institution  
20 of higher education or termination of employment at an institution of  
21 higher education.

22 (a1) If a person commits a violation of subsection (a) of this section, the probation  
23 officer, parole officer, or any other law enforcement officer who is aware of the  
24 violation shall immediately arrest the person in accordance with G.S. 15A-401, or seek  
25 an order for the person's arrest in accordance with G.S. 15A-305.

26 (b) Before a person convicted of a violation of this Article is due to be released  
27 from a penal institution, an official of the penal institution shall conduct the prerelease  
28 notification procedures specified under G.S. 14-208.8(a)(2) and (3). If upon a  
29 conviction for a violation of this Article, no active term of imprisonment is imposed, the  
30 court pronouncing sentence shall, at the time of sentencing, conduct the notification  
31 procedures specified under G.S. 14-208.8(a)(2) and (3)."

32 **SECTION 21.** G.S. 14-208.14 reads as rewritten:

33 **"§ 14-208.14. Statewide registry; Division of Criminal Statistics designated**  
34 **custodian of statewide registry.**

35 (a) The Division of Criminal Statistics shall compile and keep current a central  
36 statewide sex offender registry. The Division is the State agency designated as the  
37 custodian of the statewide registry. As custodian the Division has the following  
38 responsibilities:

- 39 (1) To receive from the sheriff or any other law enforcement agency or  
40 penal institution all sex offender registrations, changes of address,  
41 changes of academic or educational employment status, and prerelease  
42 notifications required under this Article or under federal law. The  
43 Division shall also receive notices of any violation of this Article,  
44 including a failure to register or a failure to report a change of address.

- 1           (2) To provide all need-to-know law enforcement agencies (local, State,  
2           campus, federal, and those located in other states) immediately upon  
3           receipt by the Division of any of the following: registration  
4           information, a prerelease notification, a change of address, a change of  
5           academic or educational employment status, or notice of a violation of  
6           this Article.
- 7           (2a) To notify the appropriate law enforcement unit at an institution of  
8           higher education as soon as possible upon receipt by the Division of  
9           relevant information based on registration information or notice of a  
10           change of academic or educational employment status. If an institution  
11           of higher education does not have a law enforcement unit, then the  
12           Division shall provide the information to the local law enforcement  
13           agency that has jurisdiction for the campus.
- 14           (3) To coordinate efforts among law enforcement agencies and penal  
15           institutions to ensure that the registration information, changes of  
16           address, prerelease notifications, and notices of failure to register or to  
17           report a change of address are conveyed in an appropriate and timely  
18           manner.
- 19           (4) To provide public access to the statewide registry in accordance with  
20           this Article.
- 21       (b) The statewide registry shall include the following:
- 22           (1) Registration information obtained by a sheriff or penal institution  
23           under this Article or from any other local or State law enforcement  
24           agency.
- 25           (2) Registration information received from a state or local law  
26           enforcement agency or penal institution in another state.
- 27           (3) Registration information received from a federal law enforcement  
28           agency or penal institution."

### 29 **PART III. EFFECTIVE DATE**

30           **SECTION 22.** Part I of this act is effective when it becomes law. Part II of  
31           this act becomes effective September 30, 2002, and applies to offenses committed on or  
32           after that date. The remainder of this act is effective when it becomes law.