

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE DRH60015-LH-50A (01/19)**

Short Title: Sex Offender Registry Amendments.

(Public)

Sponsors: Representatives T. Moore, Hager, Cook, and Pridgen (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER MUST INDICATE ON THE INITIAL REGISTRATION FORM THE NAME UNDER WHICH THE PERSON WAS CONVICTED FOR THE SEX OFFENSE, TO PROVIDE THAT THE REGISTRANT MUST ALSO NOTIFY THE APPROPRIATE SHERIFF OF ANY NAME CHANGE BY THE REGISTRANT AND INCLUDE NAME CHANGES AS PART OF THE VERIFICATION PROCEDURE, TO DIRECT THE DIVISION OF CRIMINAL STATISTICS TO MAINTAIN THE STATEWIDE REGISTRY SO THAT A MEMBER OF THE PUBLIC MAY CONDUCT SEX OFFENDER SEARCHES USING ANY NAME OR ALIAS OF A REGISTRANT, TO CLARIFY THAT SEX OFFENDERS MAY NOT CHANGE THEIR NAME PURSUANT TO CHAPTER 101 OF THE GENERAL STATUTES, TO AMEND THE LAW REGARDING THE VENUE IN WHICH TO FILE A PETITION TO TERMINATE A SEX OFFENDER REGISTRATION REQUIREMENT, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE FOR COMPUTER AND SOFTWARE REPAIRS TO THE STATEWIDE REGISTRY COMPUTER SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-208.7(b) reads as rewritten:

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

- (1) The person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, drivers license number, and home address.
  - (1a) A statement indicating what the person's name was at the time of the conviction for the offense that requires registration; what alias, if any, the person was using at the time of the conviction of that offense; and the name of the person as it appears on the judgment imposing the sentence on the person for the conviction of the offense.
- (2) The type of offense for which the person was convicted, the date of conviction, and the sentence imposed.
- (3) A current photograph taken by the sheriff, without charge, at the time of registration.
- (4) The person's fingerprints taken by the sheriff, without charge, at the time of registration.
- (5) A statement indicating whether the person is a student or expects to enroll as a student within a year of registering. If the person is a student or expects to



1 enroll as a student within a year of registration, then the registration form  
2 shall also require the name and address of the educational institution at  
3 which the person is a student or expects to enroll as a student.

4 (6) A statement indicating whether the person is employed or expects to be  
5 employed at an institution of higher education within a year of registering. If  
6 the person is employed or expects to be employed at an institution of higher  
7 education within a year of registration, then the registration form shall also  
8 require the name and address of the educational institution at which the  
9 person is or expects to be employed.

10 (7) Any online identifier that the person uses or intends to use."

11 **SECTION 2.** The catch line for G.S. 14-208.9 reads as rewritten:

12 **"§ 14-208.9. Change of address; change of academic status or educational employment**  
13 **status; change of online ~~identifier, identifier; change of name.~~"**

14 **SECTION 3.** G.S. 14-208.9 is amended by adding a new subsection to read:

15 "(f) If a person required to register changes his or her name pursuant to Chapter 101 of  
16 the General Statutes or by any other method, then the person shall, within 10 days, report in  
17 person to the sheriff of the county with whom the person registered to provide the name change  
18 to the sheriff. The sheriff shall immediately forward this information to the Division."

19 **SECTION 4.** G.S. 14-208.9A(a)(3) reads as rewritten:

20 "(3) The verification form shall be signed by the person and shall indicate the  
21 following:

22 a. Whether the person still resides at the address last reported to the  
23 sheriff. If the person has a different address, then the person shall  
24 indicate that fact and the new address.

25 b. Whether the person still uses or intends to use any online identifiers  
26 last reported to the sheriff. If the person has any new or different  
27 online identifiers, then the person shall provide those online  
28 identifiers to the sheriff.

29 c. Whether the person still uses or intends to use the name under which  
30 the person registered and last reported to the sheriff. If the person has  
31 any new or different name, then the person shall provide that name to  
32 the sheriff."

33 **SECTION 5.** G.S. 14-208.12A(a) reads as rewritten:

34 "(a) Ten years from the date of initial county registration, a person required to register  
35 under this Part may petition the superior court ~~in the district where the person resides to~~  
36 terminate the 30-year registration requirement if the person has not been convicted of a  
37 subsequent offense requiring registration under this Article.

38 If the reportable conviction is for an offense that occurred in North Carolina, the petition  
39 shall be filed in the district where the person was convicted of the offense.

40 If the reportable conviction is for an offense that occurred in another state, the petition shall  
41 be filed in the district where the person resides. A person who petitions to terminate the  
42 registration requirement for a reportable conviction that is an out-of-state offense shall also do  
43 the following: (i) provide written notice to the sheriff of the county where the person was  
44 convicted that the person is petitioning the court to terminate the registration requirement and  
45 (ii) include with the petition at the time of its filing, an affidavit, signed by the petitioner, that  
46 verifies that the petitioner has notified the sheriff of the county where the person was convicted  
47 of the petition and that provides the mailing address and contact information for that sheriff."

48 **SECTION 6.** G.S. 14-208.14(a)(3) reads as rewritten:

49 "(3) To coordinate efforts among law enforcement agencies and penal institutions  
50 to ensure that the registration information, changes of address, change of

1                   name, prerelease notifications, and notices of failure to register or to report a  
2                   change of address are conveyed in an appropriate and timely manner."

3                   **SECTION 7.** G.S. 14-208.14 is amended by adding a new subdivision to read:

4                   "(4a) To maintain the system for public access so that a registrant's full name, any  
5                   aliases, and any legal name changes are cross-referenced and a member of  
6                   the public may conduct a search of the system for a registrant under any of  
7                   those names."

8                   **SECTION 8.** G.S. 101-5 reads as rewritten:

9                   "**§ 101-5. Clerk to order change; certificate and record.**

10                  ~~If~~ Except as prohibited by G.S. 101-6(c), if the clerk thinks that good and sufficient reason  
11 exists for the change of name, it shall be his duty to issue an order changing the name of the  
12 applicant from his true name to the name sought to be adopted. Such order shall contain the  
13 true name, the county of birth, the date of birth, the full name of parents as shown on birth  
14 certificate, and the name sought to be adopted. He shall issue to the applicant a certificate under  
15 his hand and seal of office, stating the change made in the applicant's name, and shall also  
16 record said application and order on the docket of special proceedings in his court. He shall  
17 forward the order to the State Registrar of Vital Statistics on a form provided by him. If the  
18 applicant was born in North Carolina, the State Registrar shall note the change of name of the  
19 individual or individuals specified in the order on the birth certificate of that individual or those  
20 individuals and shall notify the register of deeds in the county of birth. If the applicant was born  
21 in another state of the United States, the State Registrar shall forward the notice of change of  
22 name to the registration office of the state of birth."

23                  **SECTION 9.** There is appropriated from the General Fund to the Department of  
24 Justice the sum of ten thousand dollars (\$10,000) for the 2011-2012 fiscal year to make repairs  
25 to the computer system and software in the Division of Criminal Statistics that houses and runs  
26 the statewide sex offender registry so that a search on a registrant by a member of the public  
27 can be done by using any of the registrant's names or aliases.

28                  **SECTION 10.** Sections 1, 2, 3, 4, 6, and 7 of this act become effective December  
29 1, 2011, and apply to persons whose initial registration under Article 27A of Chapter 14 of the  
30 General Statutes occurs on or after December 1, 2011, and to persons who are registered under  
31 Article 27 of Chapter 14 of the General Statutes prior to December 1, 2011, and continue to be  
32 registered on December 1, 2011. However, any person registered under Article 27 of Chapter  
33 14 of the General Statutes prior to December 1, 2011, and continuing to be registered on  
34 December 1, 2011, shall not be in violation of the registration, verification, and reporting  
35 requirements regarding a person's name, if the person provides the required information at the  
36 first verification of information that occurs on or after December 1, 2011. Section 5 of this act  
37 becomes effective December 1, 2011, and applies to petitions filed on or after that date. Section  
38 8 of this act is effective when it becomes law and applies to petitions filed or pending on or  
39 after that date. The remainder of this act becomes effective July 1, 2011.