

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 857  
Committee Substitute Favorable 4/20/11

Short Title: Sex Offenders/Electronic Monitoring.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION TO REPLACE THE  
3 CURRENT ELECTRONIC MONITORING SERVICE AND EQUIPMENT USED TO  
4 MONITOR CONVICTED SEX OFFENDERS WITH A NEW SYSTEM THAT  
5 PROVIDES EXCLUSION ZONES AROUND ALL OF THE STATE'S K-12 SCHOOL  
6 CAMPUSES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 15A-531(5a) reads as rewritten:

9 "(5a) House arrest with electronic monitoring. – Pretrial release in which the  
10 offender is required to remain at his or her residence unless the court  
11 authorizes the offender to leave for the purpose of employment, counseling,  
12 a course of study, or vocational training. The offender shall be required to  
13 wear ~~an~~ an electronic monitoring device which permits the supervising agency  
14 to electronically monitor the offender's compliance with the condition. An  
15 active electronic monitoring device means a mechanism that is not removed  
16 from the person's body; that is utilized by the supervising agency in  
17 conjunction with a Web-based computer system that actively monitors,  
18 identifies, and records a person's location at least once every minute 24  
19 hours a day; and that has a battery life of at least 48 hours without being  
20 recharged. In areas of the State where cellular coverage requires the use of  
21 an alternative device, the supervising agency may use an alternative device."

22 **SECTION 2.** G.S. 15A-1340.11(4a) reads as rewritten:

23 "(4a) House arrest with electronic monitoring. – Probation in which the offender is  
24 required to remain at his or her residence. The court, in the sentencing order,  
25 may authorize the offender to leave the offender's residence for employment,  
26 counseling, a course of study, vocational training, or other specific purposes  
27 and may modify that authorization. The probation officer may authorize the  
28 offender to leave the offender's residence for specific purposes not  
29 authorized in the court order upon approval of the probation officer's  
30 supervisor. The offender shall be required to wear ~~an~~ an active electronic  
31 monitoring device which permits the supervising agency to monitor the  
32 offender's compliance with the condition. An active electronic monitoring  
33 device means a mechanism that is not removed from the person's body; that  
34 is utilized by the supervising agency in conjunction with a Web-based  
35 computer system that actively monitors, identifies, and records a person's  
36 location at least once every minute 24 hours a day; and that has a battery life  
37 of at least 48 hours without being recharged. In areas of the State where



1                    cellular coverage requires the use of an alternative device, the supervising  
2                    agency may use an alternative device. "

3                    **SECTION 3.** By March 1, 2012, the Department of Correction shall replace the  
4 electronic monitoring service and equipment currently being used to monitor convicted sex  
5 offenders with a provider that offers electronic monitoring equipment and service that provides  
6 exclusion zones around every K-12 school campus in the State. The new equipment shall have  
7 the ability to notify immediately the probation officer, supervising officer, or other proper  
8 authority that the convicted sex offender has violated one of the exclusion zones established so  
9 that proper action may be taken.

10                   **SECTION 4.** The Department of Correction shall report to the Joint Legislative  
11 Corrections, Crime Control, and Juvenile Justice Oversight Committee by June 1, 2012,  
12 regarding the implementation of the new electronic monitoring service and equipment and  
13 provide the Committee with its evaluation of how the new system is functioning and how it  
14 compares with other systems used by the Department for this same purpose.

15                   **SECTION 5.** This act is effective when it becomes law.