

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 539

Short Title: Disclose Human Trafficking Conviction/Custody. (Public)

Sponsors: Senator Sanderson (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 6, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE DISCLOSURE OF A CONVICTION FOR HUMAN TRAFFICKING
3 IN A CHILD CUSTODY PROCEEDING.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 50-13.1 reads as rewritten:

6 "**§ 50-13.1. Action or proceeding for custody of minor child.**

7 (a) Any parent, relative, or other person, agency, organization or institution claiming the
8 right to custody of a minor child may institute an action or proceeding for the custody of such
9 child, as hereinafter provided. Any person whose actions resulted in a conviction under
10 G.S. 14-27.21, G.S. 14-27.22, G.S. 14-27.23, or G.S. 14-27.24 and the conception of the minor
11 child may not claim the right to custody of that minor child. Unless a contrary intent is clear, the
12 word "custody" shall be deemed to include custody or visitation or both.

13 (a1) Notwithstanding any other provision of law, any person instituting an action or
14 proceeding for custody ~~ex parte~~ who has been convicted of a sexually violent offense as defined
15 in ~~G.S. 14-208.6(5)~~ G.S. 14-208.6(5), a human trafficking offense as described in G.S. 14-43.11
16 through G.S. 14-43.13, or sexual exploitation of a minor offense as described in G.S. 14-190.16,
17 14-190.17, or 14-190.17A shall disclose the conviction in the pleadings. Notwithstanding any
18 other provision of law to the contrary, any person instituting an action or proceeding for custody
19 who has been granted or denied custody of any minor child in an action under Chapter 50B of
20 the General Statutes in any jurisdiction shall disclose the filing of the action or proceeding in the
21 pleadings. The willful failure to make the required disclosures pursuant to this subsection are
22 punishable as perjury under G.S. 14-209.

23 (a2) In cases in which a nonparent is seeking custody of a minor child or being given
24 custody of a minor child in a consent order, the nonparent shall attest in the pleadings or the
25 consent order that nothing of value has been paid or given, offered to be paid or given, or
26 promised, directly or indirectly, in exchange for the minor child. Money or property offered or
27 paid by a parent to a nonparent as support for the minor child shall not be considered value given
28 in exchange for custody of the child.

29"

30 **SECTION 2.** G.S. 14-43.11(a) reads as rewritten:

31 "(a) A person commits the offense of human trafficking when that person (i) knowingly
32 or in reckless disregard of the consequences of the action recruits, entices, harbors, transports,
33 provides, patronizes, or obtains by any means another person with the intent that the other person
34 be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the
35 consequences of the action causes a minor to be held in involuntary servitude or sexual
36 servitude."



1 **SECTION 3.** This act becomes effective October 1, 2021, and applies to actions or
2 proceedings commenced on or after that date.