

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 1871
Committee Substitute Favorable 6/7/06**

Short Title: Sex Offender/Out of State Registry/DMV Check.

(Public)

Sponsors:

Referred to:

May 11, 2006

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON CONVICTED OF AN OFFENSE IN
2 ANOTHER STATE THAT REQUIRES REGISTRATION AS A SEX OFFENDER
3 MUST ALSO REGISTER IN NORTH CAROLINA; TO REQUIRE THE
4 DIVISION OF MOTOR VEHICLES TO PROVIDE NOTICE OF SEX
5 OFFENDER REGISTRATION REQUIREMENTS TO APPLICANTS FOR A
6 DRIVERS LICENSE, LEARNER'S PERMIT, INSTRUCTION PERMIT, OR
7 IDENTIFICATION CARD; AND TO REQUIRE THE DIVISION OF MOTOR
8 VEHICLES TO SEARCH THE NATIONAL SEX OFFENDER PUBLIC
9 REGISTRY FOR AN APPLICANT'S NAME BEFORE ISSUING EITHER A
10 DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 14-208.6(4) reads as rewritten:

14 "(4) 'Reportable conviction' means:

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

- 1 d. A final conviction for a violation of G.S. 14-202(d), (e), (f), (g),
2 or (h), or a second or subsequent conviction for a violation of
3 G.S. 14-202(a), (a1), or (c), only if the court sentencing the
4 individual issues an order pursuant to G.S. 14-202(l) requiring
5 the individual to register.
- 6 e. A final conviction in another state of an offense that requires
7 registration under the sex offender registration statutes of that
8 state."

9 **SECTION 2.** Article 2 of Chapter 20 of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 20-9.3. Notification of requirements for sex offender registration.**

12 The Division shall provide notice to each person who applies for the issuance of a
13 drivers license, learner's permit, or instruction permit to operate a motor vehicle, and to
14 each person who applies for an identification card, that if the person is a sex offender,
15 then the person is required to register pursuant to Article 27A of Chapter 14 of the
16 General Statutes."

17 **SECTION 3.** G.S. 20-9 is amended by adding a new subsection to read:

18 "(i) The Division shall not issue a drivers license to an applicant from another
19 state until the Division has searched the National Sex Offender Public Registry to
20 determine if the person is currently registered as a sex offender in another state.

21 (1) If the Division finds that the person is currently registered as a sex
22 offender in another state, the Division shall not issue a drivers license
23 to the person until the person submits proof of registration pursuant to
24 Article 27A of Chapter 14 of the General Statutes issued by the sheriff
25 of the county where the person resides.

26 (2) If the person does not appear on the National Sex Offender Public
27 Registry, the Division shall issue a drivers license but shall require the
28 person to sign an affidavit acknowledging that the person has been
29 notified that if the person is a sex offender, then the person is required
30 to register pursuant to Article 27A of Chapter 14 of the General
31 Statutes.

32 (3) If the Division is unable to access all states' information contained in
33 the National Sex Offender Public Registry, but the person is otherwise
34 qualified to obtain a drivers license, then the Division shall issue the
35 drivers license but shall first require the person to sign an affidavit
36 stating that: (i) the person does not appear on the National Sex
37 Offender Public Registry and (ii) acknowledging that the person has
38 been notified that if the person is a sex offender, then the person is
39 required to register pursuant to Article 27A of Chapter 14 of the
40 General Statutes. The Division shall search the National Sex Offender
41 Public Registry for the person within a reasonable time after access to
42 the Registry is restored. If the person does appear in the National Sex
43 Offender Public Registry, the person is in violation of G.S. 20-30, and
44 the Division shall immediately revoke the drivers license and shall

1 promptly notify the sheriff of the county where the person resides of
2 the offense.

- 3 (4) Any person denied a license or whose license has been revoked by the
4 Division pursuant to this subsection shall have a right to file a petition
5 within 30 days thereafter for a hearing in the matter in the superior
6 court of the county wherein such person shall reside, or to the resident
7 judge of the district or judge holding the court of that district, or
8 special or emergency judge holding a court in such district, and such
9 court or judge is hereby vested with jurisdiction and it shall be its or
10 his duty to set the matter for hearing upon 30 days' written notice to
11 the Division, and thereupon to take testimony and examine into the
12 facts of the case, and to determine whether the petitioner is entitled to
13 a license under the provisions of this subsection and whether the
14 petitioner is in violation of G.S. 20-30."

15 **SECTION 4.** G.S. 20-37.7 is amended by adding a new subsection to read:

16 "(b1) Search National Sex Offender Public Registry. – The Division shall not issue
17 a special identification card to an applicant from another state until the Division has
18 searched the National Sex Offender Public Registry to determine if the person is
19 currently registered as a sex offender in another state.

- 20 (1) If the Division finds that the person is currently registered as a sex
21 offender in another state, the Division shall not issue a special
22 identification card to the person until the person submits proof of
23 registration pursuant to Article 27A of Chapter 14 of the General
24 Statutes issued by the sheriff of the county where the person resides.

- 25 (2) If the person does not appear on the National Sex Offender Public
26 Registry, the Division shall issue a special identification card but shall
27 require the person to sign an affidavit acknowledging that the person
28 has been notified that if the person is a sex offender, then the person is
29 required to register pursuant to Article 27A of Chapter 14 of the
30 General Statutes.

- 31 (3) If the Division is unable to access all states' information contained in
32 the National Sex Offender Public Registry, but the person is otherwise
33 qualified to obtain a special identification card, then the Division shall
34 issue the card but shall first require the person to sign an affidavit
35 stating that: (i) the person does not appear on the National Sex
36 Offender Public Registry and (ii) acknowledging that the person has
37 been notified that if the person is a sex offender, then the person is
38 required to register pursuant to Article 27A of Chapter 14 of the
39 General Statutes. The Division shall search the National Sex Offender
40 Public Registry for the person within a reasonable time after access to
41 the Registry is restored. If the person does appear in the National Sex
42 Offender Public Registry, the person is in violation of G.S. 20-37.8,
43 and the Division shall promptly notify the sheriff of the county where
44 the person resides of the offense.

1 (4) Any person denied a special identification card by the Division
2 pursuant to this subsection shall have a right to file a petition within 30
3 days thereafter for a hearing in the matter in the superior court of the
4 county wherein such person shall reside, or to the resident judge of the
5 district or judge holding the court of that district, or special or
6 emergency judge holding a court in such district, and such court or
7 judge is hereby vested with jurisdiction and it shall be its or his duty to
8 set the matter for hearing upon 30 days' written notice to the Division,
9 and thereupon to take testimony and examine into the facts of the case,
10 and to determine whether the petitioner is entitled to a special
11 identification card under the provisions of this subsection and whether
12 the petitioner is in violation of G.S. 20-37.8."

13 **SECTION 5.** G.S. 14-208.7 is amended by adding a new subsection to read:

14 "(d) At the time a person registers, the sheriff with whom the person registered
15 shall provide written proof of registration to the person."

16 **SECTION 6.** This act becomes effective December 1, 2006, and applies to
17 all applications for a drivers license, learner's permit, instruction permit, or special
18 identification card submitted on or after that date.