

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1706

Short Title: Funds/MH Treatment/Sex Offenders.

(Public)

Sponsors: Representatives Jarrell; Adams, Baddour, Goodwin, Hensley, Mosley, and Redwine.

Referred to: Appropriations.

June 1, 1998

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE SEX OFFENDERS TO OBTAIN EVALUATION AND
2 TREATMENT AT AREA MENTAL HEALTH CENTERS AS A SPECIAL
3 CONDITION OF PROBATION, AND TO APPROPRIATE FUNDS THEREFOR.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 15A-1343(b2) reads as rewritten:

6 "(b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of
7 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – As special
8 conditions of probation, a defendant who has been convicted of an offense which is a
9 reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical,
10 mental, or sexual abuse of a minor, must:

11 (1) Register as required by G.S. 14-208.7 if the offense is a reportable
12 conviction as defined by G.S. 14-208.6(4).

13 (2) Participate in ~~such~~ the evaluation and treatment determined by the Area
14 Mental Health Authority to be ~~as is~~ necessary to complete a prescribed
15 course of psychiatric, psychological, or other rehabilitative treatment as
16 ordered by the court. Prior to releasing a defendant on probation, the
17 court shall order the defendant to be evaluated by the Area Mental
18 Health Authority serving the county in which the defendant was
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1 convicted or in which the defendant resides and to participate in the
2 prescribed course of psychiatric, psychological, or other rehabilitative
3 treatment provided by the Area Mental Health Authority or by a
4 qualified provider under contract with the Area Mental Health
5 Authority. The defendant shall be liable for the full cost of services
6 provided unless otherwise ordered by the court.

7 (3) Not communicate with, be in the presence of, or found in or on the
8 premises of the victim of the offense.

9 (4) Not reside in a household with any minor child if the offense is one in
10 which there is evidence of sexual abuse of a minor.

11 (5) Not reside in a household with any minor child if the offense is one in
12 which there is evidence of physical or mental abuse of a minor, unless
13 the court expressly finds that it is unlikely that the defendant's harmful
14 or abusive conduct will recur and that it would be in the minor child's
15 best interest to allow the probationer to reside in the same household
16 with a minor child.

17 (6) Satisfy any other conditions determined by the court to be reasonably
18 related to his rehabilitation.

19 Defendants subject to the provisions of this subsection shall not be placed on
20 unsupervised probation."

21 Section 2. There is appropriated from the General Fund to the Department of
22 Health and Human Services, Division of Mental Health, Developmental Disabilities, and
23 Substance Abuse Services, the sum of three million dollars (\$3,000,000) for the 1998-99
24 fiscal year to be allocated to area mental health authorities providing evaluation and
25 treatment services to sex offenders as provided under G.S. 15A-1343(b2).

26 Section 3. This act becomes effective July 1, 1998.