

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS55370-LH-116 (2/21)

Short Title: Sex Offender Register/Crime Against Nature.

(Public)

Sponsors: Senator Preston.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE THAT A PERSON CONVICTED OF THE CRIMINAL
3 OFFENSE OF CRIME AGAINST NATURE COMMITTED AGAINST A VICTIM
4 WHO IS A MINOR MUST REGISTER AS A SEX OFFENDER AND TO
5 PROVIDE THAT THE COURT SHALL NOT APPROVE ANY PLEA BARGAIN
6 THAT ALLOWS A DEFENDANT WHO COMMITTED AN OFFENSE
7 AGAINST A MINOR VICTIM THAT REQUIRES REGISTRATION AS A SEX
8 OFFENDER TO PLEAD TO A CRIME THAT DOES NOT REQUIRE
9 REGISTRATION OR THAT REQUIRES A SHORTER PERIOD OF
10 REGISTRATION IF THE VICTIM OF THE CRIME IS A MINOR.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 14-208.6(5) reads as rewritten:

13 "(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first
14 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first
15 degree sexual offense), G.S. 14-27.5 (second degree sexual offense),
16 G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual
17 offense), G.S. 14-27.7 (intercourse and sexual offense with certain
18 victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person
19 who is 13-, 14-, or 15-years-old where the defendant is at least six
20 years older), G.S. 14-43.13 (subjecting or maintaining a person for
21 sexual servitude), G.S. 14-177 (crime against nature) if the victim of
22 the crime is a minor, G.S. 14-178 (incest between near relatives),
23 G.S. 14-190.6 (employing or permitting minor to assist in offenses
24 against public morality and decency), G.S. 14-190.9(a1)(felonious
25 indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of
26 a minor), G.S. 14-190.17 (second degree sexual exploitation of a
27 minor), G.S. 14-190.17A (third degree sexual exploitation of a minor),

1 G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19
2 (participating in the prostitution of a minor), G.S. 14-202.1 (taking
3 indecent liberties with children), or G.S. 14-202.3 (Solicitation of child
4 by computer to commit an unlawful sex act). The term also includes
5 the following: a solicitation or conspiracy to commit any of these
6 offenses; aiding and abetting any of these offenses."

7 **SECTION 2.** Article 58 of the General Statutes is amended by adding a new
8 section to read:

9 **"§ 15A-1023.1. No approval of plea arrangements that allow defendant charged**
10 **with offense that requires registration to plead to offense that does not**
11 **require registration or that requires shorter period of registration when**
12 **crime victim is a minor.**

13 (a) Notwithstanding any other provision of law, the prosecutor shall not offer and
14 the judge shall not accept any plea arrangement that allows a defendant, who is charged
15 with an offense that requires the defendant to register as an offender under Article 27A
16 of Chapter 14 of the General Statutes and that was committed against a minor, to enter a
17 plea to another offense that does not require registration or that requires a shorter period
18 of registration in lieu of the offense that requires registration or the longer period of
19 registration.

20 (b) If the parties have agreed to a plea arrangement in which the prosecutor has
21 agreed to allow a defendant charged with committing an offense against a minor to
22 plead to an offense other than the one charged, they must disclose the substance of their
23 agreement to the judge at the time the defendant is called upon to plead.

24 (c) Before accepting a plea pursuant to a plea arrangement described in
25 subsection (b) of this section, the judge must advise the parties whether he or she
26 approves the arrangement and will dispose of the case accordingly. If the judge rejects
27 the arrangement, the judge must so inform the parties, refuse to accept the defendant's
28 plea of guilty or no contest, and advise the defendant personally that neither the State
29 nor the defendant is bound by the rejected arrangement. The judge must advise the
30 parties of the reasons he or she rejected the arrangement and afford them an opportunity
31 to modify the arrangement accordingly. Upon rejection of the plea arrangement by the
32 judge, the defendant is entitled to a continuance until the next session of court. A
33 decision by the judge disapproving a plea arrangement is not subject to appeal."

34 **SECTION 3.** This act becomes effective December 1, 2007, and applies to
35 offenses committed on or after that date.