

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 1508**

Short Title: Sex Offender Register/Crime Against Nature. (Public)

Sponsors: Senators Preston; Apodaca, Berger of Rockingham, Brock, Brown, Brunstetter, East, Forrester, and Goodall.

Referred to: Judiciary I (Civil).

March 28, 2007

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is 13-, 14-, or 15-years-old where the defendant is at least six years older), G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-177 (crime against nature) if the victim of the crime is a minor, G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1)(felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19

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

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

8 **"§ 15A-1023.1. No approval of plea arrangements that allow defendant charged**  
9 **with offense that requires registration to plead to offense that does not**  
10 **require registration or that requires shorter period of registration when**  
11 **crime victim is a minor.**

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

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

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

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