

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1209  
Committee Substitute Favorable 5/25/05

Short Title: Sexual Battery/Sex Offender Registry/DNA.

(Public)

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Sponsors:

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Referred to:

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April 13, 2005

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE SEX OFFENDER REGISTRATION PROGRAM TO  
2 INCLUDE SEXUAL BATTERY AS A REPORTABLE OFFENSE, AND ADD  
3 SEXUAL BATTERY TO THE OFFENSES REQUIRING A DNA SAMPLE.  
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5 The General Assembly of North Carolina enacts:

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

7 (5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first  
8 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first  
9 degree sexual offense), G.S. 14-27.5 (second degree sexual offense),  
10 G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual  
11 offense), G.S. 14-27.7 (intercourse and sexual offense with certain  
12 victims), G.S. 14-178 (incest between near relatives), G.S. 14-190.6  
13 (employing or permitting minor to assist in offenses against public  
14 morality and decency), G.S. 14-190.16 (first degree sexual exploitation  
15 of a minor), G.S. 14-190.17 (second degree sexual exploitation of a  
16 minor), G.S. 14-190.17A (third degree sexual exploitation of a minor),  
17 G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19  
18 (participating in the prostitution of a minor), or G.S. 14-202.1 (taking  
19 indecent liberties with children). The term also includes the following:  
20 a solicitation or conspiracy to commit any of these offenses; aiding and  
21 abetting any of these offenses."

22 **SECTION 2.** G.S. 15A-266.4 reads as rewritten:

23 **"§ 15A-266.4. Blood sample required for DNA analysis upon conviction or finding**  
24 **of not guilty by reason of insanity.**

25 (a) Unless a DNA sample has previously been obtained by lawful process and  
26 stored in the State DNA database, and that sample has not been expunged pursuant to  
27 G.S. 15A-148, on or after December 1, 2003, a person who is convicted of any of the  
28 crimes listed in subsection (b) of this section or who is found not guilty of any of these  
29 crimes by reason of insanity and committed to a mental health facility in accordance

1 with G.S. 15A-1321 shall have a DNA sample drawn upon intake to jail, prison, or the  
2 mental health facility. In addition, every person convicted on or after December 1, 2003,  
3 of any of these crimes, but who is not sentenced to a term of confinement, shall provide  
4 a DNA sample as a condition of the sentence. A person who has been convicted and  
5 incarcerated as a result of a conviction of one or more of these crimes prior to December  
6 1, 2003, or who was found not guilty of any of these crimes by reason of insanity and  
7 committed to a mental health facility in accordance with G.S. 15A-1321 before  
8 December 1, 2003, shall have a DNA sample drawn before parole or release from the  
9 penal system or before release from the mental health facility.

10 (b) Crimes covered by this Article include all of the following:

11 (1) All felonies.

12 (2) G.S. 14-32.1 – Assaults on handicapped persons.

13 (3) G.S. 14-277.3 – Stalking.

14 (4) G.S. 14-27.5A – Sexual battery."

15 **SECTION 3.** This act becomes effective December 1, 2005, and applies to  
16 offenses committed on or after that date.