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## Criminal Law and Procedure

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The 2002 legislative session resulted in no major changes in the areas of criminal law and procedure. This chapter summarizes the legislative changes affecting criminal offenses, criminal procedure, victim assistance, law enforcement, sentencing and corrections, and sex offender registration.

### **Criminal Offenses**

#### **Incest**

Prior to the enactment of S.L. 2002-119 (H 1276), individuals who were charged with and convicted of incest were punished less severely than individuals who were charged with and convicted of statutory rape. When the incest was between a grandparent and grandchild, parent and child, stepchild, or adopted child, or brother and sister, it was punished as a Class F felony. When the incest was between an uncle and niece or aunt and nephew, it was punished as a Class 1 misdemeanor. Statutory rape carries harsher punishments. It is punished as a Class B1 felony when (1) the defendant is at least twelve years old and the victim is less than thirteen years old and at least four years younger than the defendant or (2) the defendant is at least six years older than the victim and the victim is thirteen, fourteen, or fifteen years old. Statutory rape is punished as a Class C felony when the defendant is more than four but less than six years older than the victim and the victim is thirteen, fourteen, or fifteen years old. S.L. 2002-119 purports to eliminate a “loophole” created by the disparity between the punishments for incest and statutory rape. Previously, however, whenever the age requirements were satisfied individuals who engaged in sexual intercourse with children to whom they were related could have been charged with statutory rape and if convicted, subject to the harsher punishments applicable to that offense. By increasing the punishments for incest to bring them in line with those for statutory rape, the new law merely eliminates the possibility that individuals who have sexual intercourse with children

who are related to them can be charged with incest and, if convicted, receive a lesser punishment than if they were charged with and convicted of statutory rape.

Effective for offenses committed on or after December 1, 2002, the new law repeals G.S. 14-179 (incest between uncle and niece and nephew and aunt) and amends G.S. 14-178 (incest between certain near relatives), renaming it "Incest." Under the amended provision, a person commits incest if he or she engages in sexual intercourse with his or her grandparent or grandchild, parent, child, stepchild or legally adopted child, brother or sister of whole or half blood, or uncle, aunt, nephew, or niece. Punishments for incest are increased as follows:

- A person is guilty of a Class B1 felony if the person commits incest against a child under thirteen years old and the person is at least twelve years old and at least four years older than the child when the incest occurs *or* the person commits incest against a child who is thirteen, fourteen, or fifteen years old and the person is at least six years older than the child when the incest occurs.
- A person is guilty of a Class C felony if the person commits incest against a child who is thirteen, fourteen, or fifteen years old and the person is more than four but less than six years older than the child when the incest occurs.
- In all other cases of incest, the parties are guilty of a Class F felony.

Finally, S.L. 2002-119 adds a new provision stating that no child under the age of sixteen is liable for incest if the other person is at least four years older when the incest occurs.

### **Rape and Sex Offenses**

Section 2 of the technical corrections act, S.L. 2002-159 (S 1217), replaces the term "mentally defective" as used in G.S. 14-27.3 (second-degree rape), G.S. 14-27.5 (second-degree sexual offense), and G.S. 14-27.1 (article definitions ) with the term "mentally disabled." It makes the same change in G.S. 15-144.1 (essentials for bill of rape) and G.S. 15-144.2 (essentials for bill of sex offense). The amendments were effective December 1, 2002, and apply to offenses committed on or after that date.

### **Tax Fraud and Related Offenses**

**Filing false tax documents.** G.S. 105-236(9a) provides that any person who willfully aids, assists in, procures, counsels, or advises the preparation, presentation, or filing of false tax documents is guilty of a Class H felony. S.L. 2002-106 (S 1218) amends that provision, increasing the punishments when the defendant is an income tax preparer. It provides that if the person who commits the offense is

- an income tax return preparer and the amount of taxes fraudulently evaded on returns filed in one year is \$100,000 or more, the person is guilty of a Class C felony.
- an income tax return preparer and the amount of taxes fraudulently evaded on returns filed in one year is less than \$100,000, the person is guilty of a Class F felony.
- not an income tax return preparer, the person is guilty of a Class H felony.

Although certain exceptions apply, an income tax return preparer is defined in G.S. 105-228.90(b)(4) as any person who prepares for compensation, or who employs others to prepare for compensation, any tax return or refund claim.

The statutory changes took effect on December 1, 2002, and apply to acts committed on or after that date.

**Failure to remit funds.** S.L. 2002-106 creates a new subsection in G.S. 105-236 making it a Class F felony to receive money from a taxpayer with the understanding that the money is to be remitted to the Secretary of Revenue to pay taxes and willfully fail to remit the funds. The new subsection became effective December 1, 2002, and applies to acts committed on or after that date.

**Disclosure of tax information.** S.L. 2002-106 adds an exception to G.S. 105-259(b), the provision prohibiting a state officer, employee, or agent from disclosing tax information acquired during employment. The new exception allows for disclosures to law enforcement agencies of

information concerning the commission of an offense discovered by the Department of Revenue during a criminal investigation of a taxpayer. The new disclosure exception became effective September 6, 2002.

### Government Computer Offenses

**Unlawful access to government computers.** Article 60 of Chapter 14 of the General Statutes pertains to computer-related crime. This article describes offenses for, among other things, unlawfully accessing and damaging computers. S.L. 2002-157 (H 1501) creates a new section in Article 60 that provides for harsher penalties for unlawful access to government computers. New G.S. 14-454.1 makes it a Class F felony to willfully access or cause to be accessed any government computer for the purpose of

- devising or executing any scheme or artifice to defraud or
- obtaining property or services by means of false or fraudulent pretenses, representations, or promises.

The new provision makes it a Class H felony to willfully and without authorization access or cause to be accessed any government computer for any other purpose. Punishment for the same acts with regard to computers other than those owned, operated, or used by a government entity is set forth in G.S. 14-454, and these offenses remain Class G felonies or Class 1 misdemeanors, depending on the dollar amounts of damage caused. The new law also makes it a Class 1 misdemeanor to willfully and without authorization access or cause to be accessed any educational testing material or academic or vocational testing scores or grades that are in a government computer. Apparently, however, such access was already punished as a Class 1 misdemeanor under G.S. 14-454(b).

**Definitions.** The new law defines *government computer* to mean any computer, computer program, computer system, computer network, or any part thereof, that is owned, operated, or used by any state or local government entity. The phrase *access or cause to be accessed* is defined, as in G.S. 14-454, to include introducing, directly or indirectly, a computer program (including a self-replicating or self-propagating computer program) into a computer, computer program, system, or network.

**Damaging a government computer.** S.L. 2002-157 amends G.S. 14-455 (damaging computers, computer programs, systems, networks, or resources), adding a new subsection making it a Class F felony to willfully and without authorization alter, damage, or destroy a government computer. Equivalent acts committed with regard to computers other than those owned, operated, or used by a government entity remain Class G felonies or Class 1 misdemeanors, depending on the dollar amounts of damage caused.

**Denying government computer services.** Denial of computer services to authorized users is prohibited under G.S. 14-456 and punished as a Class 1 misdemeanor. S.L. 2002-157 adds new G.S. 14-456.1 making it a Class H felony to willfully and without authorization deny or cause the denial of government computer services. *Government computer service* means any service provided or performed by a government computer. Like G.S. 14-456, the new provision expressly applies to a denial of service effectuated by introducing, directly or indirectly, a computer program (including a self-replicating or self-propagating computer program) into a computer, computer program, system, or network.

**Exceptions.** S.L. 2002-157 creates new G.S. 14-453.1, which specifically provides that Article 60 does not apply to or prohibit

- any terms or conditions in a contract or license related to a computer, computer network, software, computer system, database, or telecommunication device; or
- any software or hardware designed to allow a computer, computer network, software, computer system, database, information, or telecommunication service to operate in the ordinary course of a lawful business or that is designed to allow an owner or authorized holder of information to protect data, information, or rights in it.

**Jurisdiction.** S.L. 2002-157 adds a new jurisdictional provision in G.S. 14-453.2 providing that any offense under Article 60 committed through electronic communication may be deemed to have been committed either where the communication was originally sent or where it was originally received in this state.

**Effective date.** S.L. 2002-157 became effective December 1, 2002, and applies to offenses committed on or after that date.

### **Defrauding Drug and Alcohol Screening Tests**

Effective for acts committed on or after December 1, 2002, S.L. 2002-183 (S 910) creates several new offenses pertaining to defrauding drug and alcohol screening tests. New G.S. 14-401.20 makes it unlawful to

- sell, give away, distribute, or market urine or transport urine into North Carolina with the intent that it be used to defraud drug or alcohol screening tests;
- attempt to foil or defeat such tests by providing substitutes for or spiking urine or other bodily fluid samples or advertising sample substitutions or other spiking devices or measures;
- adulterate urine or other bodily fluid samples with the intent to defraud drug or alcohol screening tests;
- possess substances intended to be used to adulterate urine or other bodily fluid samples for the purpose of defrauding drug or alcohol tests; or
- sell substances with the intent that they be used to adulterate urine or other bodily fluid samples for the purpose of defrauding drug or alcohol tests.

First offenses are punished as Class 1 misdemeanors. Second or subsequent offenses are punished as Class I felonies.

### **Fraudulent Financial Transactions**

**Forgery.** G.S. 14-119(a) prohibits only the making, forging, or counterfeiting of instruments or securities with intent to injure or defraud. Violation is a Class I felony. S.L. 2002-175 (H 1100) amends G.S. 14-119(a) to prohibit possession of counterfeit instruments as well, providing that it is a Class I felony to forge or counterfeit any instrument or possess any counterfeit instrument with the intent to injure or defraud any person, financial institution, or government unit. A new subsection in G.S. 14-119 creates a Class G felony for transporting or possessing five or more counterfeit instruments with the intent to injure or defraud any person, financial institution, or government unit. Finally, the new law amends the definitions of terms used to describe these offenses as follows:

- *Counterfeit* is defined to mean to “manufacture, copy, reproduce, or forge an instrument that purports to be genuine, but is not, because it has been falsely copied, reproduced, forged, manufactured, embossed, encoded, duplicated, or altered.”
- *Financial institution* now specifically includes both foreign and domestic institutions.
- *Governmental unit* is amended to include foreign jurisdictions.
- *Instrument* is amended to include currency.

**Financial transaction card theft.** G.S. 14-113.9 criminalizes financial transaction card theft. S.L. 2002-175 adds a new subsection to G.S. 14-113.9 providing that a person is guilty of financial transaction card theft when he or she, with intent to defraud,

- uses a scanning device to access, read, obtain, memorize, or store information encoded on another person’s financial transaction card or
- receives the encoded information from such a card.

The term *scanning device* is defined to include scanners, readers, or any other devices used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on financial transaction cards.

**Financial identity fraud.** Article 19C in Chapter 14 of the General Statutes pertains to financial identity fraud. G.S. 14-113.20, the first section in Article 19C, provides that it is a felony for someone to

- knowingly obtain, possess, or use another person's identifying information without that person's consent
- with the intent to fraudulently represent that he or she is that other person
- for the purposes of making financial or credit transactions in the person's name or avoiding legal consequences.

S.L. 2002-175 amends this provision by

- making it applicable whether the person to whom the identifying information belongs is living or dead;
- removing the requirement that the perpetrator act without the victim's consent;
- expanding the criminal intent to include the intent to obtain anything of value, benefit, or advantage; and
- including within the meaning of *identifying information*
  - biometric data,
  - fingerprints,
  - passwords, and
  - parent's legal surname prior to marriage.

S.L. 2002-175 also creates new G.S. 14-113.20A entitled "Trafficking in Stolen Identities." This section makes it unlawful to sell, transfer, or purchase the identifying information of another person with the intent to commit financial identity fraud, or to assist another person in committing financial identity fraud. Violation is a felony, punishable as provided in G.S. 14-113.22 (*see* below). The exceptions that pertain to G.S. 14-113.20 apply to the new offense as well.

Punishment for Article 19C offenses is spelled out in G.S. 14-113.22. S.L. 2002-175 amends these provisions in several ways.

- Previously, violation of G.S. 14-113.20 (financial identity fraud) was punished as a Class H felony unless the victim suffered arrest, detention, or conviction as a result of the offense, in which case the offense was considered a Class G felony. Under the S.L. 2002-175 amendments, all such violations are now punished as Class G felonies unless one of two exceptions applies. The offense becomes a Class F felony if (1) the victim suffers arrest, detention, or conviction as a proximate result of the offense or (2) the person is in possession of the identifying information pertaining to three or more separate people.
- A violation of the new offense created in G.S. 14-113.20A for trafficking in stolen identities is punished as a Class E felony.
- Pursuant to Article 81C of Chapter 15A of the General Statutes (restitution), courts may now order a person convicted under G.S. 14-113.20 (financial identity fraud) or G.S. 14-113.20A (trafficking in stolen identities) to pay restitution for financial loss caused by the violation.

**Civil action.** Finally, S.L. 2002-175 amends Article 43 of Chapter 1 of the General Statutes (civil procedure; nuisance and other wrongs) by adding new G.S. 1-539.2C providing that any person whose property or person is injured by reason of an act made unlawful by Article 19C may sue for civil damages and an injunction. If the identifying information of a deceased person is used in violation of Article 19C, the deceased person's estate may sue.

**Effective date.** The provisions of S.L. 2002-175 became effective December 1, 2002, and apply to offenses committed on or after that date.

## Regulatory Offenses

**Emissions violations.** S.L. 2002-4 (S 1078) adds a new section to Article 21B of G.S. Chapter 143 imposing limits on the emission of certain pollutants from coal-fired generating units. Effective June 20, 2002, this law, which is discussed in more detail in Chapter 9, ("Environment and Natural Resources"), creates the following new criminal offenses for violation of its emissions limitations.

- Any person who negligently violates any classification, standard, or limitation in the new section shall be guilty of a Class 2 misdemeanor and may be subject to a fine not to exceed \$15,000 per day of violation, provided that the fine shall not exceed a cumulative total of \$200,000 for each period of thirty days during which the violation continues.
- Any person who knowingly and willfully violates the new emissions limitations shall be guilty of a Class H felony and may be subject to a fine not to exceed \$100,000 per day of violation, provided that the fine shall not exceed a cumulative total of \$500,000 for each period of thirty days during which the violation continues.
- Any person who knowingly violates the new emissions limitations and who knows at that time that he or she thereby places another person in imminent danger of death or serious bodily injury shall be guilty of a Class C felony and may be subject to a fine not to exceed \$250,000 per day of violation, provided that the fine shall not exceed a cumulative total of \$1,000,000 for each period of thirty days during which the violation continues.

**Cigarette sales.** Effective January 1, 2003, S.L. 2002-145 (H 348) amends G.S. 14-401.18, which prohibits the sale of certain packages of cigarettes. S.L. 2002-145 creates a new Class A1 misdemeanor applicable to any person selling or holding for sale a package of cigarettes that violates federal laws governing the submission of ingredient information to federal authorities pursuant to 15 U.S.C. §1335a, federal laws governing the import of certain cigarettes pursuant to 19 U.S.C. §§1681 and 1681b, or any other provision of federal law or regulation.

**Criminal disclosure under new address confidentiality program.** S.L. 2002-171 (H 1402) creates new G.S. Chapter 15C establishing a program in the Attorney General's office to protect the confidentiality of the addresses of victims of domestic violence, sexual offense, or stalking. Under S.L. 2002-171 any person who makes a disclosure in violation of the new provisions is guilty of a Class 1 misdemeanor and shall be assessed a fine not to exceed \$2,500. This new legislation is discussed in further detail in Chapter 5, "Courts and Civil Procedure."

### **Pitt County Hunting**

S.L. 2002-142 (H 1651) provides that in Pitt County it is unlawful to

- hunt with a firearm from, on, or across the right-of-way of any public road or highway.
- hunt while under the influence of an impairing substance.
- hunt with a firearm within three hundred feet of any residence or occupied building without the permission of the owner or lessee of the land.
- hunt or discharge a firearm on or across posted land without the permission of the owner or lessee of the land.
- release dogs or allow them to run on posted land without the permission of the owner or lessee of the land.

Violations are punishable as Class 3 misdemeanors and, notwithstanding G.S. 15A-1340.23 (punishments according to prior conviction level and punishment limits for each class of offense), offenders are subject to a fine of up to \$250. A second or subsequent violation involving hunting while under the influence is punishable by a fine of at least \$250 and a twelve-month loss of hunting privileges.

The new statute is enforceable by law enforcement officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction. It was effective November 1, 2002, and applies to offenses committed on or after that date.

## Criminal Procedure

### Criminal Process

**Electronic repository.** S.L. 2002-64 (H 1583) directs the Administrative Office of the Courts (AOC) to create an electronic repository for criminal process, making possible the creation, signing, issuing, entering, filing, and retaining of criminal process in electronic form. The electronic repository must include capabilities for the tracking of criminal process, remote access to criminal process, and the printing of electronic criminal process on paper. Although this law becomes effective January 1, 2003, the provisions regarding the electronic repository cannot be implemented until the repository is in operation. Currently, no such system exists. Once the repository is in place, any criminal process may be created, signed, issued, and filed in electronic form and retained within it. In addition, any criminal process originally created in paper form may be filed in electronic form and entered in the repository. When electronic criminal process from the repository is printed on paper, the paper copy will have the same effect as the original. Thus, for example, a law enforcement officer will be able to validly serve a person with a copy of any electronic criminal process printed from the repository. Service of a printed copy of electronic process in the repository must be accomplished according to several rules. First, service must occur within twenty-four hours after the process was printed. Second, the date, time, and place of service must be entered into the electronic repository. Finally, if service is not made within twenty-four hours of the printing of the process, that fact must be recorded in the electronic repository and the paper copies must be destroyed (although the process may be reprinted at a later time).

**Facsimile transmissions constitute originals.** Effective January 1, 2003, S.L. 2002-64 provides that a signed document printed through a facsimile machine constitutes an original. The law defines the term *document* to include any pleading, criminal process, subpoena, complaint, motion, application, notice, affidavit, commission, waiver, consent, dismissal, order, judgment, or other writing intended, in a criminal or contempt proceeding, to authorize or require an action, to record a decision, or to communicate or record information. The definition does not include search warrants. When the law becomes effective, defendants may be validly served with faxed copies of any criminal process.

**Electronic signatures.** S.L. 2002-64 defines *signature* as any symbol executed with the intent to authenticate a document. It provides that a document may be signed “by the use of any manual, mechanical or electronic means that causes the individual’s signature to appear in or on the document.” The new law thus clarifies that as long as a document contains a printed “signature,” it need not be signed by hand.

**Recall of process.** S.L. 2002-64 provides for the recall of criminal process, other than a citation, that has not been served on a defendant. Under the new law, a warrant or criminal summons must be recalled by the judicial official who issued it if the official determines that there was no probable cause supporting its issuance. The new statute also provides that an order for arrest may be recalled for good cause by any judicial official of the trial division in which it was issued. *Good cause* is defined to include, without limitation, the fact that

- a copy of the process has been served on the defendant; or
- all charges on which the process is based have been disposed; or
- the person named as the defendant in the process is not the person who committed the charged offense; or
- it has been determined that grounds for the issuance of an order for arrest did not exist, no longer exist, or have been satisfied.

The disposition of all charges on which the process is based automatically recalls that process. The new law also provides for a means to recall both paper and electronic criminal process.

### Bioterrorism Preparedness

Effective October 1, 2002, S.L. 2002-179 (H 1508) adds new Article 22 to G.S. Chapter 130A entitled “A Terrorist Incident Using Nuclear, Biological, or Chemical Agents.” The new law gives

the State Health Director broad authority to respond to a suspected terrorist attack, including, among other things, the authority to limit the movement of contaminated persons or animals and to limit access to certain areas. The scope of this new authority and other aspects of the law are discussed in greater detail in Chapter 10, "Health." Only those aspects of the law that affect criminal procedure are discussed here.

**Detention in designated area.** Section 14 of S.L. 2002-179 amends G.S. 15A-401(b) to allow law enforcement officers to detain a person arrested for violating an order limiting freedom of movement or access in an area designated by the State Health Director or local health director. The person may be detained within the area until the initial appearance.

**Pretrial release.** Section 15 of S.L. 2002-179 creates new G.S. 15A-534.5 providing that if a judicial official conducting an initial appearance finds by clear and convincing evidence that a person arrested for violating an order limiting freedom of movement or access poses a threat to the health and safety of others, the judicial official shall deny pretrial release and shall order the person to be confined within an area or facility designated by that judicial official. The pretrial confinement ends when a judicial official determines that the confined person does not pose a threat to the health and safety of others. Such a determination shall be made only after the State Health Director or local health director has made recommendations to the court.

### **Criminal History Background Checks**

Effective October 9, 2002, S.L. 2002-147 (H 1638) authorizes the Department of Justice to provide criminal record checks to certain state and local agencies, divisions, boards, commissions, and units, such as the Alcohol Law Enforcement Division and the boards of law and dental examiners.

### **Assistance Program for Victims of Rape and Sex Offenses**

Part 3A of Article 11 of Chapter 143B of the General Statutes establishes an assistance program for victims of rape and sex offenses. In compliance with the Federal Violence Against Women Act, Section 18.6 of the state appropriations act, S.L. 2002-126 (S 1115), makes several changes to this program. First, the eligibility requirements are amended to provide that sexual assault or attempted sexual assault victims are eligible for program assistance if the sexual assault or the attempted sexual assault is reported to a law enforcement officer within five days of occurrence or if a forensic medical examination is performed within five days of the assault or attempted assault. The term *sexual assault* includes first- and second-degree rape, first- and second-degree sexual offense, and statutory rape. The Secretary of Crime Control and Public Safety may waive either of the five-day requirements for good cause.

The effect of these changes is to expand coverage of the program by including statutory rape victims and by extending the time limits for reporting of offenses. Consistent with this amendment, the state appropriations act also deletes the subsection stating that program assistance would not be provided unless the rape or offense was reported within seventy-two hours of occurrence.

Section 18.6 of S.L. 2002-126 also amends program provisions regarding eligible expenses, amount of assistance given, and payment. This section was effective December 1, 2002.

### **Law Enforcement**

**DENR special peace officers.** G.S. 160A-288 allows the head of any law enforcement agency temporarily to provide assistance to another agency in enforcing state law. S.L. 2002-111 (S 1262) creates new G.S. 113-28.2A providing that special peace officers employed by the Department of Environment and Natural Resources are officers of a "law enforcement agency" for

purposes of G.S. 160A-288 and that the department has the same authority as a city or county governing body to approve cooperation between law enforcement agencies under that section.

**North Carolina Child Alert Notification System.** Section 18.7 of the appropriations act, S.L. 2002-126, establishes the North Carolina Child Alert Notification System [NC CAN (Amber Alert)] within the North Carolina Center for Missing Persons. NC CAN is to provide a statewide system for the rapid dissemination of information regarding abducted children. Section 18.7 also amends G.S. 143B-499.1 (dissemination of missing persons data by law enforcement agencies) to require that if a missing person report involves a child and meets the criteria established pursuant to NC CAN, the law enforcement agency shall notify the Center for Missing Persons as soon as possible of the relevant data about the missing child.

## **Sentencing and Corrections**

### **Offender Supervision Compact; Transfer of Convicted Foreign Nationals**

Effective October 23, 2002, S.L. 2002-166 (H 1641) authorizes the Governor to execute, on behalf of North Carolina and with any other state, the revised Interstate Compact for the Supervision of Adult Offenders. Effective one year later, S.L. 2002-166 repeals Article 4A of G.S. Chapter 148 (out-of-state parolee supervision), the prior compact. Finally, effective January 1, 2003, S.L. 2002-166 allows North Carolina to transfer convicted foreign nationals pursuant to a treaty between the United States and a foreign country.

### **IMPACT Program**

Effective August 15, 2002, section 17.18 of the appropriations act, S.L. 2002-126, terminated the IMPACT boot camp program.

### **Reimbursement for Transferred Safekeepers**

G.S. 162-39 governs the transfer of prisoners when necessary to ensure public safety, to avoid a breach of the peace, or to provide sufficient and adequate housing for prisoners. Previously, when a prisoner was transferred to a unit of the state prison system, the county from which the prisoner was transferred was not required to reimburse the state for maintaining the prisoner if he or she was a resident of another state or county at the time he or she committed the crime for which imprisoned. Section 17.1 of the appropriations act, S.L. 2002-126, removes this exception, requiring counties transferring safekeepers to reimburse the Department of Correction regardless of the prisoner's residency.

### **Electronic Monitoring Costs**

Section 17.10 of S.L. 2002-126 creates new G.S. 148-10.3 stipulating that the costs of providing electronic monitoring of pretrial or sentenced offenders shall be reimbursed to the Department of Correction by the state or local agency requesting the service.

## **Sex Offender Registration—Academic and Educational Employment Status**

S.L. 2002-147 amends provisions in the sex offender registration laws to conform them to federal requirements. Specifically, these amendments

- require additional information regarding academic and educational employment status to be obtained on registration forms;

- provide that persons required to register report changes in academic or educational employment status;
- make it a Class F felony to fail to inform the registering sheriff of changes in academic or educational employment status; and
- require the Division of Criminal Statistics to notify, among others, law enforcement units at institutions of higher education of reported changes in academic or educational employment status.

The new law became effective October 9, 2002, and applies to persons convicted on or after that date of an offense requiring them to register as a sex offender.

## Studies

S.L. 2002-180 (S 98), the 2002 Studies Bill, authorizes the Legislative Research Commission to study

- how federal law affects the distribution of national criminal history record check information requested by nursing homes, home care agencies, adult care homes, assisted living facilities, and area mental health, developmental disabilities, and substance abuse services authorities. The study also will address the problems federal restrictions pose for effective and efficient implementation of state-required criminal record checks.
- jail safety standards.

S.L. 2002-180 also establishes the House Select Study Committee on Video Gaming Machines. This committee will study

- the federal and state regulation of video gaming machines.
- the problems associated with the operation of video gaming machines in North Carolina.
- the difficulties associated with the enforcement of state video gaming laws.
- the most appropriate law enforcement agency to enforce state video gaming laws.
- the effect of the decision in *Helton v. Good*, 208 F. Supp. 2d 597 (W.D.N.C. 2002), on state video gaming laws.
- the potential impact a ban on video gaming machines would have on the casino operations of the Eastern Band of the Cherokee Indians.
- the feasibility of levying a fee on video gaming machines and using the revenue to enforce current state video gaming laws.

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