



Out of the Shadows

North Carolina Conference of District Attorneys

December 2008 Volume 4, Issue 2

How to Contact the Child Abuse Resource Prosecutor

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Upcoming Child Abuse Trainings

State:

The Child Sexual Abuse Trial: Trial Advocacy Course for Prosecutors

Sponsor: Conference of District Attorneys

Dates: February 25-27, 2009
Raleigh, NC

National:

Unsafe Havens I: Prosecuting Online Crimes Against Children

Sponsor: APRI

Dates: February 9-13, 2009
Location: Santa Fe, NM

25th National Symposium on Child Abuse

Sponsor: National Children's Advocacy Center

Dates: March 23-26, 2009
Location: Huntsville, AL

For more information on these trainings, please visit:

www.ncdistrictattorney.org/childabuse/training.htm

Child Sexual Abuse Resource Manual:

We have additional copies of the Child Abuse Resource Manual for prosecutors available. If your office is in need of extra copies, please contact Laura Parker at Laura.E.Parker@nccourts.org or at 919.890.1500.

LEGISLATIVE UPDATE

By: Laura Parker, Child Abuse Resource Prosecutor

Several momentous changes were made this past legislative session affecting children in North Carolina that will become effective on December 1, 2008. A few of these are highlighted below. To view the bills in their entirety, please visit the North Carolina General Assembly website at www.ncga.state.nc.us and search under the "Find Bills by Number" link.

Child Abuse: Session Law 2008-191 (Senate Bill 1860)

This act amends G.S. 14-318.2 to increase the punishment for misdemeanor child abuse from a Class 1 misdemeanor to a Class A1 misdemeanor. In addition, the act adds new G.S. 14-318.4(a4) and (a5) to provide that a parent or any other person providing care to or supervision of a child less than 16 years old whose willful or grossly negligent omission in the care of the child shows a reckless disregard for human life is guilty of a Class E felony if the act or omission results in serious bodily injury to the child or a Class H felony if the act or omission results in serious physical injury to the child. The act adds a definition of "serious physical injury" as physical injury that causes great pain and suffering, and this term includes serious mental injury. This act is effective for offenses committed on or after December 1, 2008.

Jessica Lunsford Act for NC: Session Law 2008-117 (House Bill 933)

This act adds the new criminal offenses of rape of or sexual offense with a child by an adult offender (G.S. 14-27.2A and 14-27.4A) to prohibit vaginal intercourse or engaging in a sexual act by a person at least 18 years old with a victim under 13 years old. Both offenses are a Class B1 felony subject to the Structured Sentencing Act (SSA), except the defendant must receive an active punishment of at least 300 months (25 years) and mandatory satellite-monitoring for life after active punishment. The court may sentence the defendant to an active punishment greater than under SSA, up to and including life imprisonment without parole, if the court finds that the nature of the offense and the harm inflicted are of such brutality, duration, severity, degree, or scope beyond that normally committed in such crimes. In addition, the act increases the punishment for first-degree sexual exploitation of minor (G.S. 14-190.16) from a Class D to a Class C felony, for second-degree sexual exploitation of minor (G.S. 14-190.17) from a Class F to a Class E felony, third-degree sexual exploitation of minor (G.S. 14-190.17A) from a Class I to a Class H felony, and promoting prostitution of minor (G.S. 14-190.18) from a Class D to a Class C felony.

The act makes changes to the sex offender registration timing provisions found in G.S. 14-208.7, 14-208.9, 14-208.9A, 14-208.27 and 14-208.28, specifically to amend the number of days a registrant is given to complete the respective requirements from 10 days to three business days.

The act amends G.S. 14-208.7 to require registration for minimum of 30 years (current law, 10 years) unless the offender successfully petitions in Superior Court after 10 years to shorten the period.

The act adds a new Class H felony (G.S. 14-208.18) for a person required to register as a sex offender (and who has committed any offense in Article 7A of Chapter 14 or an offense when the victim was under 16 years old) to knowingly be at any of following locations: (i) on the premises of a place intended primarily for the use, care, or supervision of minors, including, but not limited to, schools, children's museums, child care centers, nurseries, and playgrounds; (ii) within 300 feet of any location intended for the use, care, or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors, including, but not limited to, places described in (i) that are located in malls, shopping centers, or other property open to the general public; and (iii) at any place where minors gather for regularly scheduled educational, recreational, or social programs. There are limited exceptions to this new offense.

The amendment to G.S. 14-208.7 that extends the registration period to 30 years applies to registrations made on or after December 1, 2008. The other provisions in this summary are effective for offenses committed on or after December 1, 2008.

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LEGISLATIVE UPDATE (CONTINUED FROM PAGE 1)**Expand Sex Offender Registry Offenses, Registration of Online Identifiers: Session Law 2008-220 (Senate Bill 1736)**

This act amends G.S. 14-208.6(5) to add G.S. 14-318.4(a1) (parent or caretaker act of prostitution with or by juvenile) and 14-318.4(a2) (sexual act on juvenile by parent or guardian) to the definition of "sexually violent offense." In addition the act amends G.S. 14-208.7(b) to require a sex offender registrant to provide any online identifier that the registrant uses or intends to use and adds new G.S. 14-208.9(e) to provide that if a person who is required to register changes an online identifier or obtains a new online identifier, that person must report that fact in person to the sheriff within ten days. G.S. 14-208.11(a) is amended to make it a Class F felony when a person required to register fails to inform the registering sheriff of any new or changes to existing online identifiers that the person uses or intends to use. The amendment to G.S. 14-208.6 (5) becomes effective December 1, 2008, and applies to all defendants convicted on or after that date, and to all inmates released on or after that date. The requirements concerning online identifiers apply to people whose initial registration occurs on or after May 1, 2009, and to people who are registered before May 1, 2009, and continue to be registered on May 1, 2009. However, any person registered before May 1, 2009, is not in violation of the online identifier requirements if they provide the required information at the first verification of information that occurs on or after May 1, 2009.

Expand Pornography and Solicitation Laws, Create Felony for Sex Offender to Access Commercial Social Networking Site: Session Law 2008-218 (Senate Bill 132)

This act amends G.S. 14-190.13 (definitions for various offenses involving minors) to include lascivious exhibition of the genitals or pubic area of any person within the definition of "sexual activity." It also amends G.S. 14-202.3 (solicitation of child by computer) to provide that a violation of the statute is a Class G felony if either the defendant or any other person for whom the defendant was arranging the meeting actually appears at the meeting location. The act adds new G.S. 14-202.5 to make it a Class I felony for a registered sex offender to access a commercial social networking website when the sex offender knows that the site permits minor children to become members or to create or maintain personal web pages on the site. The new G.S. 14-202.5A is added to provide that a commercial social networking site may be held civilly liable for damages for failing to make reasonable efforts to prevent a registered sex offender from access its site. Finally, the act adds new G.S. 14-202.6 and amends G.S. 101-6 to make it unlawful for a registered sex offender to obtain a change of name. This act is effective for offenses committed on or after December 1, 2008, except new G.S. 14-202.5A is applicable to acts occurring on or after May 1, 2009.

Reporting by Physicians and Hospitals of Wounds, Injuries and Illnesses: Session Law 2008-179 (House Bill 2338)

This act adds the new section G.S. 90-21.20(c) to require the treating physician, surgeon or medical facility to report to law enforcement as soon as practicable cases involving recurrent illness or serious physical injury to any child under 18 years of age when the illness appears to be the result of non-accidental trauma. This section does not relieve the physician, surgeon or medical facility of the duty set forth in G.S. 7B-301 to report child abuse, neglect, dependence, or the death of any juvenile as the result of maltreatment to the director of the department of social services in the county where the juvenile resides or is found. This act is effective December 1, 2008.

"INTERROGATION OF CHILD SEX OFFENDERS" TRAINING

On October 10, 2008, the Conference of District Attorneys held "Interrogation of Child Sex Offenders." This training for prosecutors and law enforcement officers received an overwhelming response. Over 100 participants registered to attend. The main presenter was Detective Mike Johnson of the Plano Police Department of Plano, Texas. Det. Johnson presented information on the psychosexual spectrum of child victimization, understanding perpetrators, and interrogation techniques, incorporating videos of actual interviews with perpetrators. The training concluded with a legal update on interrogation in North Carolina by Jeff Welty, Assistant Professor of Public Law and Government for the UNC School of Government. If you were unable to attend and are interested in acquiring the handout materials from this training, please contact the Child Abuse Resource Prosecutor, Laura Parker at Laura.E.Parker@nccourts.org or at 919.890.1500.

FREE ONLINE TRAINING FROM THE NATIONAL CHILDREN'S ADVOCACY CENTER

The National Children's Advocacy Center (NCAC), located in Huntsville, Alabama, is a non-profit organization that provides training, prevention, intervention and treatment services to fight child abuse and neglect. Through the NCAC, The National Training Center (NTC) provides quality training for professionals working with abused children and their families. In addition to a National Symposium offered every March in Huntsville, the NTC also offers a series of free online training courses for child abuse professionals including prosecutors. There are 22 online training courses available to choose from that range in length from 1 hour to 3 ½ hours. The courses include topics such as: Child Abuse Investigations in Meth Lab Cases, Child Development 101, Child Sexual Abuse: A Judicial Perspective, Developmental Perspectives on Child Sexual Behavior in Children & Adolescents, The Emotional Effects of Domestic Violence on Children, Interviewing Preschool Children, Law Enforcement's Response to Child Sexual Abuse, Opening Statements and Closing Arguments in Child Sexual Abuse Cases, Profiling the Child Molester, Providing Expert Testimony in Child Sexual Abuse Cases, Victim Assistance: Preparation and Support for Children in Criminal Proceedings, and When It Is In the Family: How to Handle Sibling Sex Abuse. To access these free online courses, please visit the NCAC website at www.nationalcac.org.

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"We encourage policy that promotes justice in the State of North Carolina."

Funding provided by the NC Governor's Crime Commission Grant#110-1-07-00A-AH-418