

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**HOUSE BILL 971
RATIFIED BILL**

AN ACT DIRECTING THE DEPARTMENT OF LABOR TO DEVELOP HUMAN TRAFFICKING AWARENESS TRAINING, REQUIRING LODGING ESTABLISHMENTS, ACCOMMODATION FACILITATORS, AND PROPERTY MANAGERS FOR VACATION RENTALS TO IMPLEMENT HUMAN TRAFFICKING AWARENESS TRAINING, INCREASING THE PUNISHMENT FOR A FIRST OFFENSE OF SOLICITING A PROSTITUTE, MODIFYING LAWS RELATED TO HUMAN TRAFFICKING, AND MODIFYING THE DEFINITION OF VICTIM IN THE CRIME VICTIM'S COMPENSATION ACT.

The General Assembly of North Carolina enacts:

MODIFY LAWS RELATING TO HUMAN TRAFFICKING IN LODGING ESTABLISHMENTS AND VACATION RENTALS

SECTION 1. Chapter 130A of the General Statutes is amended by adding a new Article to read:

"Article 24.

"Human Trafficking Public Awareness in Lodging Establishments.

"§ 130A-511. Human trafficking awareness training.

- (a) Definitions. – The following definitions apply in this section:
- (1) Employee. – As defined in G.S. 130A-492.
 - (2) Employer. – As defined in G.S. 130A-492.
 - (3) Lodging establishment. – As defined in G.S. 130A-492.
 - (4) Third-party contractor. – A person not employed by a lodging establishment who contracts with the lodging establishment to provide services for the lodging establishment.
- (b) Training Development and Availability. – The Department of Labor shall do all of the following:
- (1) In consultation with the North Carolina Human Trafficking Commission, the North Carolina Restaurant and Lodging Association, and the Department of Health and Human Services, develop a training course, or identify existing training courses, to inform and educate individuals about human trafficking.
 - (2) Ensure the training developed or identified pursuant to this subsection is accessible electronically, in person, or in a classroom setting, without charge, to individuals required to complete the training. The Department of Labor shall not otherwise make the training readily available to the public.
- (c) Lodging Establishment Requirements. – A lodging establishment shall do all of the following:
- (1) Ensure that employees of the establishment who perform housekeeping services, provide food or beverage services, or perform check-in and check-out duties receive human trafficking awareness training as required by this section. Each lodging establishment shall maintain a training log with the name of the employee, date of training, and name of the approved training



course. The log shall be made available to the Department of Labor if requested, and records for each employee shall be retained for at least three years after the employee has left employment.

- (2) Implement a procedure for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.
- (3) Prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign that contains the National Human Trafficking Resource Hotline information. The Department of Labor shall consult with the North Carolina Restaurant and Lodging Association in developing public awareness signage language.

(d) Third-Party Contractor Requirements. – A third-party contractor shall ensure that any employee of the third-party contractor who performs housekeeping services at the lodging establishment, provides food or beverage services on site at the lodging establishment, or performs check-in and check-out duties at the lodging establishment receive human trafficking awareness training as required by this section.

(e) Training Frequency. – Employees of lodging establishments and third-party contractors that begin employment on or after July 1, 2025, shall complete the training required by this section within 60 days of first providing services to the lodging establishment, and every two years thereafter. Persons employed by a lodging establishment or third-party contractor prior to July 1, 2025, shall complete the training required by this section no later than June 30, 2027, and every two years thereafter.

(f) Penalty. – The Department of Labor may impose an administrative penalty against any lodging establishment or any third-party contractor who willfully and knowingly violates the requirements of this section in the amount of five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and each subsequent violation. The clear proceeds of penalties assessed under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(g) No Private Right. – Nothing in this section shall (i) be construed as creating a private cause of action against a lodging establishment, or its employees, for any act or omission arising out of the requirements of this section or (ii) in any way limit or impair the rights or remedies which are otherwise available to a victim of human trafficking under any other law."

SECTION 2. Article 6 of Chapter 42A of the General Statutes is amended by adding a new section to read:

"§ 42A-39. Human trafficking awareness reporting and training requirements.

(a) Definitions. – The following definitions apply in this section:

- (1) Accommodation facilitator. – As defined in G.S. 105-164.3.
- (2) Employee. – As defined in G.S. 130A-492.
- (3) Human trafficking awareness training. – The training developed or identified by the Department of Labor pursuant to G.S. 130A-511.
- (4) Property manager. – A landlord, as defined in G.S. 42A-4, or real estate broker, as defined in G.S. 93A-2, that has primary responsibility for the listing, supervision, or maintenance of a vacation rental. The term property manager does not include a landlord that delegates all listing, supervisory, and maintenance responsibilities to a real estate broker.
- (5) Third-party contractor. – A person not employed by a property manager of a vacation rental who contracts with the property manager to provide services for the vacation rental.
- (6) Vacation rental. – As defined in G.S. 42A-4.

(b) Human Trafficking Reporting Requirement. – Before initially listing a vacation rental, either directly or through an accommodation facilitator, the property manager shall

implement a procedure for the reporting of suspected human trafficking occurring at vacation rentals to the National Human Trafficking Hotline or to a local law enforcement agency.

(c) Human Trafficking Awareness Training. – For any vacation rental offered for lease, all of the following individuals, if applicable, shall complete human trafficking awareness training:

- (1) The property manager, or if the property manager is a partnership, corporation, sole proprietorship, or limited liability company, any employee or third-party contractor who oversees the listing, supervision, or maintenance of the vacation rental on behalf of the property manager.
- (2) The property manager's employees who perform housekeeping services at the vacation rental or provide check-in and check-out services for the vacation rental.
- (3) Any third-party contractor or employee of a third-party contractor who performs housekeeping services at the vacation rental or provides check-in and check-out services for the vacation rental.

(d) Training Frequency. – Individuals required to complete training pursuant to subsection (c) of this section shall complete the training as follows:

- (1) For vacation rentals initially offered for lease on or after July 1, 2025, the property manager shall complete training prior to the vacation rental being offered for lease, and any employee of the property manager, or third-party contractor or employee shall complete training within 60 days of first providing services for the vacation rental, and every two years thereafter.
- (2) For vacation rentals initially offered for lease prior to July 1, 2025, the property manager and all individuals employed or contracted by the property manager prior to July 1, 2025, shall complete the training required by this section no later than June 30, 2027, and every two years thereafter.

(e) Accommodation Facilitator Requirements. – If the vacation rental is listed through an accommodation facilitator, the accommodation facilitator shall comply with all of the following requirements:

- (1) Notify the property manager of the training requirements of this section.
- (2) For any vacation rental initially listed with the accommodation facilitator on or after July 1, 2025, prior to making the listing available, require the property manager to certify that any training required by this section has been completed.
- (3) For any vacation rental initially listed with the accommodation facilitator prior to July 1, 2025, require the property manager to certify no later than June 30, 2027, that any training required by this section has been completed.
- (4) Report to the Department of Labor within 30 days of request on the methods used to notify property managers of the requirements of this section, and to require certification of their compliance with the requirements of this section.

(f) Penalty. – The Department of Labor may impose an administrative penalty against any property manager or any third-party contractor who willfully and knowingly violates the requirements of this section in the amount of five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and each subsequent violation. The clear proceeds of penalties assessed under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(g) Unfair Trade Practice. – It shall constitute an unfair trade practice in violation of G.S. 75-1.1 for a property manager to intentionally make a material misstatement in an acknowledgment of human trafficking awareness training completion.

(h) No Private Right. – Nothing in this section shall (i) be construed as creating a private cause of action against an accommodation facilitator, or its employees, for any act or omission arising out of the requirements of this section or (ii) in any way limit or impair the rights or remedies which are otherwise available to a victim of human trafficking under any other law."

SECTION 3. The Department of Labor shall develop or identify a human trafficking awareness training program that complies with Sections 1 and 2 of this act and make that training program available electronically no later than July 1, 2025.

SECTION 4.(a) G.S. 14-205.1(a) reads as rewritten:

"(a) Except as otherwise provided in this section, any person who solicits another for the purpose of prostitution is guilty of a ~~Class 1 misdemeanor~~ Class I felony for a first offense and a Class H felony for a second or subsequent offense. This subsection shall not apply to the person engaging in prostitution, as defined in G.S. 14-203(5). Any person 18 years of age or older who willfully solicits a minor for the purpose of prostitution is guilty of a Class G felony. Any person who willfully solicits a person who has a severe or profound mental disability for the purpose of prostitution is guilty of a Class E felony. Punishment under this section may include participation in a program devised for the education and prevention of sexual exploitation (i.e. "John School"), where available. A person who violates this subsection is not eligible for a disposition of prayer for judgment continued under any circumstances."

SECTION 4.(b) This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

MODIFY LAWS RELATING TO VICTIM CONFIDENTIALITY

SECTION 5.(a) G.S. 14-43.17 reads as rewritten:

"§ 14-43.17. Victim confidentiality; penalty for unlawful disclosure.

(a) Confidentiality Requirement. – Except as otherwise provided in subsections (b) and (d) of this section, the name, address, or other information that reasonably could be expected to lead directly to the identity of any of the following, is confidential and shall not be considered a public record as that term is defined in G.S. 132-1:

- (1) A victim.
- (2) An alleged victim.
- (3) An immediate family member of a victim or alleged victim. For purposes of this subdivision, the term "immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, or the spouse of an immediate family member. This term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(b) Exceptions. – Information subject to the confidentiality requirement set forth in subsection (a) of this section may be disclosed only for the following purposes:

- (1) For use in a law enforcement investigation or criminal prosecution.
- (2) To ensure the provision of medical care, housing, or family services or benefits to any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.
- (3) Upon written request by any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.
- (4) As required by federal law or court order.

(c) Penalty. – A person who knowingly violates subsection (a) of this section is guilty of a Class 3 misdemeanor.

(d) Court Records. – ~~This~~ Except as provided in subsection (e) of this section, this section does not apply to records that have been made part of a court file in the custody of the General Court of Justice.

(e) Motion for Victim Confidentiality. – In order to retain the protections afforded to victims and alleged victims under subsection (a) of this section regarding court records otherwise

excepted from those protections under subsection (d) of this section, a victim or alleged victim in a criminal case pursuant to this Article, or the victim or alleged victim's parent, legal guardian, or legal counsel if the victim or alleged victim is under 18 years of age, may at any time file a motion for victim confidentiality in the criminal case with the trial court in which the case is pending or was most recently pending.

For cases that have not yet been disposed, the court shall set a hearing date for the motion within 10 business days of the motion's filing and the moving party shall notify both the State and defendant of the motion and hearing. For cases that have previously been disposed, the court shall set a hearing date for the motion within 20 business days of the motion's filing and the moving party shall notify both the State and the defendant of the motion and hearing. The victim or alleged victim, the State, and the defendant shall have a right to be heard at the hearing.

In ruling on a motion for victim confidentiality under this subsection, the court shall at a minimum consider each of the following:

- (1) All information provided in writing or oral testimony by the victim or alleged victim, the State, or the defendant.
- (2) The negative impacts, if any, upon the victim or alleged victim if the motion is denied.
- (3) The negative impacts, if any, to the rights of the State or defendant if the motion is granted.
- (4) Any impact prejudicial to justice that may result if the motion is granted or denied.
- (5) The press' and the public's right of access to criminal case files.

If the court grants a motion for victim confidentiality under this subsection, the victim or alleged victim shall retain all protections afforded to victims and alleged victims under subsection (a) of this section, provided that nothing shall restrict the court, the State, or the defendant from accessing this information during the pendency of the case or for purposes of appeal following a disposition in the case. The granted motion shall only apply to information within the file of the criminal case pursuant to which the granted motion was filed and shall specify which information shall be confidential pursuant to this subsection.

(f) The Administrative Office of the Courts and the Clerks of Superior Court shall not be liable for damages under this section for the acts or omissions of their employees tasked with implementing this section."

SECTION 5.(b) This section becomes effective October 1, 2024, and applies to victims of crimes occurring on or after that date.

REQUIRE DISCLOSURE OF CERTAIN CRIMINAL HISTORY IN CHILD CUSTODY PLEADINGS

SECTION 6.(a) G.S. 50-13.1 reads as rewritten:

"§ 50-13.1. Action or proceeding for custody of minor child.

...

(a1) Notwithstanding any other provision of law, any person instituting an action or proceeding for ~~eustody ex parte~~ custody, whether pursuant to this Chapter or otherwise, who has been convicted of a ~~sexually violent offense as defined in G.S. 14-208.6(5)~~ any of the following shall disclose ~~the each~~ conviction in the ~~pleadings-pleadings~~:

- (1) A sexually violent offense as defined in G.S. 14-208.6(5).
- (2) A human trafficking offense as defined in G.S. 14-43.11, an involuntary servitude offense as defined in G.S. 14-43.12, or a sexual servitude offense as defined in G.S. 14-43.13.
- (3) The sexual exploitation of a minor as defined in G.S. 14-190.16, 14-190.17, or 14-190.17A.

In addition, notwithstanding any other provision of law to the contrary, any person instituting an action or proceeding for custody who has been granted or denied custody of any minor child in any jurisdiction shall disclose that fact in the pleadings of the action or proceeding.

(a2) In cases where a nonparent is seeking custody of a minor child or being given custody of a minor child in a consent order, the nonparent shall attest in the pleadings or the consent order that nothing of value has been paid or given, offered to be paid or given, or promised, directly or indirectly, in exchange for the minor child. Money or property offered or paid by the parent of the minor child to the nonparent as support for the minor child shall not be considered value given in exchange for the custody of the child for purposes of this subsection.

...."

SECTION 6.(b) This section becomes effective December 1, 2024.

PROHIBIT VIEWING OF PORNOGRAPHY ON GOVERNMENT NETWORKS AND DEVICES

SECTION 7.(a) Article 84 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-805. Prohibit viewing of pornography on government networks and devices.

(a) Notwithstanding G.S. 14-456 and G.S. 14-456.1, a public agency shall not permit the viewing of pornography by its employees on a network of that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit the viewing of pornography by its employees on a network of the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit the viewing of pornography by its employees on a network of the legislative branch.

(b) Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit an employee, elected official, or appointee of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit a student of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit an employee, elected official, or appointee of the judicial branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit an employee, elected official, or appointee of the legislative branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the legislative branch.

(c) Each public agency shall adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by that public agency. The judicial and legislative branches shall adopt a policy governing the use of that branch's networks and devices owned, leased, maintained, or otherwise controlled by those branches.

Each policy required by this subsection shall delineate the disciplinary actions that will be taken in response to a violation of that policy.

(d) Subsections (a) and (b) of this section shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:

- (1) Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.
- (2) Identifying potential security or cybersecurity threats.
- (3) Protecting human life.
- (4) Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing this section.
- (5) Participating in judicial or quasi-judicial proceedings.

- (6) Conducting or participating in an externally funded research project at one of the constituent institutions of The University of North Carolina.
- (7) Researching issues related to the drafting or analysis of the laws of this State as necessary to fulfill the requirements of the employee's official duties.

(e) This section shall not apply to the user of an authorized account paying for use of communications services under Article 16A of Chapter 160A of the General Statutes, including those communications services exempted under G.S. 160A-340.2(b) or (c).

(f) Annually, no later than August 1 and in the format required by the State Chief Information Officer, each public agency shall report information to the State Chief Information Officer on the number of incidences of unauthorized viewing or attempted viewing of pornography on that public agency's network; whether or not the unauthorized viewing was by an employee, elected official, appointee, or student of that public agency; and whether or not any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by that public agency. Annually, no later than October 1, the State Chief Information Officer shall compile and report to the Joint Legislative Oversight Committee on Information Technology the information submitted in accordance with this subsection.

(g) The following definitions apply in this section:

- (1) Device. – Any cellular phone, desktop or laptop computer, or other electronic equipment capable of connecting to a network.
- (2) Material. – As defined in G.S. 14-190.13.
- (3) Network. – Any of the following, whether through owning, leasing, maintaining, or otherwise controlling:
 - a. The interconnection of communication systems with a computer through remote or local terminals, or a complex consisting of two or more interconnected computers or telephone switching equipment.
 - b. Internet service.
 - c. Internet access.
- (4) Pornography. – Any material depicting sexual activity.
- (5) Public agency. – Any of the following:
 - a. All State agencies and offices of the members of the Council of State, including all boards, departments, divisions, constituent institutions of The University of North Carolina, community colleges, and other units of government in the executive branch.
 - b. Units of local government as defined in G.S. 159-7.
 - c. Public authorities as defined in G.S. 159-7.
 - d. Public school units as defined in G.S. 115C-5.
- (6) Sexual activity. – As defined in G.S. 14-190.13."

SECTION 7.(b) Any employee, elected official, or appointee of a public agency with pornography saved to a device owned, leased, maintained, or otherwise controlled by that public agency shall remove, delete, or uninstall the pornography no later than January 1, 2025. Any student of a public agency with pornography saved to a device owned, leased, maintained, or otherwise controlled by that public agency shall remove, delete, or uninstall the pornography no later than January 1, 2025. Any employee, elected official, or appointee of the judicial or legislative branches with pornography saved to a device owned, leased, maintained, or otherwise controlled by that branch shall remove, delete, or uninstall the pornography no later than January 1, 2025. This subsection shall not apply to an official or employee engaged in any of the activities listed in G.S. 143-805(d) in the course of that official's or employee's official duties.

SECTION 7.(c) G.S. 14-456 is amended by adding a new subsection to read:

"(c) This section shall not apply to denial of pornographic viewing as required by G.S. 143-805."

SECTION 7.(d) G.S. 14-456.1 is amended by adding a new subsection to read:

"(c) This section shall not apply to denial of pornographic viewing as required by G.S. 143-805."

SECTION 7.(e) The State Chief Information Officer shall publish recommendations for appropriate viewing of pornography for the purposes authorized by G.S. 143-805(d), as enacted by this act, no later than January 1, 2025.

SECTION 7.(f) Each public agency, the judicial branch, and legislative branch shall adopt the policy required by G.S. 143-805(c), as enacted by this act, no later than January 1, 2025.

SECTION 7.(g) This section becomes effective October 1, 2024.

EXPAND TRAINING AND GUIDANCE ON HUMAN TRAFFICKING

SECTION 8.(a) The Division of Social Services, Department of Health and Human Services, after consultation with the State Human Trafficking Commission, shall expand, further develop, and implement trainings on human trafficking to provide guidance to county child welfare staff, county social services attorneys, county social services directors, and all social services staff. Training and guidance may include, but is not limited to, the following:

- (1) Incorporation of training in all state Learning Management Systems, biannual webinars, and other regularly scheduled training calls.
- (2) Training of County Departments of Social Services attorneys biannually at regularly scheduled conferences.
- (3) Inclusion of training in County Departments of Social Services Directors biannual regional meetings and ongoing regular monthly meetings.

SECTION 8.(b) This section is effective when it becomes law.

PROVIDE CJLEADS ACCESS TO CAMPUS POLICE

SECTION 9.(a) G.S. 74G-2 is amended by adding a new subsection to read:

"(d) Unless contrary to any federal law, regulation, or requirement, a campus police agency certified pursuant to this Chapter shall be granted access to the Criminal Justice Law Enforcement Automated Data System (CJLEADS) upon (i) request of the agency and (ii) compliance with the requirements established by the Government Data Analytics Center (GDAC) for access to that system, including the execution of a license and usage agreement."

SECTION 9.(b) This section becomes effective July 1, 2024, and applies to requests for access made on or after that date.

HFA/DOCUMENTS RELATED TO VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND HUMAN TRAFFICKING NOT PUBLIC RECORD

SECTION 10.(a) Chapter 122A of the General Statutes is amended by adding a new section to read:

"§ 122A-22.1. Housing for victims of domestic violence, sexual assault, human trafficking; records confidential."

A public record, as defined in G.S. 132-1, does not include documents, papers, letters, photographs, or any other information provided to or compiled by the Housing Finance Agency for the purposes of financing housing for victims of domestic violence, sexual assault, and human trafficking."

SECTION 10.(b) This section is effective when it becomes law.

MODIFY DEFINITION OF VICTIM IN THE CRIME VICTIM'S COMPENSATION ACT

SECTION 11.(a) G.S. 15B-2(13) reads as rewritten:

"(13) Victim. – A person who suffers ~~personal injury or death~~ personal injury, death, economic loss, or substantial emotional distress as defined by G.S. 14-277.3A, proximately caused by criminally injurious conduct."

SECTION 11.(b) This section becomes effective October 1, 2024, and applies to victims of crimes occurring on or after that date.

EFFECTIVE DATE

SECTION 12. Sections 1 and 2 of this act become effective July 1, 2025. Except as otherwise provided, the remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of June, 2024.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____ .m. this _____ day of _____, 2024