

THE NORTH CAROLINA SEX OFFENDER & PUBLIC PROTECTION REGISTRATION PROGRAMS

This publication is only represented to be current as of the revision date on this cover page. Material in this publication may have been altered, added, or deleted since the revision date. Information contained in this publication should not be relied upon as legal advice in a particular scenario. This information is designed as a reference guide only

ROY COOPER
ATTORNEY GENERAL



NORTH CAROLINA DEPARTMENT OF JUSTICE
LAW ENFORCEMENT LIAISON SECTION

REVISED SEPTEMBER 2014

www.ncdoj.gov

INTRODUCTION AND OVERVIEW

Introduction to the Registration Programs

Under North Carolina law, certain persons who have been convicted of a sex offense or an offense against a minor are required to establish and maintain registration in compliance with the North Carolina Sex Offender and Public Protection Registration Programs. The Registration Programs are governed by Chapter 14, Article 27A of the North Carolina General Statutes.

This publication is designed to serve three main purposes:

- (1) to educate certain offenders on their obligations under the Registration Programs;
- (2) to educate the general public about the Registration Programs and the availability of information on the public registry; and
- (3) to provide a reference to sheriffs' offices, other law enforcement agencies, and prosecutors across the State in their efforts to ensure compliance with the Registration Programs.

The publication should not be relied upon as an authoritative statement or interpretation of the law or legal advice. Readers are encouraged to consult with the relevant statutes and case law. Questions regarding the publication can be directed to the Law Enforcement Liaison Section of the Attorney General's Office at (919) 716-6725.

Overview of the Registration Programs and Contents of this Publication

Chapter 1: Registration of Adult Offenders: Certain Juvenile Offenders (Art. 27A. Parts 2 & 3)

All adult offenders who are required to register are governed by **Part 2** of Article 27A of the North Carolina General Statutes. Any such offender who is (a) convicted of an aggravated offense, (b) convicted of a repeat offense, or (c) determined by a court to be a sexually violent predator is *also* governed by Part 3 of Article 27A. Certain juvenile offenders are treated as adult offenders under Part 2 and, if applicable, **Part 3**. The registration requirements for Part 2 and Part 3 offenders, to include non-resident students and nonresident workers, are discussed in Chapter 1. <Page 3>

Chapter 2: Registration of Delinquent Juvenile Offenders (Art. 27A. Part 4)

Certain juveniles who are adjudicated delinquent for various sex offenses in North Carolina may be subject to registration under Part 4 of Article 27A. The registration requirements for juvenile offenders are discussed in Chapter 2. <Page 10>

Chapter 3: Restrictions on Offenders: Duties of the General Public

Several statutes located in Article 27A (and elsewhere) restrict the activities of any offender who is subject to registration. A few related statutes apply to the general public. These restrictions are discussed in Chapter 3. <Page 11>

Chapter 4: Public Access to Information: Cooperation Among Government Agencies and Other Entities

Information collected through the Registration Programs is disseminated and used in

various ways. These matters are discussed in Chapter 4. <Page 18>

Chapter 5: Termination or Discontinuation of Registration Requirement

The processes for termination or discontinuation of a requirement to register under Article 27A are discussed in Chapter 5. <Page 22>

Chapter 6: Satellite-Based Sex Offender Monitoring Program (Art. 27A, Part 5)

Certain offenders may be made subject by court order to enroll in the sex offender monitoring program established in Part 5 of Article 27A. This program is discussed briefly in Chapter 6. <Page 24>

Appendices: Tables, Forms, Statutes, and Other References

Appendix 1: Effective Dates for Reportable Convictions	Page 25
Appendix 2: Duties to Report Updates to Registration Information	Page 31
Appendix 3: Criminal Penalties Associated with Registration Programs	Page 33
Appendix 4: Federal Tier Levels and Minimum Registration Periods	Page 36
Appendix 5: Registration Programs – Statute Index	Page 38
Appendix 6: Forms Published by the AOC	Page 40

Frequently Asked Questions

<Page 41>

CHAPTER 1

REGISTRATION REQUIREMENTS FOR ADULTS AND CERTAIN JUVENILES UNDER ARTICLE 27A, PART 2 AND PART 3

This chapter contains a description of the Part 2 and Part 3 Registration Programs referenced in the Introduction and Overview. Issues addressed include who must register under these programs, the timing and process for maintaining registration, and the duration of the registration requirement.

Who is Subject to the Part 2 Registration Requirements?

Any person who has a “**reportable conviction**” and who resides in North Carolina, moves to North Carolina, or is a nonresident student or nonresident worker in North Carolina must maintain registration under Part 2 of Article 27A. This includes certain juvenile offenders (see below). **Nonresident students** and **nonresident workers** in North Carolina also must maintain registration under Part 2 if required to register in their state of residency.

“**Nonresident student**” means a person who is not a resident of North Carolina but who is enrolled in any type of school in the State on a part-time or full-time basis.

“**Nonresident worker**” means a person who is not a resident of North Carolina but who has employment or carries on a vocation in the State, on a part-time or full-time basis, with or without compensation or government or educational benefit, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year.

A “**reportable conviction**” is determined by both (1) the type of offense and (2) the effective date of the registration statute that might apply. *Effective dates vary*. Therefore, readers must use the tables in Appendix 1 in determining an offender’s obligation to register based on the circumstances presented.

Types of Offenses Which May Give Rise to a “Reportable Conviction” (G.S. § 14-208.6(4))

The term “reportable conviction” is defined to include any of the following:

- (a) A **final conviction** for an **offense against a minor**, a **sexually violent offense**, or an **attempt** to commit any of those offenses unless the conviction is for **aiding and abetting**. A final conviction for aiding and abetting is a reportable conviction only if the court sentencing the individual finds that the registration of that individual under Article 27A furthers the purposes stated in G.S. § 14-208.5.

The term “**final conviction**” is not defined in Article 27A. Whether there is a final conviction will depend on the laws of the jurisdiction where the conviction occurred. In North Carolina, a conviction in district court for which execution of judgment is stayed pending appeal to superior court under G.S. § 15A-1431 would not be a final conviction. Determining if the entry of a prayer for judgment continued (PJC) equates to a conviction and therefore would require registration as a sex offender may depend on an analysis of

any conditions placed on the PJC by the court. Legal counsel should be consulted on this issue.

“Final conviction” may or may not include juvenile proceedings in another state. Juveniles who are tried and convicted as adults in North Carolina, pursuant to G.S. § 7B-2200, must register “just as an adult convicted of the same offense must register” according to G.S. § 14-208.6B.

“**Offense against a minor**” means any of the following offenses if the offense is committed against a minor (a person under the age of 18 years), **and** the person committing the offense is not the minor’s parent: G.S. § 14-39 (kidnapping), G.S. § 14-41 (abduction of children), and G.S. § 14-43.3 (felonious restraint). The term also includes the following if the person convicted is not the minor’s parent: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses. “Parent” means a biological or adoptive parent with parental rights.

“**Sexually violent offense**” means a violation of any of the following:

- G.S. § 14-27.2 -- First degree rape
- G.S. § 14-27.2A -- Rape of a child by adult offender
- G.S. § 14-27.3 -- Second degree rape
- G.S. § 14-27.4 -- First degree sexual offense
- G.S. § 14-27.4A -- Sex offense with a child by adult offender
- 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 when the defendant is at least six years older
- G.S. § 14-43.11 -- Human trafficking if committed against a minor or with the intent that they be held in sexual servitude.
- G.S. § 14-43.13 -- Subjecting or maintaining a person for sexual servitude
- 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(al) -- 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 -- Participating in the prostitution of a minor
- G.S. § 14-202.1 -- Taking indecent liberties with children
- G.S. § 14-202.3 -- Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act
- G.S. § 14-202.4(a) -- Taking indecent liberties with a student
- G.S. § 14-205.2(c) or (d) – Patronizing a prostitute who is a minor or mentally

- disabled.
- G.S. § 14-205.3(b) -- Promoting prostitution of a minor or a mentally disabled person.
- G.S. § 14-318.4(al) -- Parent or caretaker commit or permit act of prostitution with or by a juvenile
- G.S. § 14-318.4(a2) -- Commission or allowing of sexual act upon a juvenile by parent or guardian

The term also includes a **solicitation** or **conspiracy** to commit any of the aforementioned offenses.

- (b) A final conviction in another state of an offense, which if committed in this State, is substantially similar to an **offense against a minor** or a **sexually violent offense** as defined by this section, or a final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state.
- (c) A final conviction in a federal jurisdiction (including a court martial) of an offense, which is substantially similar to an offense against a minor or a sexually violent offense as defined by this section.
- (d) A final conviction for a violation of G.S. § 14-202(d), (e), (1), (g), or (h), or a second or subsequent conviction for a violation of G.S. § 14-202(a), (al), or (c), only if the court sentencing the individual issues an order pursuant to G.S. § 14-202(1) requiring the individual to register. Note: G.S. § 14-202 outlaws various offenses of secretly peeping.
- (e) A final conviction for a violation of G.S. § 14-43.14, but only if the court sentencing the individual issues an order requiring the person to register.

Effective Dates for Each Type of “Reportable Conviction”

For each offense that can give rise to a “reportable conviction” (whether a North Carolina conviction, an out-of-state conviction, or a federal conviction) there is a corresponding effective date that determines if an offender is subject to register as an offender. These dates have been established through various Session Laws enacted by the North Carolina General Assembly. Appendix 1 contains several tables which show the effective dates for each type of “reportable conviction.”

Table 1: Offenses against minors

Table 2: Sexually violent offenses

Table 3: Aiding and abetting, attempt, conspiracy, or solicitation of offense against a minor or sexually violent offense

Table 4: Convictions from other states

Table 5: Federal convictions

Table 6: Secretly peeping

Offenders Subject to Additional Registration Requirements under Part 3

Part 3 of Article 27A applies to anyone who must register as a sex offender and is (a) convicted of an **aggravated offense**, (b) convicted of a repeat offense (*i.e.*, is a **recidivist**), and/or (c) determined by a court to be a **sexually violent predator**.

Under G.S. § 14-208.6, an “**aggravated offense**” is defined as a criminal offense which includes either of the following:

- (a) Engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any age through the use of force or the threat of serious violence.
- (b) Engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old.

Part 3 registration is required for anyone convicted of an aggravated offense, so long as the offense was committed on or after October 1, 2001.

Under G.S. § 14-208.6, “**recidivist**” is defined as “a person who has a prior conviction for an offense that is described in G.S. § 14-208.6(4).” Part 3 registration is required if an offender is convicted for an offense committed on or after October 1, 2001 and has at least one prior reportable conviction, irrespective of the date.

Under G.S. § 14-208.6, a “**sexually violent predator**” is defined as a person who has been convicted of a “sexually violent offense” (see above) and “who suffers from a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses directed at strangers or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.” A court order during criminal sentencing is required before an offender can be classified as a “sexually violent predator.” This sentencing procedure is governed by G.S. § 14-208.20.

The predominate distinction between aggravated offenders, recidivists, and predators and other registered offenders is that aggravated offenders, recidivists and predators must register for their lifetime and they must verify their current residence every 90 days.

Initial Registration Process

A person who is required to register due to a “reportable conviction” must report in person to the appropriate sheriff’s office to comply with the “initial county registration” requirements of G.S. § 14-208.7.

When and Where to Register

Resident offenders shall register immediately upon conviction when an active term of imprisonment is not imposed. Otherwise, resident offenders shall register “[w]ithin three business days of release from a penal institution or arrival in a county to live outside a penal institution.” Anyone who has a “reportable conviction” and moves to North Carolina shall register “within three business days of establishing residence in this State, or whenever the person has been present in the State for 15 days, whichever comes first.” Registration for these groups will be initiated with the sheriff of the county in which the offender resides.

Nonresident students are required to register upon enrollment in any type of school in the State. Nonresident workers are required to register upon working for more than 14 days or for an aggregate period of more than 30 days in a calendar year. Registration for these groups will be initiated with the sheriff of the county where the offender works or attends school.

Information Provided to Sheriff During Initial Registration

Each offender required to register must provide the following information during initial county registration (see some additional requirements below):

- (1) The person’s full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, driver’s license number, and home address.
- (1 a) A statement indicating what the person’s name was at the time of the conviction for the offense that requires registration; what alias, if any, the person was using at the time of the conviction of that offense; and the name of the person as it appears on the judgment imposing the sentence on the person for the conviction of the offense.
- (2) The type of offense for which the person was convicted, the date of conviction, and the sentence imposed.
- (3) A current photograph taken by the sheriff, without charge, at the time of registration.
- (4) The person’s fingerprints taken by the sheriff, without charge, at the time of registration.
- (5) A statement indicating whether the person is a student or expects to enroll as a student within a year of registering. If the person is a student or expects to enroll as a student within a year of registration, then the registration form shall also require the name and address of the educational institution at which the person is a student or expects to enroll as a student.
- (6) A statement indicating whether the person is employed or expects to be employed at an institution of higher education within a year of registering. If the person is employed or expects to be employed at an institution of higher education within a year of registration, then the registration form shall also require the name and

address of the educational institution at which the person is or expects to be employed.

- (7) Any online identifier that the person uses or intends to use.

Nonresident students or workers who are required to register must *also* provide:

- (1) Information regarding the person's school or place of employment as appropriate.
- (2) The person's address in his or her state of residence.

Offenders subject to Part 3 registration requirements must *also* provide:

- (1) Identifying factors.
- (2) Offense history.
- (3) Documentation of any treatment received by the person for the person's mental abnormality or personality disorder.

Continuing Obligations to Maintain Registration

Once registered, an offender has several continuing obligations to maintain registration by verifying and updating information as required by statute. **These obligations carry with them very stringent time standards. Appendix 2 in this publication sets out these standards.**

Mandatory Verification (G.S. § 14-208.9A(a))

A registered offender will receive a verification form at his or her last reported address every year on the anniversary of the offender's initial county registration and six (6) months from that date. Part 3 offenders should receive this form every ninety (90) days after initial county registration.

Upon receipt of the verification form, a registered offender must report in person to the sheriff's office to return the form. The verification form must be signed and indicate whether the information contained in the form is accurate, while providing updated information if applicable.

Authorized Additional Verification (G.S. § 14-208.9A(b)-(c))

The sheriff is authorized to verify an offender's place of residence during the registration period. The sheriff is also authorized to require a registered offender to be photographed if the current photograph no longer provides a true and accurate likeness of the offender. Demands for additional photographs require in-person notice by the sheriff's office, and the offender must comply with such a demand during normal business hours within three (3) business days.

Obligations to Update or Report Various Information (G.S. § 14-208.8A, G.S. § 14-208.9)

In addition to the periodic mandatory verification requirements, a registered offender has a continuing obligation to report any of the following:

- (a) Change of address, whether within the county or to a different county
- (b) Intent to move out of state or change of such intent
- (c) Temporary work in a different county if accompanied by temporary residence in that county
- (d) Change of academic status or employment at institution of higher education. The

table in Appendix 2 describes these duties in more detail and provides the applicable deadlines for offenders to comply.

Prompt or Immediate Reporting of Registry Information by the Sheriff to the State

Generally, any registry information collected by the sheriff is required to be reported immediately to the State Division of Criminal Information.

Length of Registration

According to G.S. § 14-208.7, registration under Part 2 shall be maintained for a period of at least 30 years following the date of initial county registration, unless the person successfully petitions to shorten this time period. Such petitions may be filed in superior court 10 years after initial county registration in North Carolina. This procedure is discussed in Chapter 5.

Part 3 offenders must maintain registration for life pursuant to G.S. § 14-208.23.

CHAPTER 2

REGISTRATION REQUIREMENTS FOR CERTAIN JUVENILE DELINQUENT OFFENDERS UNDER ARTICLE 27A, PART 4

This chapter contains a description of the Part 4 Registration Program. Issues addressed include who must register under these programs, the timing and process for maintaining registration, and the duration of the registration requirement.

Which Juveniles are Subject to Register Under Part 4?

A juvenile adjudicated delinquent for any of the following offenses may be ordered by the court to register under Part 4 of Article 27A, so long as the juvenile was at least eleven years old at the time of the offense:

- 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. § 14-27.6 -Attempted rape or sexual offense

This includes the commission of such an offense; an attempt, conspiracy, or solicitation of another to commit such an offense; or aiding and abetting such an offense. Before deciding whether the delinquent juvenile must register, the judge who is presiding over the dispositional hearing must first make a finding that the juvenile is a danger to the community.

Part 4 Registration Requirements

Initial Registration: If a delinquent juvenile is required to register under Part 4, the chief court counselor of that district shall file registration information with the appropriate sheriff.

Change of Address: Within three (3) business days after a registered juvenile changes address, the juvenile court counselor for the juvenile shall provide written notice of the change to the sheriff of the county where the juvenile was last registered.

Semiannual Verification: Every year on the anniversary of the juvenile's registration date and six months after that date, the sheriff shall mail a verification form to the assigned juvenile court counselor, who shall return the form within three (3) business days. The form shall be signed by the juvenile court counselor and the juvenile and shall indicate whether the juvenile still resides at the address last reported to the sheriff. Any new address shall be indicated on the form.

Automatic Termination of Registration Under Part 4

The registration requirement of Part 4 terminates automatically upon the juvenile's eighteenth birthday or when the jurisdiction of the juvenile court over the juvenile ends, whichever occurs first.

CHAPTER 3

RESTRICTIONS ON OFFENDERS AND DUTIES OF THE GENERAL PUBLIC ASSOCIATED WITH THE REGISTRATION PROGRAMS

This chapter contains a description of the restrictions which are placed on offenders required to register under Article 27A, as well as a description of related activities of the general public which are prohibited by law. See Appendix 3 for a summary of criminal penalties associated with the Registration Programs.

Restricted Activities of Offenders

The State of North Carolina places several restrictions on the activities of offenders required to register under Article 27A. These are detailed below. Offenders should also seek information regarding any local ordinances which might restrict their activities, such as a prohibition against entering public parks, for example.

Residency Restrictions (G.S. § 14-208.16)

Any offender required to register under Article 27A is prohibited from knowingly residing within 1,000 feet of the property on which any public or nonpublic school or child care center is located.

The term “school” in this section does not include home schools (defined in G.S. § 11 5C-563) or institutions of higher education, such as colleges or universities. The term “child care center” has the same definition as “child care facility” in G.S. § 110-86(3) and therefore the list of exclusions in G.S. § 110-86(2) are not included in the definition of “child care center.” However, for purposes of sex offender registration, the term “child care center” does include the permanent locations of organized clubs of Boys and Girls Clubs of America.

For purposes of N.C.G.S. § 14-208.16, the definition of “child care center” is the same as the definition of “child care facility” under N.C.G.S. § 110-86:

§ 110-86. Definitions.

- ...
- (2) Child care- A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:
- a. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
 - b. Recreational programs operated for less than four consecutive months in a year;
 - c. Specialized activities or instruction such as athletics, dance, art, music

- lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
 - d. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
 - e. Drop-in or short-term care provided by an employer for its part-time employees where (i) the child is provided care not to exceed two and one-half hours during that day, (ii) the parents are on the premises, and (iii) there are no more than 25 children in any one group in any one room;
 - f. Public schools;
 - g. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site;
 - h. Bible schools conducted during vacation periods;
 - i. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
 - j. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
 - k. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.
- (3) Child care facility -- includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. § 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.
- a. A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.
 - b. A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.

Additionally, G.S. § 14-208.16 does not apply to child care centers located on or within 1,000 feet of the property of an institution of higher education where the offender is a student or is employed.

Changes in the ownership or use of property within 1,000 feet of an offender's registered address which occur after the offender establishes residency at the registered address will not result in a violation of G.S. § 14-208.16. Residency is established for purposes of this section when the offender does any of the following:

- (a) Purchases the residence or enters into a specifically enforceable contract to purchase the residence.

- (b) Enters into a written lease contract for the residence and for as long as the person is lawfully entitled to remain on the premises.
- (c) Resides with an immediate family member who establishes residence in accordance with this subsection. "Immediate family members" include the offender's child or sibling of at least 18 years of age, parent, grandparent, legal guardian, or spouse.

Note that the restriction does not apply to an offender who established residency at the registered address prior to the effective date of August 16, 2006.

Restrictions on Certain Activities Involving Minors (G.S. § 14-208.17)

It is unlawful for any offender required to register under Article 27A to work at any place where a minor is present and the person's responsibilities or activities would include instruction, supervision, or care of a minor or minors. This prohibition also covers self-employment, and applies whether the work is compensated or not.

Commercial Driver's License Restriction (G.S. § 14-208.19A, G.S. § 20-27.1, G.S. § 20-37.14A)

Any offender required to register under Article 27A is prohibited from obtaining or renewing a commercial driver's license with a 'P' or 'S' endorsement (for commercial vehicles carrying passengers or for school buses). An offender who is subject to this restriction is prohibited from driving a commercial passenger vehicle or school bus.

Restriction on Obtaining/Renewing EMS Credentials (G.S. § 131E- 159)

A person who is required to register as a sex offender under Article 27A of Chapter 14 of the General Statutes, or who was convicted of an offense which would have required registration if committed at a time when such registration would have been required by law, shall not be granted EMS credentials. The Department shall not renew the credentials of any person who would be ineligible for EMS credentials under this subsection.

Restriction on Issuance or Renewal of Funeral License (G.S. § 90-210.25B)

Persons or entities convicted of certain specified sex offenses are not eligible to obtain any licensure, permit, or registration under Article 13A of Chapter 90 of the General Statutes. Note that this determination is independent of whether a person is subject to registration under Article 27A of Chapter 14 of the General Statutes.

Prohibition Against Being on Certain Protected Premises (G.S. § 14-208.18)

This restriction applies to any offender who is required to register under Article 27A and who has committed either of the following types of offenses:

- (a) Any offense in Chapter 14, Article 7A of the General Statutes.
- (b) Any offense where the victim of the offense was under the age of 16 years at the time of the offense.

Article 7A offenses include the following:

- G.S. § 14-27.2--First degree rape
- G.S. § 14-27.2A --Rape of a child by adult offender
- G.S. § 14-27.3--Second degree rape

- G.S. § 14-27.4 --First degree sexual offense
- G.S. § 14-27.4A--Sex offense with a child by adult offender
- 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 when the defendant is at least six years older

Determining whether the victim of an offense was under the age of 16 years at the time of the offense will sometimes require additional investigation into the underlying circumstances of the offense. However, some sex offenses in North Carolina always involve a victim who is under the age of 16 years at the time of the offense. These include:

- G.S. § 14-27.7A(a)-- Statutory rape or sexual offense of person who is 13, 14, or 15 years-old when the defendant is at least six years older
- G.S. § 14-190.6--Employing or permitting a minor to assist in offenses against public morality and decency
- G.S. § 14-202.1--Taking indecent liberties with children
- G.S. § 14-318.4(al)--Parent or caretaker committing, permitting, or encouraging act of prostitution with or by a child less than 16 years of age
- G.S. § 14-318.4(a2)--Parent or legal guardian committing or allowing the commission of any sexual act upon a child less than 16 years of age

It is unlawful for any such restricted offender to be:

- (a) On the premises of any place intended primarily for the use, care, or supervision of minors. This includes, but is not limited to, schools, children's museums, child care centers, nurseries, and playgrounds.
- (b) Within 300 feet of any place intended primarily for the use, care, or supervision of minors if the place is located on the premises of a place which is *not* intended primarily for these purposes.
- (c) At any place where minors gather for regularly scheduled educational, recreational, or social programs.

The restriction does not apply to the parent or guardian of a student enrolled in a school who is present on school property to attend a conference with school personnel to discuss the academic or social progress of the student, or whose presence at the school has been requested by the principal or a designee for any other reason relating to the welfare or transportation of the student, but only if the parent or guardian complies with each of these notice and supervision requirements:

- (1) The parent or guardian must give notice to the principal of the fact that he or she is subject to registration under Article 27A.
- (2) The parent or guardian must give notice to the principal of his or her presence at the school unless he or she has been granted permission by the superintendent or local board of education or has been granted ongoing permission for regular visits of a routine nature by the principal.
- (3) At all times while on school property, the parent or guardian shall remain under

the direct supervision of school personnel, and may not enter onto school property if no school personnel are reasonably available to supervise the parent or guardian on any given occasion.

Other limited exceptions to the restrictions under G.S. § 14-208.18 include the following:

- (a) An offender who is eligible to vote may be present at a prohibited location if for the purpose of voting at the person's voting place. However, the person may not be outside the voting enclosure except for the purpose of entering and exiting the voting place and, if the location is a school, the person must notify the principal of the school that he or she is registered as a sex offender.
- (b) A person who is eligible under G.S. § 115C-378 to attend public school may be present on school property if permitted by the local board of education pursuant to G.S. § 115C-390.1 l(a)(2).
- (c) A juvenile offender may be present at a prohibited location for the purpose of receiving medical treatment or mental health services, so long as the juvenile offender remains under the direct supervision of an employee of the treating institution at all times.
- (d) An offender who is the parent or guardian of a minor may take the minor to any location that can provide emergency medical care treatment if the minor is in need of emergency medical care.

Restrictions on Access to Certain Social Networking Web Sites (G.S. § 14-202.5)

It is unlawful for an offender registered under Article 27A to access a commercial social networking Web site when the offender knows that the site permits minor children to become members or to create or maintain personal Web pages on the commercial social networking Web site.

A "commercial social networking Web site" is an Internet Web site that meets all of the following requirements:

- (1) Is operated by a person who derives revenue from membership fees, advertising, or other sources related to the operation of the Web site.
- (2) Facilitates the social introduction between two or more persons for the purposes of friendship, meeting other persons, or information exchanges.
- (3) Allows users to create Web pages or personal profiles that contain information such as the name or nickname of the user, photographs placed on the personal Web page by the user, other personal information about the user, and links to other personal Web pages on the commercial social networking Web site of friends or associates of the user that may be accessed by other users or visitors to the Web site.
- (4) Provides users or visitors to the commercial social networking Web site mechanisms to communicate with other users, such as a message board, chat room, electronic mail, or instant messenger.

A commercial social networking Web site does not include an Internet Web site that either:

Chapter 3: Restrictions on Offenders and Duties of the General Public Associated with the Registration Programs

- (a) Provides only one of the following discrete services: photo-sharing, electronic mail, instant messenger, or chat room or message board platform; or
- (b) Has as its primary purpose the facilitation of commercial transactions involving goods or services between its members or visitors.

Prohibition Against Change of Name (G.S. § 14-202.6)

It is unlawful for anyone registered under Article 27A to obtain a change of name under Chapter 101 of the General Statutes.

Restrictions Applicable to the General Public

Any person may be subject to criminal prosecution for certain activities related to the Registration Programs. For some offenses, the violation rises to the level of a felony.

Certain Restrictions Against Accepting Minors into Residence of Offender (G.S. § 14-208.17(b))

It is unlawful for any person who knows that an offender who is required to register under Article 27A resides at his or her residence to conduct any activity at the residence which involves accepting a minor or minors into his or her care or custody from another.

Certain Babysitting Services Prohibited (G.S. § 14-321.1)

No person who is an adult may provide or offer to provide a babysitting service in either of the following circumstances:

- (a) The babysitting service is offered in a home and a resident of the home is a sex offender who is registered in accordance with Article 27A.
- (b) A provider of care for the babysitting service is a sex offender who is registered in accordance with Article 27A.

“Babysitting service” means providing, for profit, supervision or care for a child under the age of 13 years who is unrelated to the provider by blood, marriage, or adoption, for more than two (2) hours per day while the child’s parents or guardians are not on the premises.

Duty to Report Non-Compliance of an Offender (G.S. § 14-208.11A)

It is unlawful for any person who has reason to believe a person is in violation of the requirements of Article 27A and who has the intent to assist the offender in eluding arrest to do any of the following:

- (a) Withhold information from, or fail to notify, a law enforcement agency about the offender’s noncompliance with the requirements of Article 27A, and, if known,

Chapter 3: Restrictions on Offenders and Duties of the General Public Associated with the Registration Programs

the whereabouts of the offender.

- (b) Harbor, attempt to harbor, or assist another person in harboring or attempting to harbor, the offender.
- (c) Conceal, or attempt to conceal, or assist another person in concealing or attempting to conceal, the offender.
- (d) Provide information to a law enforcement agency regarding the offender that the

person knows to be false information.

Duty to Use Information from Public Registry for Lawful Purposes

Information from the Registration Programs is made available for purposes of protecting the public, for keeping them informed, and for allowing them to take proactive measures to ensure safety in their communities. Use and/or misuse of this information by individuals, groups or entities to commit criminal acts (to include, but not limited to, threats, intimidation, stalking, harassment) against other persons is subject to criminal prosecution.

CHAPTER 4

PUBLIC ACCESS TO INFORMATION AND COOPERATION AMONG GOVERNMENT AGENCIES AND OTHER ENTITIES

This chapter contains a description of the ways in which information collected through the Registration Programs is disseminated and a description of how various agencies and entities cooperate to carry out the purposes of these programs.

County and Statewide Registries; Public Records

County Registries (G.S. § 14-208.10)

A county registry includes all information compiled by the sheriff of a county in compliance with Article 27A, with the exception of information collected pursuant to Part 4 (delinquent juveniles).

The following information in a county registry regarding a person required to register is public record and shall be available for public inspection: name, sex, address, physical description, picture, conviction date, offense for which registration was required, the sentence imposed as a result of the conviction, and registration status. The sheriff shall release any other relevant information necessary to protect the public concerning a specific person, but shall not release the identity of the victim of the offense requiring registration. Any information obtained pursuant to G.S. § 14-208.22 regarding an offender's medical records or documentation of treatment for the offender's mental abnormality or personality disorder shall not be a part of the public record.

Statewide Registry (G.S. § 14-208.14, G.S. § 14-208.15)

The statewide registry is the central registry compiled by the State Division of Criminal Information. The statewide registry includes any information:

- (a) Obtained by a sheriff or penal institution under Article 27A or from any other local or State law enforcement agency;
- (b) Received from a state or local law enforcement agency or penal institution in another state; or
- (c) Received from a federal law enforcement agency or penal institution.

The statewide registry does not include any information collected pursuant to Part 4 (delinquent juveniles).

Information from the statewide registry that is made public record is the same as for county registries (see above), including any relevant information necessary to protect the public concerning a specific person, except for the identity of the victim of an offense requiring registration.

Confidentiality of Part 4 Registration Information (G.S. § 14-208.29)

Part 4 registration information (for delinquent juveniles) is not public record and not available for public inspection. This information is maintained separately by the sheriff and may be released only to law enforcement agencies and local boards of education. Registry

information for any juvenile enrolled in the local school administrative unit shall be forwarded to the local board of education. Under no circumstances shall the registration of a juvenile under Part 4 be included in the county or statewide registries or made available through the online public registry.

Free Online Public Registry; National Sex Offender Website

Free Access to Online Public Registry (G.S. § 14-208.14, G.S. § 14-208.15)

The State Division of Criminal Information provides free public access to certain automated data from the statewide registry, including photographs provided by the registering sheriffs, via the Internet. The public registry is available at the following web address: <http://sexoffender.ncdoi.gov>.

The National Sex Offender Public Website

The United States Department of Justice offers free web access to information gathered from the sex offender registries of the 50 States, the District of Columbia, U.S. Territories, and participating tribes. This website may be reached via the North Carolina public registry site (<http://sexoffender.ncdoj.gov>) or directly at <http://www.nsopw.gov/Core/Portal.aspx>.

Information Shared with Law Enforcement

General Sharing of Information (G.S. § 14-208.5, G.S. § 14-208.6A)

Information collected through the Registration Programs is intended to be shared with the appropriate local, State, federal, and out-of-state law enforcement officials and with penal institutions.

Police Information Network (G.S. § 14-208.13, G.S. § 14-208.3 1)

Information from the statewide registry is included in the Police Information Network (commonly known as the Division of Criminal Information) established under G.S. § 114-10.1. Registration information is retained even after expiration of an offender's registration requirement, though this information would not appear on the public registry. The records of delinquent juveniles registered pursuant to Part 4 are kept confidential in accordance with Chapter 7B, Article 32 of the General Statutes.

Cooperation with Other Government Agencies; Private Entities

Information Gathered and Shared by Penal Institutions (G.S. § 14-208.8)

Between 10 to 30 days before release from a penal institution of an offender who will be required to register under Article 27A, an official of the penal institution will obtain the address where the offender expects to reside upon release and collect the offender's registration information. The address and other information are then forwarded to the sheriff of the county where the offender expects to reside and to the State Division of Criminal Information.

It is a class F felony to willfully fail to register with the sheriff in the county designated by the offender as their expected county of residence. An offender will be subject to the

jurisdiction of the prosecutorial and judicial district that includes the sheriff's office where the offender failed to register.

Duties of the Division of Motor Vehicles (Chapter 20 of the General Statutes)

Pursuant to G.S. § 20-9, the DMV shall not issue a driver's license to an applicant who has resided in the State for less than 12 months until the DMV has searched the National Sex Offender Public Registry to determine if the person is currently registered as a sex offender in another state.

- (a) If the person is registered as a sex offender in another state, the DMV shall not issue a driver's license until the person submits proof of registration in North Carolina.
- (b) If the person does not appear on the national registry, the person may obtain a driver's license but must sign an affidavit acknowledging notification of the North Carolina registration requirements.
- (c) If the DMV is unable to access the national registry, the person may obtain a driver's license but must sign an affidavit stating that the person is not listed on the national registry and acknowledge notification of the North Carolina registration requirements.

Pursuant to G.S. § 20-9.3, the DMV must provide notice to each person who applies for the issuance of a driver's license, learner's permit, or instruction permit to operate a motor vehicle, and to each person who applies for an identification card, of the requirement for certain offenders to register pursuant to Article 27A.

Pursuant to G.S. § 20-17.9, the DMV must revoke the commercial driver's license with a 'P' or 'S' endorsement of anyone convicted on or after December 1, 2009 of an offense requiring registration under Article 27A. The offender may apply for the issuance of a new commercial driver's license, but shall remain disqualified from obtaining a commercial driver's license with a 'P' or 'S' endorsement for the duration of the registration requirement. Pursuant to G.S. § 20-37.14A, the DMV must search the statewide registry and the National Sex Offender Public Registry to determine if an applicant for a commercial driver's license with a 'P' or 'S' endorsement is registered as a sex offender in North Carolina or elsewhere.

E-mail Notifications to Licensed Day Care Centers and Schools (G.S. § 14-208.19)

The licensee of each licensed day care center and the principal of each elementary school, middle school, and high school are required to register with the State to receive e-mail notifications when a registered offender moves within a one-mile radius of the licensed day care center or school.

Information Shared with Local Board of Education (G.S. § 14-208.29)

Registry information for any juvenile enrolled in the local school administrative unit shall be forwarded to the local board of education.

Mandatory Provisions for Contracts with Local Board of Education (G.S. § 115C-332.1)

Each local board of education shall require, as a term of any contract the local board of education enters, that employers of a person who is contractual personnel conduct an annual check of that person on the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry. As a term of any contract, a local board of education shall prohibit any contractual personnel listed on the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry from having direct interaction with students.

Release of Online Identifiers to Entities: Duties of Entities (G.S. § 14-208.15A)

An “online identifier” is defined to include an electronic mail address, an instant message screen name, a user ID, or a chat or other Internet communication name. Online identifiers collected through the Registration Programs may be released on a fee basis to entities which desire to prescreen users or compare a database of registered users to the list of online identifiers in the statewide registry. Entities which seek access to this information must comply with criteria developed by the State Division of Criminal Information.

Any entity is required to report either of the following to the Cyber Tip Line at the National Center for Missing and Exploited Children: (a) a complaint that a person uses its service to solicit a minor by computer to commit an unlawful sex act; or (b) a report that a user may be posting or transmitting material containing a visual representation of a minor engaged in sexual activity.

Entities are generally immune from criminal or civil liability to the extent they act in good faith to comply with G.S. § 14-208.15A.

CHAPTER 5

TERMINATION OR DISCONTINUATION OF REGISTRATION REQUIREMENTS

This chapter contains a description of the processes for termination or discontinuation of Article 27A registration requirements.

Termination of Registration Requirement

Part 2 Offenders: Petition for Early Termination After 10 Years (G.S. § 14-208.12A)

Ten years from the date of initial county registration in North Carolina, a person who is required to register under Part 2 (with the exception of those offenders who are also subject to Part 3) may petition the superior court to terminate his or her registration requirement.

If the reportable conviction is from North Carolina, the petition shall be filed in the district where the person was convicted. If the reportable conviction is from any other jurisdiction, the petition shall be filed in the district where the person resides. For an out-of-state reportable conviction, the person must also provide notice of the petition to the sheriff of the county where the person was convicted and include with the petition an affidavit signed by the petitioner verifying that he or she has provided this notice.

At least three weeks before the termination hearing, the district attorney in the district in which the petition is filed shall be given notice of the petition. During the hearing, the petitioner may present evidence in support of the petition, and the district attorney may present evidence in opposition to the requested relief or otherwise demonstrate the reasons why the petition should be denied.

The court *may* grant relief if it finds all of the following:

- (1) The petitioner has not been arrested for any crime that would require registration under Article 27A since completing the sentence.
- (2) The requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the termination of a registration requirement or required to be met as a condition for the receipt of federal funds by the State. (See Appendix 6)
- (3) The petitioner is not a current or potential threat to public safety.

If the court grants the requested relief, the clerk of court shall forward a certified copy of the order to the State Division of Criminal Information to have the person's name removed from the registry. If the court denies the requested relief, the person may again file a petition under G.S. § 14-208.12A one year from the date of the order denying relief.

No Termination for Part 3 Offenders (G.S. § 14-208.23)

A person who is subject to register under Part 3 as a recidivist, an aggravated offender, or a sexually violent predator shall maintain registration for the person's life. Registration may be discontinued as provided in G.S. § 14-208.6C (see below), but may not be terminated under any other provision.

Automatic Termination for Delinquent Juveniles Under Part 4 (G.S. § 14-208.30)

The registration requirement of Part 4 terminates automatically upon the juvenile's eighteenth birthday or when the jurisdiction of the juvenile court over the juvenile ends, whichever occurs first.

Discontinuation of Registration Requirement

Under G.S. § 14-208.6C, the period of registration required by any provision of Article 27A shall be discontinued if, and only if, (1) the conviction requiring registration is reversed, vacated, or set aside; or, (2) the registrant has been granted an unconditional pardon of innocence for the offense requiring registration.

CHAPTER 6

SATELLITE-BASED SEX OFFENDER MONITORING PROGRAM UNDER ARTICLE 27A, PART 5

The Division of Adult Correction of the Department of Public Safety oversees a sex offender monitoring program, through which a continuous satellite-based tracking system is used to monitor registered sex offenders who fall within any of these categories:

- (a) Part 3 offenders (aggravated offenders, recidivists, and sexually violent predators)
- (b) Offenders convicted of G.S. § 14-27.2A (rape of a child by adult offender) or G.S. § 14-27.4A (sex offense with a child by adult offender)
- (c) Part 2 offenders, when both the following criteria are met:
 - (1) The offense committed involved the physical, mental, or sexual abuse of a minor
 - (2) The offender requires the highest possible level of supervision and monitoring, as determined by the Division of Adult Correction's risk assessment program

For additional information concerning this program, contact the Division of Adult Correction.

Appendix 1 Effective Dates for Reportable Convictions

Table 1: Offenses Against Minors

G.S. §	Offense	Effective Date
14-39	Kidnapping	<p><u>April 1, 1998</u> is effective date *Session Law 1997-516 does not specify whether offense, conviction, or other triggering event must occur on or after April 1, 1998; at the least, it applies to offenses COMMITTED on or after that date</p> <p>For offenses committed before Dec. 1, 1999, does not include offenses committed by minor's parent or legal custodian [1999 S.L. 363]</p>
14-41	Abduction of Children	<p><u>April 1, 1998</u> is effective date *Session Law 1997-516 does not specify whether offense, conviction, or other triggering event must occur on or after April 1, 1998; at the least, it applies to offenses COMMITTED on or after that date</p> <p>For offenses committed before Dec. 1, 1999, does not include offenses committed by minor's parent or legal custodian [1999 S.L. 363]</p>
14-43.3	Felonious Restraint	<p><u>April 1, 1998</u> is effective date *Session Law 1997-516 does not specify whether offense, conviction, or other triggering event must occur on or after April 1, 1998; at the least, it applies to offenses COMMITTED on or after that date</p> <p>For offenses committed before Dec. 1, 1999, does not include offenses committed by minor's parent or legal custodian [1999 S.L. 363]</p>

Appendix I: Effective Dates for Reportable Convictions

Table 2: Sexually Violent Offenses

G.S.§	Offense	Effective Date
14-27.2	First Degree Rape	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-27.2A	Rape of a Child; Adult Offender	Offenses COMMITTED on or after <u>Dec. 1, 2008</u>
14-27.3	Second Degree Rape	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-27.4	First Degree Sexual Offense	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-27.4A	Sexual Offense with a child; adult offender	Offenses COMMITTED on or after <u>Dec. 1, 2008</u>
14-27.5	Second Degree Sexual Offense	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-27.5A [2005 S.L. 130]	Sexual Battery	Offense COMMITTED on or after <u>Dec. 1, 2005</u>
14-27.6	Attempted Rape or Sexual Offense (Repealed in 1994)	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-27.7	Intercourse and Sexual Offense with Certain Victims	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-27.7A(a) [2006 S.L. 247]	Statutory Rape or Sexual Offense of a Person Who is 13, 14, or 15 Years -Of-Age, Where the Defendant is at Least Six (6) Years Older	Offenses COMMITTED on or after <u>Dec. 1, 2006</u>
14-43.11 [2013 S.L.33]	Human trafficking if committed against a minor or with the intent to hold in sexual servitude.	Offenses COMMITTED on or after <u>Dec. 1, 2013</u>
14-43.13 [2006 S.L. 247]	Subjecting or Maintaining a Person for Sexual Servitude	Offenses COMMITTED on or after <u>Dec. 1, 2006</u>
14-178	Incest Between Near Relatives	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-190.6	Employing or Permitting Minor to Assist in Offenses Against Public Morality and Decency	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-190.9(al) [2005 S.L. 226]	Felony Indecent Exposure	Offense COMMITTED on or after <u>Dec. 1, 2005</u>
14-190.16	First Degree Sexual Exploitation of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-190.17	Second Degree Sexual Exploitation of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-190.17A	Third Degree Sexual Exploitation of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-190.18	Promoting Prostitution of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-190.19	Participating in Prostitution of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>

Appendix I: Effective Dates for Reportable Convictions

Table 2: Sexually Violent Offenses (Continued)

G.S. §	Offense	Effective Date
14-202.1	Taking Indecent Liberties with Children	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
14-202.3 [2005 S.L. 121]	Solicitation of a Child by Computer to Commit an Unlawful Sex Act	Offense COMMITTED on or after <u>Dec. 1, 2005</u>
14-202.4(a) [2009 S.L. 498]	Indecent Liberties with a Student	Convicted or Released from Penal Institution on or after <u>Dec. 1, 2009</u>
14-205.2(c) or (d) [2013 S.L. 368]	Patronizing a Prostitute who is a Minor or Mentally Disabled	Offense COMMITTED on or after <u>Oct. 1, 2013</u>
14-205.3(b) [2013 S.L. 368]	Promoting Prostitution of a Minor or a Mentally Disabled Person	Offense COMMITTED on or after <u>Oct. 1, 2013</u>
14-31 8.4(al) [2008 S.L. 220]	Parent or Caretaker Commit or Permit Act of Prostitution with or by a Juvenile	Convicted or Released from Penal Institution on or after <u>Dec. 1, 2008</u>
14-31 8.4(a2) [2008 S.L. 220]	Commission or Allowing Sexual Act upon a Juvenile by Parent or Guardian	Convicted or Released from Penal Institution on or after <u>Dec. 1, 2008</u>

Appendix I: Effective Dates for Reportable Convictions

**Table 3: Aiding and Abetting, Attempt, Conspiracy, or Solicitation
(offense against a minor or sexually violent offense)**

G.S. §	Offense	Effective Date
Aiding & Abetting	<p>A final conviction for aiding and abetting an “offense against a minor” or “sexually violent offense” is a reportable conviction only if the court sentencing the individual finds that registration of that individual furthers the purposes of Article 27A, as stated in G.S. § 14-208.5</p> <p>G.S. §§ 14-208.6(lm), 14-208.6(4)(a), 14-208.6(5); [1999 S.L. 363]</p>	<p>Offense COMMITTED on or after <u>Dec. 1, 1999</u></p> <p>*If underlying offense has later effective date, use the effective date of that offense</p>
Attempt	<p>A final conviction for an attempt to commit an “offense against a minor” or a “sexually violent offense” is a reportable conviction</p> <p>G.S. § 14-208.6(4)(a) [1997 S.L. 516]</p>	<p>April 1, 1998 is effective date</p> <p>*Session Law 1997-516 does not specify whether offense, conviction, or other triggering event must occur on or after April 1, 1998; at the least, it applies to offenses COMMITTED on or after that date</p> <p>*If underlying offense has later effective date, use the effective date of that offense</p>
Conspiracy or Solicitation	<p>A final conviction for conspiracy to commit or solicitation of an “offense against a minor” or a “sexually violent offense” is a reportable conviction</p> <p>G.S. §§ 14-208.6(1m), 14-208.6(5) [1999 S.L. 363]</p>	<p>Offense COMMITTED on or after <u>Dec. 1, 1999</u></p> <p>*If underlying offense has later effective date, use the effective date of that offense.</p>

Appendix I: Effective Dates for Reportable Convictions

Table 4: Convictions from Other States

G.S. §	Basis of Reportable Conviction	Effective Date
14-208.6(4)(b)	<p>A final conviction in another state of an offense, which if committed in this State, is substantially similar to “an offense against a minor” or a “sexually violent offense” is a reportable conviction</p> <p>Includes conspiracy or solicitation to commit any of these offenses and aiding and abetting any of these offenses.</p>	Use effective date for underlying “offense against a minor” or “sexually violent offense”
14-208.6(4)(b)	<p>A final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state is a reportable conviction.</p> <p>Includes ANY offense that requires regulation in state of conviction.</p>	Applies to individuals who MOVE into North Carolina on or after Dec. 1, 2006
14-2086(4)(b) [2010 S.L. 174]	<p>A final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state is a reportable conviction.</p> <p>Includes ANY offense that requires registration in state of conviction.</p>	<p>Applies to individuals who:</p> <ul style="list-style-type: none"> -Moved into North Carolina prior to Dec. 1, 2006; and -Met or meet at least one of the following conditions on or after Oct. 1, 2010: <ul style="list-style-type: none"> -- required to register in N.C. based on another conviction; <u>or</u> -- served an active sentence for any offense; <u>or</u> --on supervised probation, parole, or post-release supervision for any offense; <u>or</u> -- convicted of any felony.

Appendix I: Effective Dates for Reportable Convictions

Table 5: Federal Convictions

G.S. §	Basis of Reportable Conviction	Effective Date
14-208.6(4)(c) [1997 S.L. 15]	<p>A final conviction in a federal jurisdiction for an offense which is substantially similar to an “offense against a minor,” or a “sexually violent offense” is a reportable conviction</p> <p>Includes <u>conspiracy or solicitation to commit any of these offenses and aiding and abetting any of these offenses</u></p>	<p>Convicted or released from a penal institution on or after <u>April 3, 1997</u></p> <p>*If underlying offense has later effective date, use the effective date of that offense.</p>
14-208.6(4)(c) [2001 S.L. 373]	<p>A final conviction in a court-martial for an offense which is substantially similar to an “offense against a minor” or a “sexually violent offense” is a reportable conviction.</p>	<p>Committed on or after <u>October 1, 2001</u>.</p>

Table 6: Secretly Peeping

G.S. §	Offense	Effective Date
14-202 (a) or (c) [2003 S.L. 303]	<p>Secretly Peeping</p> <p>Will be a reportable conviction only for a second or subsequent conviction and only if the court sentencing the individual issues an order pursuant to 14-202(1) requiring the individual to register</p>	<p>Only for a second or subsequent conviction, if that offense was COMMITTED on or after Dec. 1, 2003 and the court sentencing the individual issues an order pursuant to 14-202(1) requiring the individual to register</p>
14-202 (al) [2004 S.L. 109]	<p>Secretly Peeping</p> <p>Will be a reportable conviction only for a second or subsequent conviction and only if the court sentencing the individual issues an order pursuant to 14-202(1) requiring the individual to register</p>	<p>Only for a second or subsequent conviction, if that offense was COMMITTED on or after Dec. 1, 2004 and the court sentencing the individual issues an order pursuant to 14-202(1) requiring the individual to register</p>
14-202(d), (e), (f), (g) or (h) [2003 S.L. 303]	<p>Secretly Peeping</p> <p>Will be a reportable conviction only if the court sentencing the individual issues an order pursuant to 14-202(1) requiring the individual to register</p>	<p>Only for offenses that were COMMITTED on or after Dec. 1, 2003 and the court sentencing the individual issues an order pursuant to 14-202(1) requiring the individual to register</p>

Appendix 2
Duties to Report Updates to Registration Information

G.S. §	Event	Notification Required	Deadline
14-208.9(a)	Offender changes address .new address in the same county	Report IN PERSON and provide written notification of new address to the sheriff's office of the county with whom the offender last registered	Within 3 business days of change of address
14-208.9(a) [2007 S.L. 213]	Offender changes address .new address in a different North Carolina county	Report IN PERSON and provide written notification of new address to both the sheriff's office of the county with whom the offender last registered and the sheriff's office of the new county	Must report within 3 business days to sheriff of the county of current residence and within 10 days to the sheriff of the new county
14-208.9(b) [2006 S.L. 247]	Offender intends to move to another state	Report IN PERSON and provide written notification of the address, municipality, county and state of intended residence to the sheriff's office of the county of current residence	At least 3 business days before person intends to leave North Carolina to establish residence in other state or jurisdiction
14-208.9(bl)	Offender who indicated their intent to reside in another state or jurisdiction decides to remain in state	Report IN PERSON to the sheriffs office to which the offender reported their intent to move out-of-state	Within 3 business days after the date the offender indicated they would leave this state
14-208.9 [2008 S.L. 220]	A person required to register changes or obtains a new online identifier	Report IN PERSON to the sheriff of the county with whom the person registered to provide the new or changed online information	Within 10 days of changing or obtaining a new online identifier

Appendix 2: Duties to Report Updates to Registration Information

G.S. §	Event	Notification Required	Deadline
14-208.8A [2006 S.L. 247; 2007 S.L. 484]	<p>1. The offender is employed or carries on a vocation in a North Carolina county other than the county in which they are registered for more than ten (10) business days within a 30-day period, or for an aggregate period exceeding 30 days in a calendar year, on a part-time or full-time basis, with or without compensation, or government, or educational benefit;</p> <p align="center">AND</p> <p>2. They maintain a temporary residence in that county for more than ten (10) business days within a 30-day period, or for an aggregate period exceeding 30 days in a calendar year</p>	The offender shall notify the sheriff of the county with whom the offender is registered of their place of employment and temporary residence (includes hotels, motels, or other transient lodging places)	<p>1. Within 72 hours after the offender knows or should know that they will be working and maintaining a temporary residence in a county other than the county in which the offender resides, for more than ten (10) business days within a 30-day period; OR</p> <p>2. Within ten (10) days after the offender knows or should know that they will be working or maintaining a temporary residence in a county other than the county in which the person resides, for an aggregate period exceeding 30 days in a calendar year</p>
14-208.6(9) 14-208.9(c)	Offender changes academic status by enrolling as a student or terminating enrollment as a student (person enrolled on a full-time or part-time basis, in any postsecondary public or private educational institution, including any trade or professional institution, or other institution of higher education)	Report IN PERSON to the sheriff of the county with whom the person is registered and provide written notice of offender's new status	Within 3 business days of enrollment or termination of enrollment
14-208.6(le) 14-208.9(d)	Offender changes employment status at institution of higher education (Postsecondary public or private education institution, including any trade or professional institution, college, or university)	Report IN PERSON to the sheriff of the county with whom the person is registered and provide written notice of offender's new status	Within 3 business days of obtaining employment or terminating employment at an institution of higher learning
14-208.11(c)	Offender is incarcerated or in custody of local, State, private, or federal correctional facility	While incarcerated or in custody offender must notify official in charge of facility of offender's status as a person with a legal obligation to register	Offender must also meet all registration and verification requirements no later than 10 days after release

Appendix 3

Criminal Penalties Associated with the Registration Programs

G.S. §	Who Can Violate?	Violation	Penalty
14-202.5	Registered Offender	Accesses commercial social networking Web site where offender knows the site permits minor children to become members or create or maintain personal Web pages	Class I felony
14-208.9A(c)	Person required to register	Fails to comply with sheriffs request for additional photograph as required by G.S. § 14-208.9A(c)	Class I misd.
14-208.11(a)(1)	Person required to register	Fails to register as required	Class F felony
14-208.11(a)(2)	Person required to register	Fails to notify the last registering sheriff of a change of address	Class F felony
14-208.11(a)(3)	Person required to register	Fails to return a verification notice as required under G.S. § 14-208.9A	Class F felony
14-208.11(a)(4)	Person required to register	Forges or submits under false pretenses the information or verification notices required under this Article	Class F felony
14-208.11(a)(5)	Person required to register	Fails to inform the registering sheriff of enrollment or termination of enrollment as a student	Class F felony
14-208.11(a)(6)	Person required to register	Fails to inform the registering sheriff of employment at an institution of higher education or termination of employment at an institution of higher education	Class F felony
14-208.11(a)(7)	Person required to register	Fails to report IN PERSON to the sheriffs office as required by G.S. § 14-208.7, 14-208.9, and 14-208.9A	Class F felony
14-208.11(a)(8)	Person required to register	Reports their intent to reside in another state or jurisdiction but remains in this State without reporting to the sheriff in the manner required by G.S. § 14-208.9	Class F felony
14-208.11(a)(9)	Person required to register	(Effective June 1, 2007) Fails to notify the registering sheriff of out-of-county employment if temporary residence is established as required under G.S. § 14-208.8A	Class F felony
14-208.11(a)(10) [2008 S.L. 220]	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	Class F felony
14-208.11A(a)(1)	Any person who has reason to believe an offender is in violation of Article 27A, and who has intent to assist the offender in eluding arrest	Withhold information from, or fail to notify, a law enforcement agency about the offender's noncompliance with the requirements of this Article, and, if known, the whereabouts of the offender as required by G.S. § 14-208.11A (This provision does not apply if the offender is incarcerated or is in the custody of a local, state, private, or federal correctional facility)	Class H felony

Appendix 3: Criminal Penalties Associated with the Registration Programs

G.S. §	Who Can Violate?	Violation	Penalty
14-208.11A(a)(2)	Any person who has reason to believe an offender is in violation of Article 27A, and who has intent to assist the offender in eluding arrest	Harbor, attempt to harbor, or assist another person in harboring or attempting to harbor, the offender (This provision does not apply if the offender is incarcerated or is in the custody of a local, state, private, or federal correctional facility)	Class H felony
14-208.11A(a)(3)	Any person who has reason to believe an offender is in violation of Article 27A, and who has intent to assist the offender in eluding arrest	Conceal, or attempt to conceal, or assist another person in concealing or attempting to conceal, the offender (This provision does not apply if the offender is incarcerated or is in the custody of a local, state, private, or federal correctional facility)	Class H felony
14-208.11A(a)(4)	Any person who has reason to believe an offender is in violation of Article 27A, and who has intent to assist the offender in eluding arrest	Provide information to a law enforcement agency regarding the offender that the person knows to be false information (This provision does not apply if the offender is incarcerated or is in the custody of a local, state, private, or federal correctional facility)	Class H felony
14-208.16(f)	Person required to register	Violates residential restrictions as established by G.S. § 14-208.16 (reside within 1,000 ft of school or child care center)	Class G felony
14-208.17(c)	Person required to register	Violates prohibition as established by G.S. § 14-208.17 against working or volunteering for child-involved activities	Class F felony
14-208.17(c)	Any person	Violates limitation as established by G.S. § 14-208.17 on residential use	Class F felony
14-208.18	Persons required to register who have committed any Article 7A offense or any offense where the victim of the offense was under the age of 16 years at the time of offense	Unlawfully on protected premises which are generally places intended primarily for the education, use, care, or supervision of minors. Must analyze each situation and statute to determine: 1. Is the offender covered by this statute? 2. Are the premises protected by the statute? 3. Does the offender fall into one of the statutory exceptions?	Class H felony
14-208.44(a)	Person required to enroll in a satellite-based monitoring program	Failure to enroll	Class F felony

Appendix 3: Criminal Penalties Associated with the Registration Programs

G.S. §	Who Can Violate?	Violation	Penalty
14-208.44(b) [2007 S.L. 213]	Any person	Intentionally tampers with, removes, vandalizes, or otherwise interferes with the proper functioning of a device issued pursuant to a satellite-based monitoring program to a person duly enrolled in the program	Class E felony
14-208.44(c) [2007 S.L. 213]	Person required to enroll in a satellite-based monitoring program	Failure to provide necessary information to the Division of Adult Correction, or fails to cooperate with the Division's guidelines and regulations for the program	Class 1 misd.
14-321.1(c)	Any person	Violation of prohibition established in G.S. § 14-321.1 against baby sitting service by sex offender or in the home of a sex offender	First offense is Class 1 misd.; Second or subsequent offense is Class H felony
20-27.1 [2009 S.L. 491]	Person required to register	Drives a commercial passenger vehicle or school bus and does not have a valid CDL with a P or S endorsement because that person was convicted of a violation that requires registration	Class F felony
20-30(5)	Any person	Provides false or fictitious information in any application for a driver's license, learner's permit, or special identification card	Class 1 misd.
20-31	Any person	Makes a false affidavit or knowingly swears or affirms falsely to any matter in Article 2 of the Motor Vehicle Laws	Class I felony
20-37.14A [2009 S.L. 491]	Any person	Makes a false affidavit, or knowingly swears or affirms falsely, to any matter or thing required to be affirmed to or be sworn to by terms of G.S. § 20-37.14A (Prohibit issuance/renewal of CDL with P or S endorsement to person required to register)	Class I felony

Appendix 4
Federal Tier Levels and Minimum Registration Periods
42 U.S.C. § 16911(2)-(4); 42 U.S.C. § 16915

§ 16911. Relevant definitions, including Arnie Zyla expansion of sex offender definition and expanded inclusion of child predators.

In this subchapter the following definitions apply:

(2) Tier I sex offender

The term “tier I sex offender” means a sex offender other than a tier II or tier III sex offender.

(3) Tier II sex offender

The term “tier II sex offender” means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and--

(A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

- (i) sex trafficking (as described in section 1591 of Title 18);
- (ii) coercion and enticement (as described in section 2422(b) of Title 18);
- (iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) of Title 18;
- (iv) abusive sexual contact (as described in section 2244 of Title 18);

(B) involves-

- (i) use of a minor in a sexual performance;
- (ii) solicitation of a minor to practice prostitution; or
- (iii) production or distribution of child pornography; or (C) occurs after the offender becomes a tier I sex offender.

(4) Tier III sex offender

The term “tier III sex offender” means a sex offender whose offense is punishable by imprisonment for more than 1 year and--

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

- (i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of Title 18); or
- (ii) abusive sexual contact (as described in section 2244 of Title 18) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or (C) occurs after the offender becomes a tier II sex offender.

§ 16915. Duration of registration requirement.

(a) Full registration period

A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b) of this section. The full registration period is--

- (1) 15 years, if the offender is a tier I sex offender;
- (2) 25 years, if the offender is a tier II sex offender; and
- (3) the life of the offender, if the offender is a tier III sex offender.

(b) Reduced period for clean record

(1) Clean record

The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by--

- (A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
- (B) not being convicted of any sex offense;
- (C) successfully completing any periods of supervised release, probation, and parole; and
- (D) successfully completing of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

(2) Period

In the case of--

- (A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and
- (B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this subchapter, the period during which the clean record shall be maintained is 25 years.

(3) Reduction

In the case of--

- (A) a tier I sex offender, the reduction is 5 years;
- (B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

Appendix 5
Registration Programs — Statute Index

North Carolina General Statutes Chapter 14, Article 27A

Part 1: Registration Programs Purpose and Definitions Generally.

§ 14-208.5 -- Purpose.

§ 14-208.6 -- Definitions.

§ 14-208.6A -- Lifetime registration requirements for criminal offenders.

§ 14-208.6B -- Registration requirements for juveniles transferred to and convicted in superior court.

Part 2: Sex Offender and Public Protection Registration Program.

§ 14-208.7--Registration.

§ 14-208.8 -- Prerelease notification.

§ 14-208.8A --Notification requirement for out-of-county employment if temporary residence established.

§ 14-208.9 -- Change of address; change of academic status or educational employment status; change of online identifier; change of name.

§ 14-208.9A --Verification of registration information.

§ 14-208.10 -- Registration information is public record; access to registration information.

§ 14-208.11 -- Failure to register; falsification of verification notice; failure to return verification form; order for arrest.

§ 14-208.11A -- Duty to report noncompliance of a sex offender; penalty for failure to report in certain circumstances.

§ 14-208.12A --Request for termination of registration requirement.

§ 14-208.13 -- File with Police Information Network.

§ 14-208.14 -- Statewide registry; Division of Criminal Statistics designated custodian of statewide registry.

§ 14-208.15 --Certain statewide registry information is public record: access to statewide registry.

§ 14-208.15A --Release of online identifiers to entity; fee.

§ 14-208.16--Residential restrictions.

§ 14-208.17 -- Sexual predator prohibited from working or volunteering for child-involved activities; limitations on residential use.

§ 14-208.18--Sex offender unlawfully on premises.

-- Community and public notification.

§ 14-208.19A -- Commercial driver's license restrictions.

Appendix 5:Registration Programs Statute Index

Part 3: Sexually Violent Predator Registration Program.

- § 14-208.20 -- Sexually violent predator determination; notice of intent; presentence investigation.
- § 14-208.21 --Lifetime registration procedure; application of Part 2 of this Article.
- § 14-208.22 -- Additional registration information required.
- § 14-208.23 -- Length of registration.
- § 14-208.24 -- Verification of registration information.

Part 4: Registration of Certain Juveniles Adjudicated for Committing Certain Offenses.

- § 14-208.26-- Registration of certain juveniles adjudicated delinquent for committing certain offenses.
- § 14-208.27 --Change of address.
- § 14-208.28 -- Verification of registration information.
- § 14-208.29 -- Registration information is not public record; access to registration information available only to law enforcement agencies and local boards of education,
- § 14-208.30 --Termination of registration requirement.
- § 14-208.31 -- File with Police Information Network.
- § 14-208.32 -- Application of Part.

Part 5: Sex Offender Monitoring.

- § 14-208.40 -- Establishment of program; creation of guidelines; duties.
- § 14-208.40A --Determination of satellite-based monitoring requirement by court.
- § 14-208.40B--Determination of satellite-based monitoring requirement in certain circumstances.
- § 14-208.40C --Requirements of enrollment.
- §14-208.41--Enrollment in satellite-based monitoring programs mandatory; length of enrollment.
- § 14-208.42 -- Offenders required to submit to satellite-based monitoring required to cooperate with Division of Adult Correction upon completion of sentence.
- § 14-208.43 -- Requirement for termination of satellite-based monitoring requirement.
- § 14-208.44 -- Failure to enroll; tampering with device.
- § 14-208.45 --Fees.

Appendix 6
Forms Published by the Administrative Office of the Courts
(available for download at <http://www.nccourts.org/Form5/FormSearch.a5P>)

Form AOC-A-210: Criminal And Sex Offender Record Search

Form AOC-CR-26 1: Notification Of Requirement To Register As Sex Offender Or As Person Who Committed Certain Offenses Against Minor/Sexually Violent Predator (When Defendant Does Not Receive Active Term Of Imprisonment)

Form AOC-CR-262: Petition And Order For Termination Of Sex Offender Registration

Form AOC-CR-615: Judicial Findings And Order For Sex Offenders - Active Punishment (Side1)/Judicial Findings And Order For Sex Offenders - Suspended Sentence (Side 2)

Form AOC-CR-616: Judicial Findings And Order As To Satellite-Based Monitoring When There Has Been No Prior Determination

Form AOC-CR-620: Convicted Sex Offender Permanent No Contact Order (For Offenses Committed On Or After Dec. 1, 2009)

Form AOC-CR-63 1: Conditions Of Release For Person Charged With Sex Offense Or Crime Of Violence Against Child Victim

Frequently Asked Questions

1. What are some of the limitations of the Registry?

The North Carolina Sex Offender and Public Protection Registration Programs are important in promoting public safety. The public registry provides information pertaining to known offenders whose offenses require registration under North Carolina law. The registry does not include information on those individuals whose sexually violent behavior has not come to the attention of authorities. To be included on the registry, the offender must have been convicted of a reportable offense. Whether an offense is reportable is determined by statute. There are persons whose offenses are not reportable and are not included on the registry. For example, because of certain North Carolina General Statute provisions, juvenile offenders adjudicated delinquent are not included in the registry. Additionally, an offender who was convicted before the applicable effective date (See Appendix 1) may not appear on the registry. Registration is also not permanent in all cases.

Positive identification of a person you believe to be a registered offender can only be made by a fingerprint comparison between that person and the person in the state registry. Other information such as name, date of birth, and other information are not necessarily unique to one individual.

The State Bureau of Investigation and county sheriffs make every effort to ensure Registry information is accurate and current. Although the database is updated regularly, information can change quickly. If you have reason to believe that information on the Registry is inaccurate or incomplete, immediately contact the sheriff of the county where the offender last registered.

2. How can I learn if an offender has moved into my neighborhood?

You can search the public website or contact your county sheriff. You can also sign up at <http://www.ncfindoffender.gov/> to receive email notification when an offender registers to an address in your neighborhood, and you can also download the free NC Sex Offender Registry mobile application (currently available for iPhone®, iPad® and iPod touch®) to search for offenders by GPS location or street address from wherever you are. By registering with NC SAVAN (N.C. Statewide Automated Victim Assistance Notification) a person can request that they receive telephone notifications when an offender moves into their area. This service is available free of charge to any interested person. If a person wishes to receive these telephone alert notifications, they should call (877) 627-2826.

3. What should I do if an offender moves into my neighborhood?

Unless a specific restriction or condition of probation/parole applies, there is no law against a registered offender living among the general public. The public registry is an important tool for raising public awareness of certain convicted offenders and allow members of the public

Frequently Asked Questions

to take proactive measures to ensure their safety. However, be aware that use and/or misuse of this information by individuals, groups or entities to commit criminal acts (to include, but not limited to, threats, intimidation, stalking, harassment) against other persons is subject to criminal prosecution.

4. Can a registered offender live in a household where there are children?

There is no specific restriction against a registered offender living in a household where children also reside, whether or not there is a biological relationship between them. However, an offender must comply with all other restrictions imposed by statute. These are described in Chapter 3. Additionally, the living circumstances of minors are subject to regulation by the Department of Social Services pursuant to Chapter 7B of the North Carolina General Statutes. Also, an offender on probation may be subject to court-imposed conditions that the offender not reside with children.

5. I live in a neighborhood with lots of young children. Is it legal for a registered offender to live in my neighborhood?

There is no specific restriction against a registered offender living in a neighborhood in which children reside. Offenders are subject to the residency restrictions in G.S. § 14-208.16, and other statutes regulate certain activities by offenders such as baby sitting. These restrictions are discussed in Chapter 3.

6. What should I do if I suspect a person is not on the registry but should be, is not living at the address listed on the Registry, or is otherwise not complying with the registration laws?

Contact the appropriate county or city law enforcement agency to report this information for further investigation. By statute, a probation officer, parole officer, or other law enforcement officer who is aware of a violation of G.S. § 14-208.11(a) must immediately arrest the offender or seek a warrant for the offender's arrest.

7. I know of a person who is serving a prison sentence for a sex offense. Why is this person not on the registry?

Generally, an offender is not required to register or to maintain registration while he or she is incarcerated in a penal institution.

8. Can registered offenders attend religious services?

There is no specific restriction against a registered offender attending religious services. However, certain offenders subject to the Registration Programs are restricted from being in or

Frequently Asked Questions

near certain places intended primarily for the use of minors or where minors gather for regularly scheduled educational, recreational, or social programs. See Chapter 3 for a description of these restrictions under G.S. § 14-208.18. Registered offenders should discuss these restrictions with their respective religious institutions to determine whether accommodations can be made to allow for worship in a manner that does not violate G.S. § 14-208.18.

9. Can registered offenders attend a local community college?

There is no specific restriction against a registered offender enrolling at or attending courses at a community college. However, if there is a place at the community college intended primarily for the use of minors or where minors gather for regularly scheduled educational, recreational, or social programs, the restrictions in G. S. § 14-208.18 may apply. See Chapter 3 for a description of these restrictions. The same analysis would apply for other colleges and universities. Additionally, any registered offender must timely report enrollment or termination of enrollment in an institution of higher education, to include a community college, to the appropriate sheriff. See Chapter 1 and Appendix 2.

10. Can I do anything to keep a registered offender from being removed from the registry?

If a registered offender petitions for termination of his or her registration requirements under G.S. § 14-208.12A, the district attorney is allowed to present evidence in opposition to the petition. Crime victims or other interested parties should contact the district attorney to share their concerns.

11. Does moving out of North Carolina change my requirement to maintain registration?

No. Once registered, a person is required to maintain registration as provided by statute until the registration period expires, is terminated, or is discontinued. See Chapter 5 for more information.

12. Does my time on another state's registry count toward the time period for registration in North Carolina?

No. The registration period in North Carolina begins when a person completes the initial county registration process with a sheriff in this State. No credit is given for time registered elsewhere. See Chapters 1 and 5 for more information.

13. What if I have no "home address"?

Frequently Asked Questions

The Court of Appeals of North Carolina has stated that every offender “does, at all times, have an ‘address’ of some sort, even if it is a homeless shelter, a location under a bridge or some similar place.” State v. Worley, 198 N.C. App. 329, 337-38, 679 S.E.2d 857, 863-64 (2009). Every offender must register an address and this address should appear on the registry.

An offender’s mere presence at a location does not establish a residence, but a residence is established when certain “activities of life” occur at the particular location. State v. Abshire, 363 N.C. 322, 332, 677 S.E.2d 444, 451 (2009). Activities of life “possibly indicative of a person’s place of residence are numerous and diverse, and there are a multitude of facts a jury might look to when answering whether a sex offender has changed his or her address.” State v. Abshire, 363 N.C. 322, 332, 677 S.E.2d 444,451(2009). In State v. Abshire, the Supreme Court of North Carolina found that “[t]he jury could have reasonably inferred that defendant’s spending the night at her father’s house for this amount of time, or for even a shorter duration, indicated that defendant carried out the core necessities of daily living at Gragg Price Lane and that she had made her father’s residence her own for that period of time.” 363 N.C. 322, 333, 677 S.E.2d 444,452 (2009). Thus, one must consider what “activities of life” occur at a location in order to determine whether that location is a person’s residence.

14. What should I do if I am not sure whether I have to register?

It is recommended that persons uncertain of their registration requirement contact the sheriff’s office for their county of residence (or where they intend to reside) to help make this determination. Persons are also encouraged to seek the advice of a private attorney if they so choose.

15. Whom should I contact with concerns about my registration status?

It is recommended that persons with concerns about their registration status first contact the sheriff’s office where they are registered to address these concerns. Persons are also encouraged to seek the advice of a private attorney if they so choose.