

Sex Offender Registration In North Carolina



North Carolina Sheriffs' Association
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North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



WELCOME

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Sex Offender and Public Protection Registration Programs

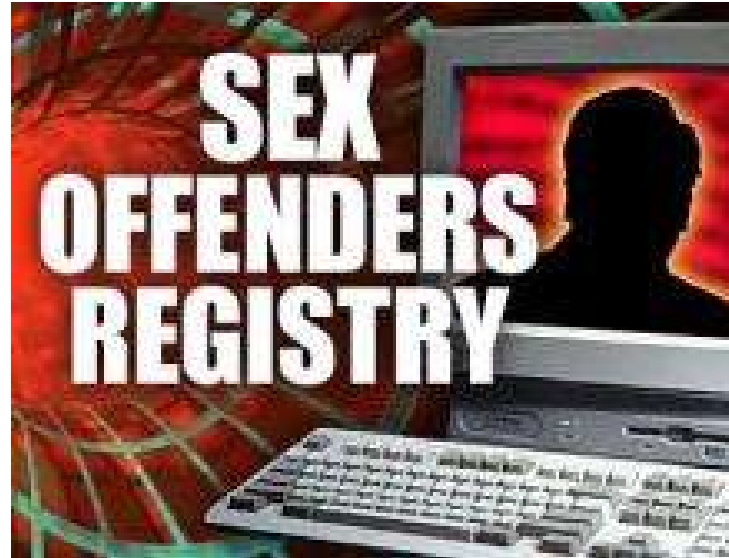
North Carolina General Statutes Chapter 14,
Article 27A.

G.S. §§ 14-208.5 – 14-208.44



Who Must Register?

Any person who has a “**reportable conviction**” and who: 1) resides in North Carolina; 2) moves to North Carolina; or 3) is a nonresident student or nonresident worker must register with the Sheriff.



Who Must Register? (continued)

“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.



Who Must Register? (continued)

“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 for more than fourteen (14) days, or for an aggregate period exceeding thirty (30) days in a calendar year.

- Can be part-time or full-time.
- Can be with or without pay or benefits.



Who Must Register? (continued)

A “**reportable conviction**” is determined by both:

1. The type of offense; and
2. The effective date of the registration statute.



Types of Offenses Which May Give Rise to a “Reportable Conviction”



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Reportable Conviction

“Reportable Conviction” includes any of the following:

- A final conviction for an **offense against a minor**, a **sexually violent offense**, or an attempt to commit any of those offenses.
- A final conviction for aiding and abetting is a reportable conviction only if the court orders it.



Reportable Conviction (continued)

“Offense against a minor” means a conviction for violating:

- G.S. § 14-39 (kidnapping), G.S. § 14-41 (abduction of children), and G.S. § 14-43.3 (felonious restraint).
- The victim must be under 18 years of age.
- The defendant cannot be the minor’s parent.



Reportable Conviction (continued)

Offense Against a Minor also includes a solicitation or conspiracy to commit any of these offenses and aiding and abetting any of these offenses, so long as the defendant is not the minor's parent.



Reportable Conviction (continued)

“Parent” means a biological or adoptive parent with parental rights.



Reportable Conviction (continued)

“Sexually Violent Offense” means:

- Refer to the chart beginning on Page 2 of the Sex Offender Registration Laws publication found at the back of your printed PowerPoint presentation.

G.S. §	Sexually Violent Offense	Effective Date
14-27.2 (Former)	First Degree Rape	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u> .
14-27.2A (Former)	Rape of a Child; Adult Offender	Offenses COMMITTED on or after <u>Dec. 1, 2008</u> .
14-27.3 (Former)	Second Degree Rape	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u> .
14-27.4 (Former)	First Degree Sexual Offense	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u> .
14-27.4A (Former)	Sexual Offense with a child; adult offender	Offenses COMMITTED on or after <u>Dec. 1, 2008</u> .



Reportable Conviction (continued)

Sexually Violent Offense also includes a solicitation or conspiracy to commit any of the offenses listed in G.S. 14-208.6(5), or aiding and abetting any of these offenses.



Reportable Conviction (continued)

“Reportable Conviction” also includes any of the following:

1. 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**; or



Reportable Conviction (continued)

“Reportable Conviction” also includes any of the following:

2. A final conviction in another state of an offense that **requires registration under the sex offender registration statutes of that state; or**



Reportable Conviction (continued)

“Reportable Conviction” also includes any of the following:

3. 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**; or



Reportable Conviction (continued)

“Reportable Conviction” also includes any of the following:

4. A final conviction for a violation of felonious secret peeping, G.S. § 14-202(d), (e), (f), (g), or (h), or a second or subsequent conviction for a violation of misdemeanor secret peeping G.S. § 14-202(a), (a1), or (c), **only if the court issues an order requiring the individual to register**; or



Reportable Conviction (continued)

“Reportable Conviction” also includes any of the following:

5. A final conviction for a violation of unlawful sale of a minor, G.S. § 14-43.4, if the court requires registration.



Reportable Conviction (continued)

“Reportable Conviction” also includes any of the following:

6. A final conviction in a State court-martial proceeding imposing confinement for any offense which is substantially similar to an offense against a minor or a sexually violent offense.



Out-of-State or Federal Convictions: The “Substantially Similar Determination”

- In 2020, the North Carolina General Assembly enacted G.S. § 14-208.12B, which implements due process measures for the determination of whether an offender’s out-of-state or federal conviction is “substantially similar” to a North Carolina sexually violent offense or an offense against a minor.



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

These changes to the law were prompted by a federal case, Grabarczyk v. Stein, et al.



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

If the sheriff determines a person must register as a sex offender based upon an out-of-state conviction or federal conviction that is substantially similar to a North Carolina sexually violent offense or an offense against a minor:



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

1. The sheriff is required to notify the sex offender of their right to petition the court for a judicial determination of the requirement to register.
2. The sheriff must also provide notice to the district attorney.



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

G.S. § 14-208.12B requires the sheriff to serve notice on the sex offender and district attorney in one of the following ways:

1. Any method of service provided in G.S. § 1A-1, Rule 4(j) (such as in-person notice and notice by registered or certified mail).



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

G.S. § 14-208.12B requires the sheriff to serve notice on the sex offender and district attorney in one of the following ways:

2. Notice by any other means that the receiving individual consented to in writing.



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

Once notified, the sex offender has the right to file a petition for judicial review in superior court within 30 days of receiving the notice in the county where the sex offender resides.



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

If the sex offender files a petition for judicial review, the sex offender is required to serve a copy of the petition on the sheriff and the district attorney within 3 days of filing the petition with the clerk of superior court.



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

If the sex offender has been properly notified and fails to file a petition within 30 days, the sex offender will be deemed to have waived their right to a judicial determination of the requirement to register per G.S. § 14-208.12B(f).



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

The hearing is limited solely to a determination of whether or not the person's out-of-state conviction or federal conviction is substantially similar to a North Carolina sexually violent offense or an offense against a minor.



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

The district attorney has the burden of showing substantial similarity.



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

If the judge determines the conviction is substantially similar to a North Carolina sexually violent offense or an offense against a minor, the judge will order the person to register as a sex offender.



Out-of-State or Federal Convictions: The “Substantially Similar Determination” (continued)

If **not**, the judge must issue a written order stating that the person is not required to register based on the out-of-state conviction or federal conviction presented at the hearing.

The written order must be filed with the clerk of superior court and copied to the district attorney and sheriff.



Key Terms for Determining a “Reportable Conviction”

The term “**final conviction**” is not defined in North Carolina.

Whether there is a final conviction for an out-of-state crime will depend on the laws of the jurisdiction where the conviction occurred.



Key Terms for Determining a “Reportable Conviction” (continued)

- In North Carolina, a conviction in district court for which execution of judgment is stayed pending appeal to superior court would not be a final conviction.
- Determining if a prayer for judgment continued (PJC) in North Carolina is a conviction which requires registration as a sex offender will depend on an analysis of any conditions placed on the PJC by the court.



Key Terms for Determining a “Reportable Conviction” (continued)



Juveniles who are tried and convicted as adults in North Carolina must register “just as an adult convicted of the same offense must register.”

G.S. § 14-208.6B



Key Terms for Determining a “Reportable Conviction” (continued)

“Final conviction” may or may not include juvenile proceedings in another state.

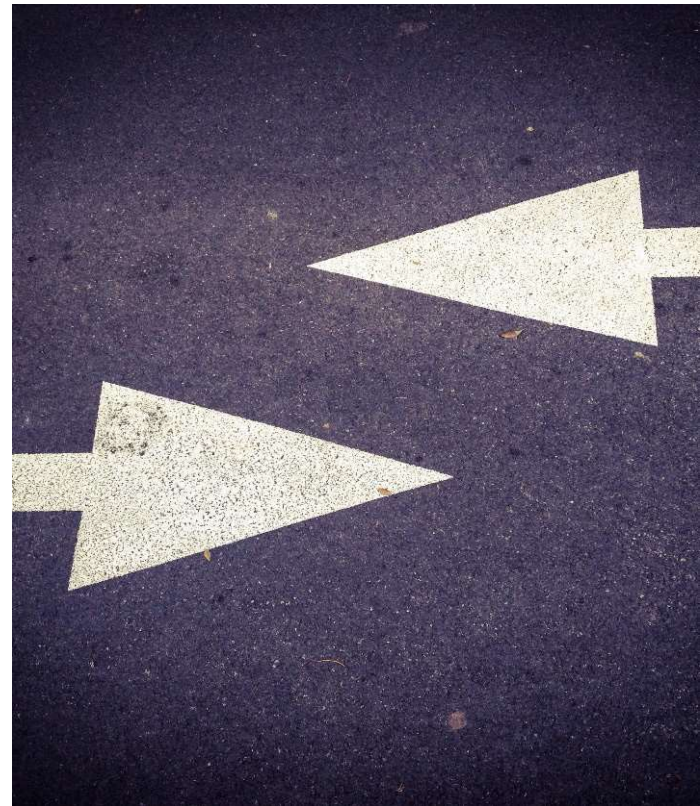
You must research the other state’s law to determine whether or not the juvenile was tried and convicted of a crime as opposed to being adjudicated delinquent.



Key Terms for Determining a “Reportable Conviction” (continued)

Nonresident students and **nonresident workers** must also maintain registration in North Carolina if required to register in their state of residency or if they have a reportable conviction.

G.S. § 14-208.7(a1)



Key Terms for Determining a “Reportable Conviction” (continued)

For each offense that can give rise to a “reportable conviction” there is a corresponding effective date that determines if an offender is subject to the sex offender registration requirement.



Use the charts in the Sex Offender Registration Laws publication to help determine an offender's obligation to register.

G.S. §	Offense Against a Minor	Effective Date
14-39	Kidnapping	EFFECTIVE April 1, 1998. (1997 S.L. 516 does not specify whether the offense date, date of conviction, or another triggering event must occur on or after April 1, 1998. At the very least, it applies to offenses COMMITTED on or after that date.)
14-41	Abduction of Children	
14-43.3	Felonious Restraint	



Who is Subject to Additional Registration Requirements?



Subject to Additional Registration Requirements

Anyone who is registered and is:

- Convicted of an **aggravated offense**; or
- Convicted of a repeat offense (i.e., is a **recidivist**); or
- Convicted of 2 or more reportable convictions constituting a felony (i.e. is a **reoffender**); or



Subject to Additional Registration Requirements (continued)

- Determined by a North Carolina court to be a **sexually violent predator**; or
- Convicted of G.S. § 14-27.23 (Statutory Rape of Child by an Adult) or G.S. § 14-27.28 (Statutory Sexual Offense with a Child by an Adult); or
- Convicted of an offense involving the physical, mental, or sexual abuse of a minor.



Recidivists and Reoffenders

- A “recidivist” is a person who has a (i.e. meaning at least one) prior reportable conviction. The prior reportable conviction can be a misdemeanor or felony and the person will still meet the definition of a “recidivist.”
- A “reoffender” is a person who has two or more reportable convictions that constitute a felony.



Recidivists and Reoffenders (continued)

- If a person is convicted of more than one offense in a single session of court, only one conviction is counted for purposes of determining if the person is a “reoffender.”
- By definition, a “reoffender” will also be a “recidivist.”



Recidivists and Reoffenders (continued)

- Example: At the time of sentencing, Dusty has one prior conviction for sexual battery (a Class A1 misdemeanor). He is being sentenced now for 2nd Degree Kidnapping (a Class E felony)
- Dusty qualifies as a “recidivist” but not a “reoffender.” He now has two reportable convictions, however only one is a felony.



Recidivists and Reoffenders (continued)

- Example: As a result, Dusty will be required to register for his life and he will be required to verify his residence with the sheriff every 90 days instead of every 6 months.
- Dusty will not be subject to satellite-based monitoring.



Aggravated Offense

An “**aggravated offense**” is a criminal offense which includes either of the following:

- 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; or
- Engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old.



Aggravated Offense (continued)

Whether an offense is an “aggravated offense” is determined by examining the elements of the underlying criminal offense, not the factual scenario giving rise to the conviction.



Aggravated Offense (continued)

- Example: Dusty pleads guilty to taking indecent liberties with a child (G.S. 14-202.1). The factual basis for his plea is that Dusty vaginally penetrated his girlfriend's 10-yr. old daughter.
- This is a real case. *State v. Phillips*, 203 N.C. App. 326 (2010).



Aggravated Offense (continued)

- Dusty has **not** been convicted of an aggravated offense.
- Even though factually he engaged in a sexual act involving vaginal penetration with a victim less than 12 (one of the requirements for the definition of an aggravated offense), the elements of the offense for which he was convicted (indecent liberties) do not require proof of a sexual act involving vaginal, anal, or oral penetration with a victim less than 12.



Sexually Violent Predator

A “**sexually violent predator**” is a person who has been convicted of a “sexually violent offense” and:

- Is found by a North Carolina court to suffer 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.



Sexually Violent Predator (continued)

This determination must be made by a North Carolina court.



What are the Additional Registration Requirements?

Aggravated offenders (individuals who have been convicted of an aggravated offense), recidivists and sexually violent predators must register for their lifetime, and they must verify their current residence with the sheriff's office every 90 days.



What are the Additional Registration Requirements? (continued)

Aggravated offenders, sexually violent predators, and **reoffenders** may also be subject to satellite-based monitoring (SBM) for life, if the court finds that SBM is appropriate based on a risk assessment performed on the registered sex offender.

Note: SBM for life is unconstitutional simply because a registered sex offender is a “recidivist.” *State v. Grady*, 372 N.C. 509 (2019).



Satellite-Based Monitoring

In addition to the offenders previously listed, registered sex offenders who meet either of the following criteria are also subject to satellite-based monitoring:



Satellite-Based Monitoring (continued)

1. The registered sex offender committed an offense involving the physical, mental, or sexual abuse of a minor; and/or
2. The registered sex offender was convicted of Statutory Rape of a Child by an Adult or Statutory Sexual Offense with a Child by an Adult.



Satellite-Based Monitoring (continued)

In order to be enrolled in SBM, a court must determine, based on a risk assessment by the North Carolina Department of Adult Correction and all relevant evidence, that the offender requires the highest possible level of supervision and monitoring.



Satellite-Based Monitoring (continued)

Upon being ordered to enroll in SBM, an offender must immediately (following any imprisonment, if applicable) report to the Division of Community Supervision and Reentry office in the county where the person resides to receive the appropriate equipment.

G.S. § 14-208.40C; G.S. § 14-208.41



Satellite-Based Monitoring (continued)

Recent legislative changes regarding duration of satellite-based monitoring (SBM):

- Prior to 2021, a registered sex offender meeting the requirement for SBM could be placed on SBM for life in the discretion of the sentencing court.
- In 2021, the Legislature restricted the maximum duration of SBM to 10 years. NC Session Law 2021-138 (G.S.14-208.40A).



Satellite-Based Monitoring (continued)

Recent legislative changes regarding duration of satellite-based monitoring (SBM):

- In 2023, the Legislature reestablished lifetime satellite-based monitoring of certain registered sex offenders.
- From December 1, 2021 until October 1, 2023 individuals sentenced to SBM could not be sentenced to a term longer than 10 years.



Satellite-Based Monitoring (continued)

Beginning October 1, 2023, if the court finds that the registered sex offender:

1. Has been classified as a sexually violent predator; or
2. The offender has committed an aggravated offense; or



Satellite-Based Monitoring (continued)

Beginning October 1, 2023, if the court finds that the registered sex offender:

3. Has been convicted of statutory rape of a child by an adult; or
4. Has been convicted of statutory sexual offense of a child by an adult; or



Satellite-Based Monitoring (continued)

Beginning October 1, 2023, if the court finds that the registered sex offender:

5. Is a reoffender of various listed crimes;
and



Satellite-Based Monitoring (continued)

Beginning October 1, 2023, if the court finds that the registered sex offender:

6. Requires the highest possible level of supervision and monitoring based on a risk assessment;

Then the court must sentence the offender to SBM for life. G.S. 14-208.40A(c1).



Satellite-Based Monitoring (continued)

For all other registered sex offenders that meet the criteria for SBM but do not meet the previously listed criteria, the court has discretion to set the duration of SBM up to 50 years. G.S. 14-208.40A(e).



Initial Registration Process



Initial Registration Process

A person required to register must report in person to the appropriate sheriff's office.



Initial Registration Process (continued)

When to Register for Residents:

- Resident registered sex offenders must register immediately upon conviction when an active term of imprisonment is not imposed.



Initial Registration Process (continued)

When to Register for Residents:

- Otherwise, resident registered sex offenders must register within three business days of release from a penal institution or arrival in a county to live.



Initial Registration Process (continued)

When to Register for New Residents:

- Anyone with a reportable conviction who moves to North Carolina must 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.



Initial Registration Process (continued)

Where to Register for Residents and New Residents:

- Resident registered sex offenders must register with the sheriff of the county in which the registered sex offender resides.



Initial Registration Process (continued)

When to Register for Non-residents:

- Non-resident students must register upon enrollment in any type of school in the State.
- Non-resident workers must register upon working for more than 14 days or for an aggregate period of more than 30 days in a calendar year.



Initial Registration Process (continued)

Where to Register for Non-residents:

- These groups register with the sheriff of the county where the offender works or attends school.



Information Provided to Sheriff During Initial Registration



Required Information

Each registered sex offender must provide the following information:

1. The person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, drivers license number, and home address.
2. The person's name at the time of conviction; what alias, if any, the person was using at the time of the conviction; and the name of the person as it appears on the judgment imposing the sentence.



Required Information (continued)

3. The type of offense for which the person was convicted, the date of conviction, and the sentence imposed.
4. A current photograph taken by the sheriff.
5. The person's fingerprints taken by the sheriff.
6. A statement indicating whether the person is a student or expects to enroll as a student within a year of registering. If a student, the name and address of the school.



Required Information (continued)

7. 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 so employed, the name and address of the educational institution.
8. Any on-line identifier that the person uses or intends to use.



Required Information (continued)

Non-resident students or non-resident workers who are required to register must *also* provide:

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



Required Information: Lifetime Registrants

The following additional information must be collected on lifetime registrants:

- Identifying factors (i.e., method of committing crime or gaining access to the victim);
- Offense history (i.e., incident report or witness statement); and
- Documentation of any treatment received for the mental abnormality or personality disorder.



Continuing Obligations to Maintain Registration



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Mandatory Verification



Mandatory Verification

A registered sex offender will be sent, from the SBI, a verification letter in the U.S. Mail at his or her last reported address every year on the anniversary of the registered sex offender's initial county registration and every six months from that date.



Mandatory Verification (continued)

Within 3 days of receipt of the letter, a registered sex offender must report in person to the sheriff's office and return the letter to the sheriff's office staff.



Mandatory Verification (continued)

The letter must be signed by the registered sex offender and must indicate whether the information in the letter is accurate.



Authorized Additional Verification



Authorized Additional Verification (continued)

The sheriff is authorized to verify a registered sex offender's place of residence at any time.



Authorized Additional Verification (continued)

The sheriff may require a registered sex offender to be photographed at any time if the current photograph no longer provides a true and accurate likeness of the registered sex offender.



Authorized Additional Verification (continued)

- A request by the sheriff for additional photographs requires in-person notice to the registered sex offender by the sheriff's office and the registered sex offender must comply with such a request during normal business hours within 3 business days.
- Failure to comply is a misdemeanor.



Registrants' Obligations to Update or Report Various Information



Registrants' Obligations to Update (continued)

A registered sex offender has a continuing obligation to report any of the following:

- Change of address (in-county or between counties).
- Intent to move out-of-state or change of such intent.



Registrants' Obligations to Update (continued)

A registered sex offender has a continuing obligation to report any of the following:

- Temporary work in a different county if accompanied by temporary residence in that county.
- Change of academic status or employment at institution of higher education.



Registrants' Obligations to Update (continued)

The chart on pages 18-19 in the Sex Offender Registration Laws publication provides the deadlines for offenders to comply.

G.S. §	Event	Notification Required	Deadline
14-208.9(a)	Offender changes address - new address in 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 after 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 after the change of address to sheriff of the county of last registration and within 10 days after the change of address 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(b1)	Offender who indicated their intent to reside in another state or jurisdiction decides to remain in N.C.	Report IN PERSON to the sheriff's 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.



Registrants' Obligations to Update (continued)

Any registry information collected by the sheriff must be reported immediately to the Criminal Information and Identification Section (CIIS) of the North Carolina State Bureau of Investigation.



Length of Registration



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Length of Registration (continued)

Registered sex offenders must remain on the registry for at least 30 years, unless the person successfully petitions a court to shorten this time period.



Length of Registration (continued)

Such petitions may be filed in superior court only after ten years has passed since their initial county registration in North Carolina.

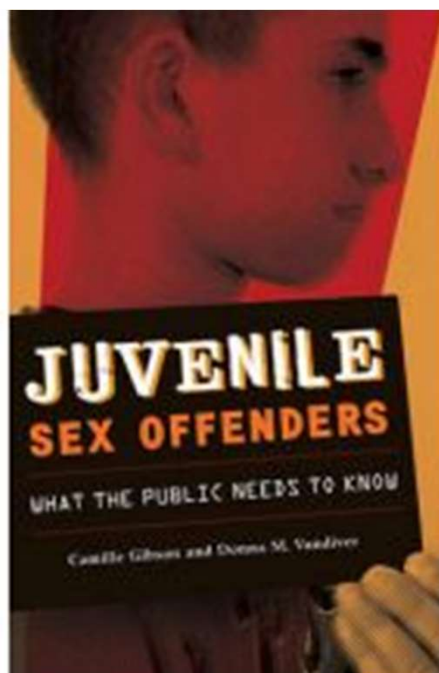


Length of Registration (continued)

Aggravated offenders, recidivists and predators must remain on the registry for life.



Registration Requirements for Certain Juvenile Delinquent Offenders



Which Juveniles are Subject to Registration?



Which Juveniles are Subject to Registration? (continued)

A juvenile **adjudicated delinquent** for any of the following offenses, who was at least 11 years-of-age at the time of the commission of the offense, may be ordered by the court to register:

- G.S. § 14-27.21 – First degree forcible rape
- G.S. § 14-27.22 – Second degree forcible rape
- G.S. § 14-27.24 – First degree statutory rape



Which Juveniles are Subject to Registration? (continued)

A juvenile **adjudicated delinquent** for any of the following offenses, who was at least 11 years-of-age at the time of the commission of the offense, may be ordered by the court to register:

- G.S. § 14-27.26 – First degree forcible sexual offense
- G.S. § 14-27.27 – Second degree forcible sexual offense
- G.S. § 14-27.29 – First degree statutory sexual offense



Which Juveniles are Subject to Registration? (continued)

This includes an attempt, conspiracy, or solicitation of another to commit such an offense; or aiding and abetting such an offense.



Which Juveniles are Subject to Registration? (continued)

The judge must make a finding that the juvenile is a danger to the community for the juvenile to be required to register as a sex offender.





Registration Requirements for Juvenile Offenders

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Initial Registration

Juveniles

If a delinquent juvenile is required to register by the court, the juvenile court counselor must file the registration information with the sheriff of the county where the juvenile resides.



Change of Address Juveniles

Within three business days after any change of address, the juvenile court counselor must provide written notice of the change to the sheriff of the county with whom the juvenile had last registered.

A United States Postal Service Address Change Form (ACS-3000) is shown. The form includes fields for Mail Classification, Company Name, ACS Contact Information, Attention Line, Company Name, Street Address, Apt./Sic. Number, City, State, ZIP + 4®, Telephone Number (include area code), and Fax Number (include area code). The form is titled "UNITED STATES POSTAL SERVICE" and "Address Change".

Semiannual Verification

Juveniles

- After the first-year anniversary of the juvenile's registration, and every six months after that date, the sheriff must mail a verification letter to the juvenile court counselor.
- The counselor must return the form to the sheriff within three business days.
- The form must be signed by the counselor and the juvenile.



Automatic Termination of Juvenile Registration

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



Automatic Termination of Juvenile Registration (continued)

Note: While the registration requirement terminates for juvenile offenders at age 18, expunction does not become an option.



Automatic Termination of Juvenile Registration (continued)

G.S. § 15A-145(a1), which allows for the expunction of certain first-time offenses committed by offenders under the age of 18, does not allow expunction of any offense for which the person under the age of 18 was required to register under North Carolina's Sex Offender Registry laws.



Restrictions on Registered Sex Offenders and Duties to the Public



Restricted Activities: Residency Restrictions

A registered sex offender is prohibited from knowingly residing at any location or within any structure any portion of which is within 1,000 feet of the property line of any property on which any public or nonpublic **school** or **child care center** is located.



Residency Restrictions (continued)

- **“School”** does not include home schools or institutions of higher education, such as colleges or universities.
- **“Child care center”** has the same definition as “child care facility” in G.S. § 110-86(3) and also includes “Boys and Girls Clubs.”



Residency Restrictions (continued)

Changes in ownership or use of property within 1,000 feet of a registered sex offender's registered address which occur after the sex offender establishes residency will not result in a violation.



Residency Restrictions (continued)

Residency is established when the offender:

- Purchases the residence or enters into a contract to purchase the residence.
- Enters into a written lease contract.
- Resides with an **immediate family member**.



Residency Restrictions (continued)

“Immediate family members” include the offender’s child or sibling if at least 18 years of age, and also includes a parent, grandparent, legal guardian, or spouse of the registrant.



Residency Restrictions (continued)

NOTE: The residency restriction does not apply to an offender who established residency at the registered address prior to August 16, 2006.



Residency Restrictions (continued)

The restriction surrounding the Boys and Girls Clubs of America does not apply to an offender who established residency prior to June 19, 2014.



Residency Restrictions (continued)

The residency restriction was clarified in Session Law 2021-115 to specify that the 1,000 feet prohibition was measured from the property line of the property on which the school or child-care center is located, not measured from the structure of the school or child-care center itself. G.S. 14-208.16(a).



Residency Restrictions (continued)

This clarification does not apply to those registered offenders who established residency prior to December 1, 2021.



Restricted Activities - Certain Activities Involving Minors

- It is unlawful for a registered sex offender to work at any place where a minor is present and the sex offender's responsibilities or activities include instruction, supervision, or care of a minor.
- This prohibition also covers self-employment and applies whether the work is compensated or not.



Restricted Activities – CDLs



A registered sex offender is prohibited from driving a commercial passenger vehicle or school bus.



Restricted Activities – EMS Credentials

A registered sex offender cannot be given EMS credentials.



Restricted Activities – Funeral License

- Persons convicted of certain sex offenses are not eligible to be licensed as funeral directors, embalmers, or funeral service licensees or eligible to receive permits to transport or remove dead human bodies.



Restricted Activities – Premises Restrictions

Certain registered sex offenders are prohibited from being on particular property. These restrictions apply to any registered sex offender who has committed any of the following types of offenses:



Premises Restrictions (continued)

- Any offense in Chapter 14, Article 7B of the General Statutes (sexual assaults); or
- Any offense where the victim of the offense was under the age of 18 years at the time of the offense; or



Premises Restrictions (continued)

- 1st, 2nd, or 3rd degree sexual exploitation of a minor (or substantially similar federal offenses or substantially similar offenses in another state), even if the victim in the case was not a minor.

(such as an undercover law enforcement officer posing as a minor).



Premises Restrictions (continued)

It is unlawful for these registered sex offenders to be:

- 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.



Premises Restrictions (continued)

It is unlawful for these registered sex offenders to be:

- At any place minors frequently congregate, including but not limited to, libraries, arcades, amusement parks, recreation parks and swimming pools, when minors are present.



Premises Restrictions (continued)

It is unlawful for these registered sex offenders to be:

- On the State Fairgrounds during the North Carolina State Fair, Western N.C. Agricultural Center during the N.C. Mountain State Fair and any other fairgrounds (including county fairgrounds) during an agricultural fair.



Premises Restrictions (continued)

It is unlawful for these registered sex offenders to be:

- 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.
- Example: Day care in a church.



Premises Restrictions (continued)

Note: This 300-foot restriction only applies when:

- The court has made a finding that the registered sex offender is or may be a danger to minors; or
- When the offense was committed against a victim under 18; or



Premises Restrictions (continued)

Note: This 300-foot restriction only applies when:

- The offense was a 1st, 2nd, or 3rd degree sexual exploitation of a minor offense (or substantially similar federal offenses or substantially similar offenses in another state), even if the victim was not a minor.



Premises Restrictions (continued)

The restriction does not apply to the parent or guardian of a student:

- Who is present on school property to attend a conference with school personnel; or
- Whose presence has been requested by the principal or a designee for any other reason relating to the student.



Premises Restrictions (continued)

The parent or guardian must:

- Give notice to the principal that he/she is subject to registration;
- Give notice to the principal of his/her presence at the school; and
- Remain under the direct supervision of school personnel.



Premises Restrictions (continued)

Other exceptions include:

- A registered sex offender who is eligible to vote may be present at a prohibited location, such as a school, for the purpose of voting. The registered sex offender shall notify the principal of the school that he or she is registered.
- A registered sex offender who is eligible to attend public school may be present on school property if permitted by the local board of education.



Premises Restrictions (continued)

Other exceptions include:

- A juvenile registered sex offender may be present at a prohibited location for the purpose of receiving medical treatment or mental health services as long as the registered sex offender is supervised by an employee of the treating institution at all times.
- A registered sex offender who is the parent or guardian of a minor may take the minor to any location that can provide emergency medical care treatment.



Restricted Activities – Online

“High-risk sex offenders” are prohibited from doing any of the following online:

- Communicating with a person the offender believes to be under 16; or
- Contacting a person the offender believes to be under 16; or



Online Restrictions (continued)

“High-risk sex offenders” are prohibited from doing any of the following online:

- Posing falsely as a person under 16 with the intent to commit an unlawful sex act with a person under 16; or
- Using a website to gain information about a person under 16; or



Online Restrictions (continued)

“High-risk sex offenders” are prohibited from doing any of the following online:

- Using a commercial social networking website in violation of a policy prohibiting convicted registered sex offenders from using the site.



Online Restrictions (continued)

“High-Risk Sex Offenders” are defined as persons who are registered and who:

- Were convicted of an aggravated offense against a person under 18; or
- Are recidivists and one offense is against a person under 18; or



Online Restrictions (continued)

“High-Risk Sex Offenders” are defined as persons who are registered and who:

- Were convicted of an offense against a minor; or
- Were convicted of a sexually violent offense against a person under 18; or



Online Restrictions (continued)

“High-Risk Sex Offenders” are defined as persons who are registered and who:

- Were found by a court to be a sexually violent predator based on a conviction of a sexually violent offense against a minor.



Restricted Activities – Name Change

It is unlawful for a registered sex offender to obtain a name change under Chapter 101 of the North Carolina General Statutes.



Restrictions Applicable to the General Public



Restrictions: General Public



Persons who are not registered sex offenders may be subject to criminal prosecution for certain activities.



General Public – Activities Involving Minors

It is unlawful for any person who knows that a registered sex offender resides at his or her residence to conduct any activity at the residence which involves accepting minors into his or her care or custody from another.



General Public - Babysitting

No adult may provide a **babysitting service** in either of the following circumstances:

- In a home where a resident of the home is a registered sex offender.
- A provider of care for the babysitting service is a registered sex offender.



General Public – Babysitting (continued)

“Baby Sitting Service” means 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 hours per day while the child’s parents or guardians are not on the premises.



General Public – Harboring, etc.

It is unlawful for any person with the intent to assist the registered sex offender in eluding arrest to do any of the following:

- Withhold information from, or fail to notify, a law enforcement agency about the registered sex offender's noncompliance and whereabouts.
- Harbor, attempt to harbor, or assist another person in harboring or attempting to harbor, the registered sex offender.



General Public – Harboring, etc. (continued)

It is unlawful for any person with the intent to assist the registered sex offender in eluding arrest to do any of the following:

- Conceal, or attempt to conceal, or assist another person in concealing or attempting to conceal, the registered sex offender.
- Provide information to a law enforcement agency regarding the registered sex offender that the person knows to be false.



General Public – Misuse of Registry

The use or misuse of sex offender registry information to commit criminal acts against other persons is a violation of law.



General Public – Misuse of Registry (continued)

Example: Mary has a family member who was victimized by a registered sex offender. Because of this, she goes on the public registry to find the addresses of local registered sex offenders and, at night, she travels to their addresses to vandalize their residences and damage the vehicles parked at their residences.



Public Access to Information



Public Access to Information

The following information is public:

- Name;
- Sex;
- Address;
- Physical description;
- Picture;
- Conviction date;
- Offense for which registration was required;
- Sentence imposed as a result of the conviction; and
- Registration status.



Public Access to Information (continued)

The sheriff shall make available for public inspection any other relevant information necessary to protect the public concerning a specific person but shall not release the identity of the victim.



Public Access to Information (continued)

Any information obtained by the sheriff regarding a registered sex offender's medical records or documentation of treatment shall not be a part of the public record.



Public Access to Information (continued)

The SBI compiles all county information into a central statewide sex offender registry.



Public Access to Information (continued)

Information in the statewide registry that is made public is the same as on the county level, including:

- Name, sex, address, physical description, picture, conviction date, offenses requiring registration, sentence imposed and registration status.



Public Access to Information (continued)

Registration information for delinquent juveniles is not public record.



Public Access to Information (continued)

Delinquent juvenile information must be maintained separately by the sheriff and may be released only to law enforcement agencies and local boards of education.



Public Access to Information (continued)

Registry information for any juvenile enrolled in the local school administrative unit shall be forwarded, by the sheriff, to the local board of education when it is gathered.



Public Access to Information (continued)

The SBI provides free public access to the statewide registry.



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Public Access to Information (continued)

The North Carolina public registry may be found here: <http://sexoffender.ncsbi.gov>



Public Access to Information (continued)

Information from the statewide registry is retained even after the expiration of an offender's registration requirement, though this information will not appear on the public registry.



Public Access to Information (continued)

The United States Department of Justice offers free web access to information from the registries of the 50 states, the District of Columbia, U.S. Territories, and participating tribes.



Public Access to Information (continued)

The Dru Sjodin National Sex Offender Public Website may be found here:

<https://www.nsopw.gov/>

The national registry may also be reached via a link on our State's public registry website.



Cooperating with Other Government Agencies



Release from Active Sentence

- Between 10 to 30 days before release from a penal institution (either a prison or a jail), an official of the institution must inform the sex offender of their duty to register, obtain the address where the sex offender expects to reside upon release, and collect the sex offender's registration information.
- All information gathered must be forwarded to the SBI and to the sheriff of the county where the sex offender expects to live.



Release from Active Sentence (continued)

It is a Class F felony for the sex offender to willfully fail to register with the sheriff in the county designated by the sex offender as their expected county of residence.



Release from Active Sentence (continued)

An offender can be prosecuted in the prosecutorial and judicial district that includes the sheriff's office where the offender failed to register.



DMV

The DMV shall not issue a drivers 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.



DMV (continued)

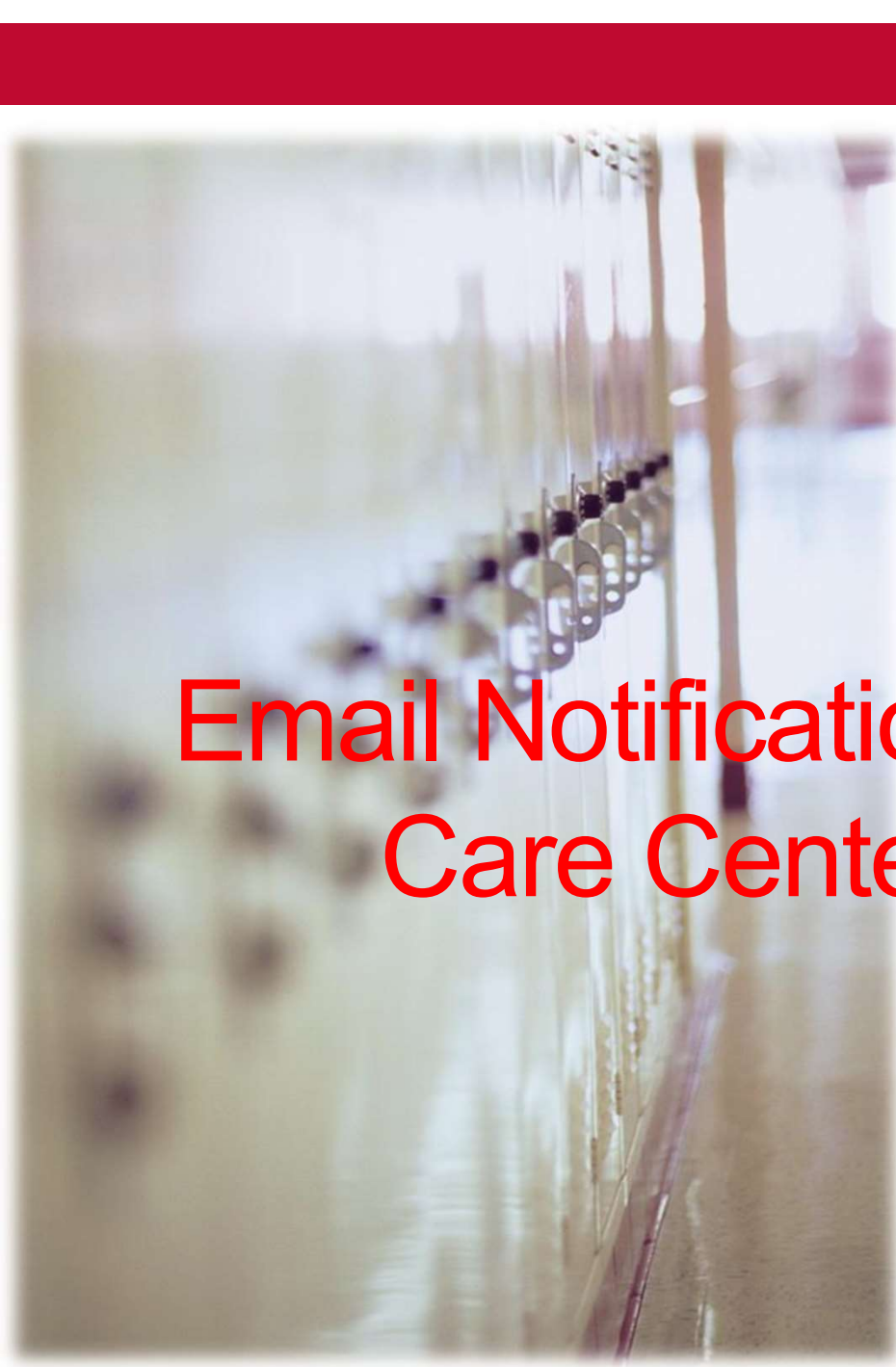
- If the person is registered as a sex offender in another state, the DMV shall not issue a drivers license until the person submits proof of registration in North Carolina.
- If the person does not appear on the National Registry, the person may obtain a drivers license but must sign an affidavit acknowledging notification of the North Carolina registration requirements.



DMV (continued)

If the DMV is unable to access the National Registry, the person may obtain a drivers 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.





Email Notifications to Licensed Day Care Centers and Schools

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Licensed Day Cares

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 SBI to receive e-mail notifications when a registered offender moves within a one-mile radius of the licensed day care center or school.

G.S. § 14-208.19

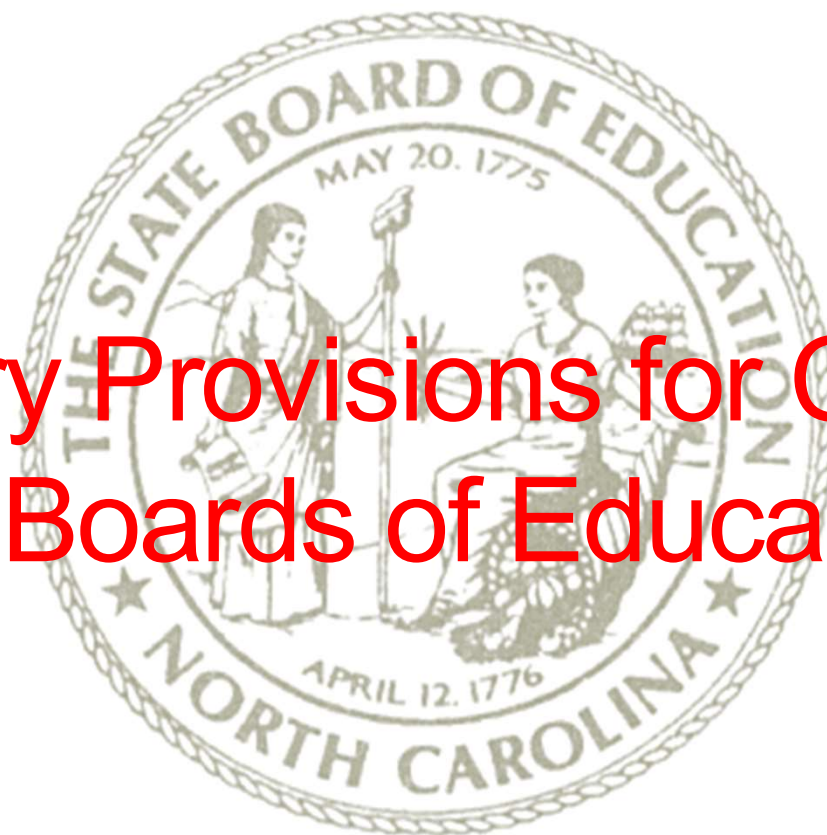


Local School Board

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



Mandatory Provisions for Contracts with Local Boards of Education (LBE)



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LBE Contract Provisions

Each local board of education must require that employers of a contract employee conduct an annual check of that person on the State Sex Offender and Public Protection Registration Program and the National Sex Offender Registry.



LBE Contract Provisions (continued)

A local board of education must prohibit any contract employee listed on the State or National Sex Offender Registry from having direct interaction with students.



Higher Education

If requested, the sheriff shall provide a report to institutions of higher education within the county of all registrants who have stated that they are a student or employee, or expect to become a student or employee, of that institution.



Release of On-line Identifiers to Entities



On-line Identifiers (continued)

An “**on-line identifier**” is an electronic mail address, an instant message screen name, a user ID, or a chat or other Internet communication name.



On-line Identifiers (continued)

On-line identifiers may be released by the SBI on a fee basis to entities that desire to prescreen users or compare a database of registered users to the list of on-line identifiers in the statewide registry.



On-line Identifiers (continued)

Entity is defined as a business or organization that provides Internet service, electronic communications service, remote computing service, online service, electronic mail service, or electronic instant message or chat services whether the business or organization is within or outside the State.



On-line Identifiers (continued)

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 complaint that a person uses its service to solicit a minor by computer to commit an unlawful sex act; or
- A report that a user may be posting or transmitting material containing a visual representation of a minor engaged in a sexual activity.



On-line Identifiers (continued)

An entity is generally immune from criminal or civil liability to the extent they act in good faith in releasing on-line identifiers.



Termination or Discontinuation of Sex Offender Registration



Termination or Discontinuation

Ten years from the date of initial county registration a registered sex offender may petition the superior court to terminate his or her registration requirement.



Termination or Discontinuation (continued)

If the reportable conviction is from North Carolina, the petition must be filed in the district where the offender was convicted.

If the reportable conviction is from any other jurisdiction, the petition must be filed in the district in North Carolina where the offender resides.



Termination or Discontinuation (continued)

For an out-of-state reportable conviction, the offender must also provide notice of the petition to the sheriff of the county where the offender was convicted and include with the petition an affidavit signed by the offender verifying that he or she has provided this notice.



Termination or Discontinuation (continued)

At least three weeks before the termination hearing, the district attorney in the district in which the petition is filed must be given notice of the petition by the offender.



Termination or Discontinuation (continued)

The offender may present evidence in support of the petition, and the district attorney may present evidence in opposition to the offender being relieved of their duty to register.



Termination or Discontinuation (continued)

The court may terminate the offender's registration requirement if it finds all of the following:



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Termination or Discontinuation (continued)

- The offender has not been arrested for any crime that would require registration.
- The termination complies with the provisions of the federal Jacob Wetterling Act (length of registration for certain offenses), and any other federal standards.
- The offender is not a current or potential threat to public safety.



Termination or Discontinuation (continued)

If the court denies the termination request, the registered sex offender may again file a petition one year from the date of the order denying the request.



Termination or Discontinuation (continued)

A person who is registered as a recidivist, an aggravated offender, or a sexually violent predator shall maintain registration for the person's life and cannot be removed from the registry by a judge.



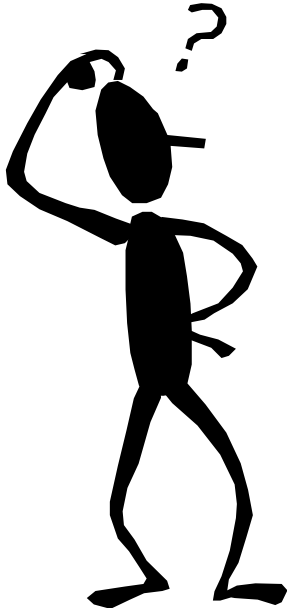
Termination or Discontinuation (continued)

The registered sex offender's registration must be discontinued if:

- The conviction requiring registration is reversed, vacated, or set aside; or
- The registrant has been granted an unconditional pardon of innocence by the Governor for the offense requiring registration.



QUESTIONS?



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EVALUATION



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