Sex Offender Registration in North Carolina

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1. Introduction

These materials are designed to provide the sheriffs of North Carolina and their staff with the federal and State laws for registering and monitoring certain sex offenders in North Carolina. It will also provide sheriffs with basic information on the restrictions placed on particular offenders who are registered, as well as what information regarding the registry is public record. These materials are intended to be a reference guide. This publication is not legal advice. Questions on the application of these laws to a certain scenario should be addressed to your legal counsel and/or district attorney.

2. Purpose of North Carolina's Registration Programs

G.S. § 14-208.5

The purpose of North Carolina's Sex Offender and Public Protection Registration Programs is to assist law enforcement agencies' efforts to protect communities by requiring persons who are convicted of sex offenses, or of certain other offenses committed against minors, to register with law enforcement agencies, to require the exchange of relevant information about those offenders among law enforcement agencies, and to authorize the access to necessary and relevant information about those offenders to others.

3. Who is Required to Register?

Four groups of persons may be required to register on the public registry:

1. Residents who have a "reportable conviction." This applies to residents with a North Carolina conviction (G.S. § 14-208.7(a));

2. Persons who have a "reportable conviction" in another state and move to North Carolina from outside the State or are present in the State for 15 days (G.S. § 14-208.7(a));

3. Nonresident students who have a "reportable conviction" or are required to register in their state of residency (G.S. § 14-208.7(a1)); and

4. Nonresident workers who have a "reportable conviction" or are required to register in their state of residency (G.S. § 14-208.7(a1)).

4. Reportable Convictions and Effective Dates

A resident, nonresident student, or nonresident worker who has a "reportable conviction" must register provided their offense meets the relevant effective date requirement. The General Assembly has specified the effective date requirements in the various session laws that enacted and modified the Sex

Offender and Public Protection Registration Programs over the years.[1] Before registering someone, the sheriff's office must confirm that the person is required to register. This means you must confirm the person was: 1) convicted of a crime that requires registration; and 2) the crime or conviction occurred on or after the effective date for that crime. The charts below will assist with this determination.

4.1 North Carolina Convictions that are Registerable and their Effective Dates
G.S. §§ 14-208.6(4)(a), 14-208.6(4)(d), and 14-208.6(4)(e)

1. An **"offense against a minor"** is a reportable conviction. "Offense against a minor" is defined by G.S. § 14-208.6(1m) to include the following offenses if the offense is committed against a minor (a person who is less than 18 years old), and the person committing the offense is not the minor's parent. For these purposes, "parent" means biological or adoptive parent with parental rights. *State v. Stanley*, 205 N.C. App. 707, 697 S.E.2d 389 (2010).

G.S. §	Offense Against a Minor	Effective Date
14-39	Kidnapping	EFFECTIVE April 1, 1998. (S.L. 1997-516 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	

2. A **"sexually violent offense"** is a reportable conviction. **"**Sexually violent offense" is defined by G.S. § 14-208.6(5) to include violations of:

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

[1] Several relevant session laws are cited in this publication as [S.L.__-__]. Session laws may be accessed via the North Carolina General Assembly's Website at http://www.ncleg.net/.

G.S. §	Sexually Violent Offense	Effective Date
14-27.5 (Former)	Second Degree Sexual Offense	Convicted or released from penal institution on or after Jan. 1, 1996.
14-27.5A (Former)	Sexual Battery	Offense COMMITTED on or after Dec. 1, 2005.
14-27.6 (Former)	Attempted Rape or Sexual Offense (Repealed in 1994)	Convicted or released from penal institution on or after Jan. 1, 1996.
14-27.7 (Former)	Intercourse and Sexual Offense with Certain Victims	Convicted or released from penal institution on or after Jan. 1, 1996.
14-27.7A(a) (Former)	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 Dec. 1, 2006.
14-27.21	First Degree Forcible Rape	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.22	Second Degree Forcible Rape	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.23	Statutory Rape of a Child; Adult Offender	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.24	First Degree Statutory Rape	EFFECTIVE Dec. 1, 2015. (S.L. 2017-102 does not specify whether the offense date, date of conviction, or another triggering event must occur on or after December 1, 2015. At the very least, it applies to offenses COMMITTED on or after that date.)
14-27.25(a)	Statutory Rape of victim 15 years old or younger by defendant at least 6 years older than victim	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.26	First Degree Forcible Sexual Offense	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.27	Second Degree Forcible Sexual Offense	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.28	Statutory Sexual Offense with a child by an Adult	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.29	First Degree Statutory Sexual Offense	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.30(a)	Statutory Sexual Offense of victim 15 years old or younger by defendant at least 6 years older than victim	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.31	Sexual Activity by a Substitute Parent or Custodian	Offenses COMMITTED on or after Dec. 1, 2015.

G.S. §	Sexually Violent Offense	Effective Date
14-27.32	Sexual Activity with a Student	Offenses COMMITTED on or after Dec. 1, 2015.
14-27.33	Sexual Battery	Offenses COMMITTED on or after Dec. 1, 2015.
14-43.11	Human Trafficking if victim is less than 18 or with intent for sexual servitude	Offenses COMMITTED on or after Dec. 1, 2013.
14-43.13	Subjecting or Maintaining a Person for Sexual Servitude	Offenses COMMITTED on or after Dec. 1, 2006.
14-178	Incest Between Near Relatives	Convicted or released from penal institution on or after Jan. 1, 1996.
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 Jan. 1, 1996.
14-190.9(a1)	Felony Indecent Exposure	Offenses COMMITTED on or after Dec. 1, 2005.
14-190.16	First Degree Sexual Exploitation of a Minor	Convicted or released from penal institution on or after Jan. 1, 1996.
14-190.17	Second Degree Sexual Exploitation of a Minor	Convicted or released from penal institution on or after Jan. 1, 1996.
14-190.17A	Third Degree Sexual Exploitation of a Minor	Convicted or released from penal institution on or after Jan. 1, 1996.
14-190.17C [S.L. 2024-37, § 3]	Obscene Visual Representation of Sexual Exploitation of a Minor	Offenses COMMITTED on or after Dec. 1, 2024.
14-190.18 (Former)	Promoting Prostitution of a Minor	Convicted or released from penal institution on or after Jan. 1, 1996.
14-190.19 (Former)	Participating in Prostitution of a Minor	Convicted or released from penal institution on or after Jan. 1, 1996.
14-202.1	Taking Indecent Liberties with Children	Convicted or released from penal institution on or after Jan. 1, 1996.
14-202.3	Solicitation of a Child by Computer to Commit an Unlawful Sex Act	Offense COMMITTED on or after Dec. 1, 2005.
14-202.4(a)	Indecent Liberties with a Student	Convicted or released from penal institution on or after Dec. 1, 2009.

G.S. §	Sexually Violent Offense	Effective Date
14-205.2(c-d)	Patronizing a prostitute who is a minor or mentally disabled	Offenses COMMITTED on or after Oct. 1, 2013.
14-205.3(b)	Prostitution of minor or mentally disabled	Offenses COMMITTED on or after Oct. 1, 2013.
14-318.4(a1)	Parent or Caretaker Commit or Permit Act of Prostitution with or by a Juvenile	Convicted or released from penal institution on or after Dec. 1, 2008.
14-318.4(a2)	Commission or Allowing Sexual Act upon a Juvenile by Parent or Guardian	Convicted or released from penal institution on or after Dec. 1, 2008.

3. North Carolina Convictions involving Aiding & Abetting, Attempt, Conspiracy, and Solicitation.

Title	Offense	Effective Date
Aiding & Abetting	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 the registry G.S. § 14-208.5. G.S. §§ 14-208.6(1m), 14-208.6(4)(a), 14-208.6(5); [S.L. 1999-363, § 1]	Offenses COMMITTED on or after Dec. 1, 1999. *If underlying offense has later effective date, use the effective date of that offense.
Attempt	A final conviction for an attempt to commit an "offense against a minor" or a "sexually violent offense" is a reportable conviction. G.S. § 14-208.6(4)(a) [S.L. 1997-516, § 1]	EFFECTIVE April 1, 1998. (S.L. 1997-516 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.) *If underlying offense has later effective date, use the effective date of that offense.
Conspiracy or Solicitation	"Offense against a minor" includes a solicitation or conspiracy to commit an "offense against a minor." "Sexually violent offense" includes a solicitation or conspiracy to commit a "sexually violent offense." G.S. §§ 14-208.6(1m), 14-208.6(5) [S.L. 1999-363, § 1]	Offenses COMMITTED on or after Dec. 1, 1999. *If underlying offense has later effective date, use the effective date of that offense.

4. Secretly Peeping/Unlawful Sale, Surrender, or Purchase of a Minor.

G.S. §	Offense	Effective Date
14-202 (a) or (c) [S.L. 2003-303, § 3]	Secretly Peeping 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(*l*) requiring the individual to register.	Only for a second or subsequent conviction, if the second or subsequent offense was COMMITTED on or after Dec. 1, 2003 **and** the **court** sentencing the individual issues an **order** pursuant to 14-202(*l*) requiring the individual to register.
14-202 (a1) [S.L. 2004-109; §§ 7-9]	Secretly Peeping 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(*l*) requiring the individual to register.	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(*l*) requiring the individual to register.
14-202 (d), (e), (f), (g) or (h) [S.L. 2003-303, §§ 1-3]	Secretly Peeping Will be a reportable conviction only if the **court** sentencing the individual issues an **order** pursuant to 14-202(*l*) requiring the individual to register.	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(*l*) requiring the individual to register.
14-202 (e1) [S.L. 2025-70, § 8]	Secretly Peeping Will be a reportable conviction only if the **court** sentencing the individual issues an **order** pursuant to 14-202(*l*) requiring the individual to register.	Only for offenses that were COMMITTED on or after Dec. 1, 2025 **and** the **court** sentencing the individual issues an **order** pursuant to 14-202(*l*) requiring the individual to register.
14-43.14 [S.L. 2012-153, §§ 1, 3, 8]	Unlawful Sale, Surrender or Purchase of Minor Will be reportable conviction only if the **court** sentencing the individual issues an **order** pursuant to 14-43.14(e) requiring the individual to register.	Offenses COMMITTED on or after Dec. 1, 2012.

5. 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 is a reportable conviction.

4.2 Convictions from Other States that are Registerable

G.S. §	Basis of Reportable Conviction	Effective Date
14-208.6(4)(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" is a reportable conviction. **Includes conspiracy or solicitation to commit any of these offenses and aiding and abetting any of these offenses.**	Use effective date for underlying substantially similar "offense against a minor" or "sexually violent offense.**"**
14-208.6(4)(b)	A final conviction in another state of an offense that requires registration under the sex offender registration laws of that state is a reportable conviction. **Includes ANY offense that requires registration in the state of conviction.**	Applies to individuals who **MOVE** into North Carolina on or after Dec. 1, 2006.
14-208.6(4)(b) [S.L. 2010-174, § 16]	A final conviction in another state of an offense that requires registration under the sex offender registration laws of that state is a reportable conviction. **Includes ANY offense that requires registration in state of conviction.**	Applies to individuals who: 1) moved into North Carolina prior to Dec. 1, 2006; **and** 2) met or meet **at least one** of the following conditions on or after Oct. 1, 2010: a. required to register in N.C. based on another conviction; or b. served an active sentence for any offense; or c. is on supervised probation, parole, or post-release supervision for any offense; or d. convicted of any felony.

4.3 Federal Convictions that are Registerable

G.S. §	Basis of Reportable Conviction	Effective Date
14-208.6(4)(c) [S.L. 1997-15, §§ 2-3]	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. **Includes conspiracy or solicitation to commit any of these offenses and aiding and abetting any of these offenses.**	Convicted or released from a penal institution on or after April 3, 1997. *If underlying offense has later effective date, use the effective date of that offense.
14-208.6(4)(c) [S.L. 2001-373, §§ 1, 12]	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. **Includes conspiracy or solicitation to commit any of these offenses and aiding and abetting any of these offenses.**	Offenses COMMITTED on or after Oct. 1, 2001.

4.4 Whether a Conviction for an Offense in an Out-of-State or Federal Jurisdiction is "Substantially Similar" to a North Carolina Offense. G.S. §§ 14-208.12B, 7A-451 [S.L. 2020-83]

In 2020, the North Carolina General Assembly enacted due process measures for the determination of whether an offender's out-of-state conviction or federal conviction is substantially similar to a North Carolina sexually violent offense or an offense against a minor (which would then require the person to register as a sex offender in North Carolina). This was prompted by a federal lawsuit, *Grabarczyk v. Stein*, et al., which without legislative action, would have removed many sex offenders from the North Carolina Sex Offender Registry (SOR) who were placed on the SOR due to an out-of-state conviction or a federal conviction that is "substantially similar" to a North Carolina sexually violent offense or an offense against a minor.

The North Carolina General Assembly enacted G.S. § 14-208.12B [S.L. 2020-83, § 11.5] to ensure due process is afforded to a sex offender before they are required to register in North Carolina based on a "substantially similar offense" determination described above. No formal, statewide process for this determination existed under North Carolina law prior to 2020.

Beginning August 1, 2020, if the sheriff determines a person must register as a sex offender based upon a an out-of-state conviction or federal conviction substantially similar to a North Carolina sexually violent offense or an offense against a minor, G.S. § 14-208.12B requires the sheriff to notify the sex offender of their right to petition the court for a judicial determination of the requirement to register. The sheriff must also provide notice to the district attorney.

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 or notice by registered or certified mail); or

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

Once notified, the sex offender has the option to file a petition for judicial review in a criminal session of superior court within 30 days of receiving the notice in the county where the sex offender resides using form AOC-CR-261. 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 three days of filing the petition with the clerk of court.[2]

A sex offender who has properly filed the above-described petition may not be charged with failure to register until the petition is decided by the court. G.S. § 14-208.12B(e).

The hearing will occur before a superior court judge presiding in the district where the sex offender resides and will be 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.

The district attorney has the burden of showing that the out-of-state or federal conviction is for a crime that

[2] If the sex offender has been properly notified as described above 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. G.S. § 14-208.12B(f).

is substantially similar to a North Carolina crime that requires registration.

If the superior court judge determines the out-of-state conviction or federal 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. However, if the judge determines that the conviction at issue is not substantially similar to a North Carolina sexually violent offense or an offense against a minor, 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 court and copied to the district attorney and sheriff. G.S. § 14-208.12B(d).

4.5 Final Conviction

The term "Final Conviction" is not defined in our State sex offender registration laws. Whether there is a final conviction will depend on the laws of the jurisdiction where the conviction occurred. We do know that a North Carolina misdemeanor conviction from district court that has been appealed to superior court is not a final conviction unless the appeal has been withdrawn and the case has been remanded back to district court. *State v. Sparrow*, 276 N.C. 499, 507 (1970). Pursuant to G.S. § 15A-1431, a defendant has 10 days from entry of judgment in district court to appeal a conviction to superior court. However, a conviction on appeal from the superior court to the North Carolina Court of Appeals is a final conviction and will require registration if the crime is registerable. *State v. Smith*, 230 N.C. App. 387 (2013).

Determining whether the entry of a prayer for judgment continued (PJC) constitutes a final conviction that would requires registration as a sex offender depends on an analysis of any conditions placed on the defendant by the court. A "true PJC," one without any conditions attached, is not a final conviction. *Walters v. Cooper*, 367 N.C. 117 (2013) An example of a "true PJC" from the *Walters* case is one where judgment is continued upon condition that the defendant pay costs, attorney fees and not have any contact with the victim. As long as the conditions attached to the PJC do not amount to punishment, the PJC is a "true PJC." Because this issue can be complicated, legal counsel should be consulted.

When deciding whether a judicial determination, such as an adjudication, from another state is a "final conviction," one must look at that state's law to see if that state treats the judicial determination as a final conviction for registry purposes. *See State v. Jackson*, 2025 N.C. App. LEXIS 459, at *10 (N.C. Ct. App. July 16, 2025). For example, some states' registration laws define conviction to include adjudications while others do not. You should consult with the other state's Attorney General's office to make this determination.

In addition, "final conviction" may or may not include juvenile proceedings in another state. Therefore, one must again look at that state's laws. 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. See Section 12 below for juvenile registrants.

Note: 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. [S.L. 2021-115, § 2]

4.6 Effective Dates

It is imperative that before you determine someone must register, you must first identify the statute the person was convicted under and the offense/conviction date. Some offenders will have convictions for offenses that are generally registerable but will not be required to register because of their date of offense or date of conviction.

For example: John Doe comes to register with the sheriff's office. He was convicted on July 5, 2005 for violating G.S § 14-27.7A(a), Statutory Rape - Defendant is at least 6 years older. The date of offense is December 1, 2003. He was released from prison on July 1, 2018. Does Mr. Doe have to register?

Answer: No. Mr. Doe's offense was committed before December 1, 2006; therefore, he does not have to register because the effective date for that particular offense is after December 1, 2006. (See chart in Section 4.1 of this publication.)

5. Nonresident Students and Workers

G.S. §	Who	Basis of Registration	Effective Date
14-208.6 (1k), 14-208.7(a1) [S.L. 2001-373, §§ 1, 4, 12]	**Nonresident Student** A person who is not a resident of North Carolina but who is enrolled in any type of school in this State on a part-time or full-time basis.	**Either** has a "reportable conviction" (see above) **or** is required to register in their state of residency.	Oct. 1, 2001
14-208.6 (1*l*), 14-208.7(a1) [S.L. 2001-373, §§ 1, 4, 12]	**Nonresident Worker** A person who is not a resident of North Carolina but has employment or carries on a vocation in this 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.	**Either** has a "reportable conviction" (see above) **or** is required to register in their state of residency.	Oct. 1, 2001

6. Adult Offender Classifications

6.1 Aggravated Offenders, Recidivists, and Sexually Violent Predators

"Aggravated offenders," "recidivists," and "sexually violent predators," are subject to the more stringent set of registration requirements. G.S. § 14-208.6A

G.S. §	Classification	Who Qualifies	Effective Date
14-208.6(1a), 14-208.21 [S.L. 2001-373, §§ 1, 7, 12]	**Aggravated Offender** "Aggravated offender" is not a statutory term but is commonly used to refer to an individual convicted of an "aggravated offense," as defined in G.S. § 14-208.6(1a).	A person who commits any registerable criminal offense (possibly including an out of state conviction in addition to NC convictions) that includes elements of either of the following: (1) 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 (2) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years-of-age. ***See following NOTE for further information.**	An individual shall be registered as an aggravated offender only if the offense was COMMITTED on or after October 1, 2001.
14-208.6(2b), 14-208.21 [S.L. 2001-373, §§ 1, 7, 12]	**Recidivist**	A person who has a prior conviction for an offense described in G.S. § 14-208.6(4). No effective date restriction on prior offense. See State v. Wooten, 194 N.C. App. 524 (2008). Note: In 2021, the General Assembly added a "reoffender" classification for persons who have 2 or more convictions for a felony described in G.S. § 14-208.6(4) that occurred in different sessions of court. These offenders do not have a separate registration classification; a reoffender will always meet the definition of a recidivist. The difference between a recidivist and a reoffender is that, effective December 1, 2021, a court may not order satellite-based monitoring simply because an offender is a recidivist. [S.L. 2021-138, § 18]	An individual shall be registered as a recidivist if they have at least one reportable conviction for an offense COMMITTED on or after October 1, 2001.
14-208.6(6), 14-208.20, 14-208.21 [S.L. 1997-516, §§ 1, 3]	**Sexually Violent Predator**	An individual who has been convicted of a sexually violent offense 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. (See below for more details on requirements.)	EFFECTIVE April 1, 1998. The sentencing court must make a determination and written findings. (S.L. 1997-516 does not specify whether the offense date, date of conviction, or triggering event must occur on or after April 1, 1998. At the very least, it applies to offenses COMMITTED on or after that date.)

***NOTE:** 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. *State v. Davison*, 201 N.C. App. 354 (2009). For example, even though the registrant has a conviction for sexual battery with a victim aged 14, the registrant would not be an aggravated offender because the elements of the offense do not meet the definition above for "aggravated offense."

Although not exhaustive, the North Carolina Court of Appeals has decided the following cases about what offenses are aggravated, and what offenses cannot be aggravated:

Aggravated:

1. First Degree Statutory Rape (victim under 13) (G.S. § 14-27.2(a)(1) *State v. Clark*, 211 N.C. App. 60 (2011).

2. Statutory Rape - victim 13, 14, 15 and defendant 6 years older (G.S. § 14-27.7A(a)), *State v. Sprouse*, 217 N.C. App. 230 (2011).

3. Second Degree Rape (forcible) (G.S. § 14-27.3(a)(1)), *State v. McCravey*, 203 N.C. App. 627 (2010).

4. Second Degree Rape (mentally disabled victim) (G.S. 14-27.3(a)(2)), *State v. Oxendine*, 206 N.C. App. 205 (2010).

5. Second Degree Rape (physically helpless victim) (G.S. § 14-27.3(a)(2)), *State v. Talbert*, 233 N.C. App. 403 (2014).

Not Aggravated:

1. Attempted Offenses, *State v. Barnett*, 245 N.C. App. 101 (2016).

2. Indecent liberties with a child, (G.S. § 14-202.1) *State v. Singleton*, 201 N.C. App. 620 (2010).

3. Sexual Offenses (forcible or statutory because it is possible to commit without penetration) *State v. Green*, 229 N.C. App. 121 (2013) (forcible), *State v. Treadway*, 208 N.C. App. 286 (2010) (statutory).

4. Sexual battery, *State v. Brooks*, 204 N.C. App. 193 (2010).

5. Child abuse (sexual act), (G.S. § 14-318.4(a2), *State v. Phillips*, 203 N.C. App. 326 (2010).

6. Any offense committed before October 1, 2001.

Please be aware that in 2016 the North Carolina General Assembly changed some of the elements of and renumbered certain sex offenses. Therefore, when evaluating sex offenses be sure to check the exact statute applicable to a particular registrant and contact your legal counsel before classifying someone as "aggravated."

6.2 Sexually Violent Predator Determination Process G.S. §§ 14-208.20, 14- 208.21 [S.L. 1997-516; S.L. 2001-373]

A "sexually violent predator" is defined in G.S. § 14-208.6(6) as an individual who has been convicted of

a "sexually violent offense" (see chart 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 and cannot happen without a court order, therefore this only applies to N.C. convictions. Out of state convictions will not fit this definition.

6.3 Additional Registration Requirements

All aggravated offenders, recidivists, and sexually violent predators are subject to the following requirements:

1. Lifetime registration[3] (G.S. § 14-208.23);

2. Must provide the following additional registration information: (G.S. § 14-208.22)

    a. identifying factors;

    b. offense history; and

    c. documentation of any treatment received by the person for the person's mental abnormality or personality disorder.

3. Must verify registration every 90 days[4] (G.S. § 14-208.24); and

4. May be subject to satellite-based monitoring. (**But Note:** "Reoffender" has replaced "recidivist" in the satellite-based monitoring determination statutes. [S.L. 2021-138, § 18] As defined in the table on page 11 of this publication, a "reoffender" is someone who has 2 or more convictions for a felony described in G.S. § 14-208.6(4) that occurred in different sessions of court. The effect of this is that eligibility for enrollment in satellite-based monitoring is narrowed to those repeat sex offenders with felony-level convictions. Classification as a recidivist, by itself, no longer causes an offender to be eligible for enrollment in satellite-based monitoring. A repeat sex offender, whether they are classified as a recidivist or not, will only be eligible for enrollment in satellite-based monitoring if they meet the definition of a reoffender as defined in G.S. § 14-208.6(3e)).

7. Registration and Verification Process
[S.L. 1995-545; S.L. 1997-516; S.L. 2001-373; S.L. 2002-147; S.L. 2006-247]

7.1 Where to Register
G.S. §§ 14-208.7(a), 14-208.7(a1)

Residents required to register shall report, IN PERSON, to the sheriff of the county of residence. Nonresident students and workers are required to maintain registration with the sheriff in the county

[3] Compare to regular registrants who, 10 years from date of their initial registration, may request termination of their registration requirement by petitioning the superior court in the district where they reside. G.S. § 14-208.12A
[4] Compare to Part 2 registrants who must verify registration information every six months under G.S. § 14-208.9A

where the person attends school or works.

7.2 When to Register

G.S. §	Who	Deadline
14-208.7(a)(2)	Current North Carolina resident convicted who did not receive an active sentence.	Immediately upon conviction.
14-208.7(a)(1) [S.L. 2008-117, § 8]	Current North Carolina resident who received an active sentence.	Within 3 business days of release from a penal institution.
14-208.7(a) [S.L. 2008-117, § 8]	Person moves into North Carolina from outside the State.	Within 3 business days of establishing residency in North Carolina **or** whenever the offender has been present in North Carolina for 15 days, **whichever comes first**.
14-208.6(1k), 14-208.7(a1)	Nonresident student.	When enrolled in any type of school in North Carolina.
14-208.6(1*l*), 14-208.7(a1)	Nonresident worker.	When employed or carrying on a vocation in North Carolina, on 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.

7.3 Initial Notification of Duty to Register G.S. § 14-208.8

Normally, offenders convicted in North Carolina who do not receive an active sentence are notified of their duty to register by the sentencing judge.

For offenders convicted in North Carolina who receive an active sentence and are subject to registration upon their release from a North Carolina penal institution, an official at the penal institution (typically prison) will, within at least ten (10) days, but not earlier than 30 days before the offender is due to be released:

1. Inform the offender of their duty to register, and require the offender to sign a written statement that the offender was so informed, or if the offender refuses to sign the statement, certify that the offender was so informed;

2. Obtain the registration information required, as well as the address where the offender expects to reside upon the offender's release; and

3. Send the information collected to the Sex Offender Coordination Unit of the Criminal Information and Identification Section of the North Carolina State Bureau of Investigation, (hereinafter CIIS) and the sheriff of the county in which the offender expects to reside.

7.3.1 Notification of Registration Requirements by Division of Motor Vehicles (DMV) G.S. §§ 20-9(i), 20-9.3

DMV will provide notice to each person who applies for the issuance of a driver's license, learner's permit, instruction permit or an identification card, that if the person is a sex offender, then the person is required to register.

Furthermore, DMV will not issue a driver's license to an applicant who has resided in this State for less than 12 months until DMV has searched the National Sex Offender Public Registry to determine if the person is currently registered as a sex offender in another state.

If DMV finds that the person is currently registered as a sex offender in another state, DMV will not issue a driver's license to the person until the person submits proof of registration issued by the sheriff of the county where the person resides.

If the person does not appear on the National Sex Offender Public Registry, DMV shall issue a driver's license but shall require the person to sign an affidavit acknowledging that the person has been notified that if the person is a sex offender, then the person is required to register.

In certain circumstances, sex offenders notified of their duty to register by other states or jurisdictions will be deemed to have adequate notice of their duty to register in North Carolina. *State v. Bryant*, 359 N.C. 554, 614 S.E.2d 479 (2005).

7.4 Information Collected by the Sheriff G.S. § 14-208.7(b)

7.4.1 Initial Registration

The sheriff shall collect the following information:

1. Registrant's full name, all aliases, date of birth, sex, race, height, weight, eye color, hair color, driver's license number and home address;

2. Statement indicating registrants name(s) at the time of the offense, conviction, and sentencing;

3. Type of offense for which the registrant was convicted, date of conviction, and sentence imposed;

4. Current photograph (registrant cannot be charged a fee for the photograph);

5. Registrant's fingerprints (registrant cannot be charged a fee for the fingerprints);

6. A statement indicating whether the registrant is a student, or expects to enroll as a student within one (1) year of registering and the name and address of any educational institution at which the person is or expects to enroll as a student;

7. A statement indicating whether the registrant is employed or expects to be employed at an institution of higher education within one (1) year of registering and the name and address of any institution of higher education at which the person is or expects to be employed; and

8. Any online identifier that the person uses or intends to use.[5]

Also, the sheriff should identify any tattoos, scars, or other identifying markings of the registrant for entry into the Division of Criminal Information Network (DCIN).

If the registrant is an aggravated offender, recidivist, or sexually violent predator, then the following registration information is also required under G.S. § 14-208.22:

1. Identifying factors;

2. Offense history; and

3. Documentation of any treatment received by the person for the person's mental abnormality or personality disorder.

Once the registrant completes the registration process, the registering sheriff shall immediately send the registration information to the CIIS in a manner determined by the SBI. The sheriff shall retain the original registration form and other information collected and will compile the information that is considered a public record into a county registry. A county registry is defined as the information compiled by the sheriff of a county in compliance with this law. G.S. § 14-208.7(c).

The sheriff shall provide the registrant with written proof of registration at the time of registration upon registration completion. G.S. § 14-208.7(d).

7.4.2 Residential Address

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, 337-338, 679 S.E.2d 857, 863-864 (2009). Every offender must register their address and their address should appear on the public 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 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). Thus, one must consider what "activities of life" occur at a location to determine whether that location is a person's residence.

What happens to an offender's address if they are incarcerated while on the registry? After initial registration, G.S. § 14-208.9, the statute on change of address, applies. Any offender who establishes a residence and is then incarcerated[6] is considered to have changed their address to the confinement facility. Once the offender is released, he or she has 3 business days from that change of address from the jail, to

[5] **Online identifier** is defined in G.S. § 14-208.6 (1n) as electronic mail address, instant message screen name, user ID, chat or other Internet communication name, but it does not mean social security number, date of birth, or pin number. **Electronic mail** is defined in G.S. § 14-208.6(1d) as the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.

[6] North Carolina Appellate Courts have not determined how long a registrant must be incarcerated in order for their address to change to the confinement facility. The longer the incarceration, the more likely someone's address changes and upon their release they have 3 business days to notify the last registering sheriff of their new address.

provide written notice of their new address to the last registering sheriff. *State v. Crockett*, 368 N.C. 717, 782 S.E.2d 878 (2016).

7.4.3 Mandatory Verification
G.S. §§ 14-208.9A, 14-208.11(a)(3), 14-208.24

The CIIS must mail a non-forwardable verification form to the last reported address of the registrant. The registrant has three (3) business days from receipt of the letter to appear IN PERSON at the local sheriff's office to complete the verification process. Failure to comply with these verification procedures is a Class F Felony.

All verifications must be made IN PERSON. The frequency of the required verifications will depend on the classification of the offender.

If a person fails to report IN PERSON and provide a written verification showing whether he or she still resides at the last reported address or has a new address, the sheriff must make a reasonable attempt to verify that the registrant is still residing at the registered address before charging a registrant with the offense of failure to verify.

If a registrant cannot be found at the registered address and has failed to report a change of address, he or she is subject to failure to register penalties (G.S. § 14-208.11) unless he or she reports IN PERSON to the sheriff's office and proves that they have not moved.

G.S. §	Classification of Offender	Frequency of Mandatory Verification
14-208.9A	Regular Offenders	Every year on the anniversary date of the initial registration, and again six (6) months after that date.
14-208.24	Aggravated Offenders, Recidivists, and Sexually Violent Predators	Every 90 days after the person's initial registration date.

The following information shall be verified:

1. Offender's address;

2. Online identifier (every offender must verify whether they still use or intend to use any previously reported online identifiers. The offender must also report any new or different online identifiers they use or intend to use.);

3. Offender's name (every offender must verify whether they still use or intend to use the same name previously reported. If the offender has a new or different name, they must report that information); and

4. Photograph (during verification, if it appears to the sheriff that the photograph on record of the sex offender no longer provides a true and accurate likeness of the sex offender, the sheriff shall take a new photograph of the offender).

7.4.4 Sheriff Authorized to Conduct Additional Verification

Address: During the period that an offender is required to be registered, the sheriff is authorized to attempt to verify that the offender continues to reside at the last registered address.

Photograph: If it appears to the sheriff that the current photograph of the sex offender no longer provides a true and accurate likeness of the sex offender, the offender must allow the sheriff to take another photograph of the offender at the time of the sheriff's request. If requested by the sheriff, the offender must appear IN PERSON at the sheriff's office during normal business hours within three business days of being requested to do so and shall allow the sheriff to take another photograph of the sex offender**.** Failure to appear after being ordered to do so is a misdemeanor offense.

7.5 Registrant's Duty to Update Registry Information G.S. § 14-208.9

G.S. §	Event	Notification Required	Deadline
14-208.9(a)	Offender **changes address** - new address in a **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) [S.L. 2007-213, § 9A]	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) [S.L. 2006-247, § 6]	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.
14-208.9 (e) [S.L. 2008-220, § 4]	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.

G.S. §	Event	Notification Required	Deadline
14-208.8A [S.L. 2006-247, § 4; S.L. 2007-484, § 2]	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; **AND** 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.	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).	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** 2. Within ten (10) days **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 person resides, for an aggregate period exceeding 30 days in a calendar year.
14-208.6(9) 14-208.9(c)	Offender **changes academic status** by enrolling as a student or terminating enrollment as a student (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. Note, this may only apply to persons convicted on or after Oct. 2, 2002. Consult with the district attorney before charging.

G.S. §	Event	Notification Required	Deadline
14-208.6(1e) 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.	For In-person Report: Within 3 business days of obtaining employment or terminating employment at an institution of higher learning. For Written Notice: Within 10 days after obtaining employment or terminating employment at an institution of higher learning. Note, this may only apply to persons convicted on or after Oct. 2, 2002. Consult with the district attorney before charging.
14-208.9(f)	Offender changes their name by any method.	Report IN PERSON to the sheriff of the county with whom the person registered to prove the name change.	Within 3 business days of the name change.
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.

The sheriff's office should immediately report all updated information to CIIS.

7.6 Period of Registration
G.S. §§ 14-208.12A, 14-208.23 [2001 S.L. 373; 2006 S.L. 247]

G.S. §	Classification of Registrant	Period of Registration
14-208.6A 14-208.7 14-208.12A [S.L. 2008-117, §§ 7, 8, 11]	Regular Registrants registered before Dec. 1, 2008	Ten (10) years to life. Offender will be registered for life following the date of initial county registration unless the offender successfully petitions the superior court to shorten their registration period under G.S. § 14-208.12A. Offender first eligible to petition ten (10) years after the date of initial county registration in N.C.

G.S. §	Classification of Registrant	Period of Registration
14-208.6A 14-208.7 14-208.12A [S.L. 2008-117, §§ 7, 8, 11]	Regular Registrants registered on or after Dec. 1, 2008	Ten (10) to thirty (30) years. Offender will be registered for thirty (30) years following the date of initial county registration in N.C. unless the offender successfully petitions a criminal session of the superior court to shorten their registration period under G.S. § 14-208.12A. Offender first eligible to petition ten (10) years after the date of initial county registration in N.C.
14-208.23	Aggravated Offenders, Recidivists, and Sexually Violent Predators	Lifetime

Request for termination of registration requirement. A registered offender, who is not classified as a "Recidivist," "Sexually Violent Predator," or "Aggravated Offender," and has not been convicted of a subsequent offense requiring registration, may petition the superior court in the district where the offender was convicted of the reportable conviction to terminate the registration requirement ten (10) years from the date of initial county registration. If the conviction is for an offense that occurred in another state, the petition shall be filed in the district where the registrant resides.

The court may grant relief and order the offender off the registry if:

1. The offender can show that since completing their sentence they have not been **arrested** for any crime that would require registration;

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. These provisions are contained in 34 U.S.C. § 20901, et seq. and, for a registrant to be granted relief after 10 years on the State's registry, the registrant must be a "Tier I offender" and have a "clean record," as those terms are defined under federal law; **and**

3. The court is otherwise satisfied that the petitioner is not a current or potential threat to public safety.

Additionally, the district attorney where the petition is filed shall be notified of the petition at least three (3) weeks before the hearing on the matter. For an out of state conviction, the petitioner must provide written notice to the sheriff of the county where the petitioner was originally convicted and an affidavit that the petitioner has made this notification. The petitioner may present evidence in support of the petition and the district attorney may present evidence in opposition or may otherwise demonstrate the reason(s) why the petition should be denied.

If the court denies the petition, the registrant may again petition the court one (1) year from the date of denial. If the court grants the petition, the clerk of court shall forward a certified copy of the order to the CIIS to have the offender's name removed from the registry.

8. Restrictions

8.1 Residency Restrictions
G.S. § 14-208.16 [S.L. 2006-247; S.L. 2013-28; S.L. 2014-21; S.L. 2021-115]

An offender who is required to register shall not knowingly reside at any location which is within 1,000 feet of any property line of a property on which any public or non-public "school" or "child care center" is located, or within any structure, any portion of which is within 1,000 feet of any property line of any property on which a school or child-care center is located. For purposes of this restriction, "school" does not include home schools as defined in G.S. § 115C-563, or institutions of higher education.[7]

The clarification that the 1,000 feet prohibition is measured from the property line of the property on which the school or child-care center is located does not apply to offenders who established residency prior to December 1, 2021.

For purposes of this statute, "child care center" is defined by G.S. § 110-86(3) and also includes Boys and Girls Clubs of America. G.S. § 110-86(3)(a) provides "[a] child care center is an arrangement where, at any one time, there are three or more preschool-age children or 9 or more school-age children receiving **child care**." Thus, to determine whether a location is a child care center, one must determine whether a location provides "child care." G.S. § 110-86(2) provides a very specific definition as to what activities constitute "child care." Consult G.S. § 110-86 to determine whether "child care" is being provided. (See Appendix I at the end of the publication.)

Furthermore, the residency restriction does NOT apply to child care centers that are 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 of or use of property within 1,000 feet of a registrant's registered address that occur after a registrant establishes residency at the registered address shall not form the basis for finding that a registrant is in violation of this regulation. For purposes of this regulation, a residence is established when the registrant does any one of the following:

1. Purchases the residence or enters into a specifically enforceable contract to purchase the residence; or

2. Enters into a written lease contract for the residence and for as long as the offender is lawfully entitled to remain on the premises; or

3. Resides with an immediate family member who established residence in accordance with this provision. For purposes of this provision, "immediate family member" means a child or sibling who is 18 years of age or older, or a parent, grandparent, legal guardian, or spouse of the registrant.

[7] "Home school" means a nonpublic school in which one or more children of not more than two families or households where the parents or legal guardians provide academic instruction and determine additional sources of academic instruction.. G.S. § 115C-563.

These residency restrictions do not apply to an offender who established residency at the registered address prior to August 16, 2006 [S.L. 2013-28]. Residency restrictions surrounding the Boys and Girls Clubs of America do not apply to a person who established residence prior to June 19, 2014 [S.L. 2014-21].

8.2 Limitation on Residential Use G.S. § 14-208.17(b) [S.L. 2006-247]

Offender's residence may not be used to care for a child. It is unlawful for **any person** to conduct any activity at their residence where the person:

1. Accepts a minor or minors into their care or custody from another, and

2. Knows that an offender who resides at the same location is required to register.

Violation of this statute is a Class F felony.

8.3 Employment and Volunteer Restrictions G.S. § 14-208.17(a) [S.L. 2006-247]

No instruction, supervision, or care for minors. It is unlawful for any offender who is required to register to work for any person or as a sole proprietor, with or without compensation, at any place where a minor is present, and the offender's responsibilities or activities would include instruction, supervision, or care of a minor or minors.

Violation of this statute is a Class F felony.

8.4 Prohibition Against Baby Sitting Service by Sex Offender or at a Place Where a Sex Offender Resides G.S. § 14-321.1

No adult may provide or offer to provide a baby sitting service:

1. In a home where a resident of the home is a registered sex offender, **or**

2. In which a provider of care for the baby sitting service is a registered sex offender.

"Baby sitting service" is defined as 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 hours per day while the child's parents or guardian are not on the premises.

A violation of this section that is a first offense is a Class 1 misdemeanor. A second or subsequent offense is a Class H felony.

8.5 Commercial Driver's License (CDL) Restriction G.S. §§ 14-208.19A, 20-17.9, 20-27.1, 20-37.14A

A person required to register is disqualified from driving a commercial motor vehicle that requires a CDL

with a P or S endorsement.

A person who drives a commercial passenger vehicle or school bus and who does not have a valid CDL with a P or S endorsement because that person was convicted of a violation that requires registration is guilty of a Class F felony.

8.6 Emergency Medical Services Restriction G.S. § 131E-159

A person required to register shall not be granted or be able to renew emergency medical services credentials.

8.7 Funeral License Restriction G.S. § 90-210.25B [S.L. 2012-194; S.L. 2015-62; S.L. 2015-181]

A person convicted of a "sexual offense against a minor" shall not be eligible for any license by the North Carolina Board of Funeral Services. "Sexual offense against a minor" is not defined anywhere else in N.C. law and means a conviction of any of the following offenses: G.S. §§ 14-27.23, 14-27.25(a), 14-27.28, 14-27.30, 14-190.16, 14-190.17, 14-190.17A, 14-190.18, 14-190.19, 14-202.1, 14-202.3, 14-202.4(a) 14-318.4(a1) or 14-318.4(a2).

The term "sexual offense against a minor" also includes any attempt, solicitation, or conspiracy to commit any of these offenses or any aiding and abetting any of these offenses.

The term "sexual offense against a minor" also includes a conviction in another jurisdiction for an offense which if committed in this State has the same or substantially similar elements to a "sexual offense against a minor" as defined by this section.

This restriction is effective July 17, 2012 and applies to any license request after that date.

8.8 Registered "High-Risk" Offenders Prohibited from Engaging in Certain Activities on Commercial Social Networking Web sites G.S. § 14-202.5 [S.L. 2019-245]

Previously, North Carolina law prohibited registered sex offenders from accessing "commercial social networking Web site", defined, broadly speaking, as a Web site, application, or portal that allows users to create personal Web pages or profiles and to communicate with others. However, this blanket prohibition was found to be an unconstitutional First Amendment restriction in *Packingham v. N.C.* 137 S. Ct. 1730, 198 L. Ed. 2d 273 (2017) and is therefore unenforceable.

In 2019, the General Assembly amended G.S. § 14-202.5 to prohibit a certain sub-category of registered sex offenders from performing certain actions on commercial social networking Web sites.

Pursuant to amended G.S. § 14-202.5, "high-risk sex offenders" may not do any of the following online:

1. Communicate with a person that the offender believes is under 16 years of age;

2. Contact a person that the offender believes is under 16 years of age;

3. Pose falsely as a person under 16 years of age with the intent to commit an unlawful sex act with a person the offender believes is under 16 years of age;

4. Use a Web site to gather information about a person that the offender believes is under 16 years of age; or

5. Use a commercial social networking Web site in violation of a policy, posted in a manner reasonably likely to come to the attention of users, prohibiting convicted sex offenders from using the Web site.

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

1. Were convicted of an aggravated offense against a person under 18 years of age;

2. Are recidivists and one offense is against a person under 18 years of age;

3. Were convicted of an offense against a minor;

4. Were convicted of a sexually violent offense against a person under 18 years of age; or

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

Also, even if not subject to the above restrictions, registrants still must disclose any online identifiers.

8.9 Prohibition on Name Changes by Sex Offenders (Effective Dec. 1, 2008)
G.S. § 14-202.6 [S.L. 2008-218]

It is unlawful for a sex offender registered under North Carolina's Sex Offender and Public Protection Programs to obtain a change of name under Chapter 101 of the North Carolina General Statutes. The process for a name change under this Chapter involves the registrant going to the clerk of court and applying to change his or her name.

8.10 Certain Offenders Prohibited from Protected Locations (effective Sept. 1, 2016)
G.S. § 14-208.18 [S.L. 2016-105; S.L. 2021-115; S.L. 2024-37]

Offenders registered because of certain offenses have additional restrictions placed on them regarding where they can go.

Which offenders are prohibited? Only persons required to register because they have committed either:

1. An offense under Article 7B of Chapter 14 of the North Carolina General Statutes, any offense (federal or out-of-state) which is substantially similar to an Article 7B offense; or

2. An offense where the victim was under the age of 18 years at the time of offense; or

3. First, second, or third degree sexual exploitation of a minor or obscene visual representation of 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).

(See Appendix II at the end of this publication)

In situations in which an offender required to register has not committed an Article 7B crime, or one substantially similar to Article 7B or a sexual exploitation of a minor offense, or one substantially similar to these, and their crime does not clearly have an element requiring the victim to be under the age of 18 at the time of offense, in order to determine whether that offender is prohibited from certain locations under G.S. § 14-208.18, an examination of the facts of the case will be necessary to determine the age of the victim of the offense.

Where are they prohibited from going?

1. The premises of any place intended primarily for the use, care, or supervision of minors, including, but not limited to, schools, children's museums, child care centers, nurseries, and playgrounds;

2. Within 300 feet of any location intended primarily for the use care or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors, including, but not limited to, places described in the preceding paragraph that are located in malls, shopping centers, or other property open to the public. [8]

3. Any place where minors frequently congregate, including, but not limited to, libraries, arcades, amusement parks, recreation parks, and swimming pools, when minors are present; and

4. On the State Fairgrounds during the State Fair, Western N.C. Agricultural Center during the N.C. Mountain State Fair and any other fairgrounds during an agricultural fair.

Exceptions to the prohibition include:

1. A parent or guardian of a minor may take the minor to any location that can provide emergency medical care treatment if the minor needs emergency medical care.

2. A parent or guardian of a student enrolled in a school may be present on school property if all of the following conditions are met:

    a. The parent or guardian is on school property for one of the following purposes:

        i. To attend a conference at the school with school personnel to discuss the academic or social progress of the parent's or guardian's child; or
        ii. The presence of the parent or guardian has been requested by the principal or his or her designee for any other reason relating to the welfare or transportation of the child, and

[8] This 300ft restriction only applies to those convicted of an Article 7B offense (or substantially similar out of state offense) when a court has made a finding that the person is or may be a danger to minors under the age of 18, or the offense was committed against a victim under the age of 18, or the offense was a first, second, or third degree sexual exploitation of a minor offense, or obscene visual representation of sexual exploitation of a minor (or substantially similar federal offenses or substantially similar offenses in another state), even if the victim was not a minor.

b. The parent or guardian complies with all of the following:

i. The parent or guardian shall notify the principal of the school of their registration and of their presence (upon arrival and departure) at the school unless they:
   1. Have written permission to be present from the superintendent or the local board of education, who shall notify the principal of the nature of the offender's visit and the hours when the offender will be present at the school; or
   2. The principal has granted written ongoing permission for regular visits of a routine nature.

ii. A parent or guardian must be under the direct supervision of school personnel at all times they are on school property.

3. There is an exception for persons eligible to vote at a prohibited location used as a voting place as defined by G.S. § 163-165. Such persons can be on the premises only for the purposes of voting and shall not be outside the voting enclosure other than for entering and exiting the voting place. If the voting place is a school, then they shall notify the principal of the school that they are a registered offender.

4. There is an exception for persons eligible under G.S. § 115C-378 to attend public school to be present on school property if permitted by the local board of education. The student must be supervised by school personnel at all times.

5. There is an exception for juveniles to be present at a location to receive medical treatment or mental health services if they remain under the direct supervision of an employee of the treating institution at all times.

9. Sex Offender Satellite-Based Monitoring Program

G.S. §§ 14-208.40, 14-208.40A, 14-208.40B

The North Carolina Department of Adult Correction (DAC) oversees a sex offender monitoring program that uses a continuous satellite-based monitoring system for certain registered sex offenders. The court can order an eligible offender to enroll in satellite-based monitoring for a period of up to 50 years.

For additional information concerning this program, contact DAC at (919) 733-2126.

10. Duties to Report and Arrest

Pursuant to G.S. § 14-208.11A, it is illegal for anyone who has reason to believe that an offender is in violation of the registration requirements to intentionally assist the offender to elude arrest by withholding information or failing to notify law enforcement of the offender's noncompliance, and, if known, the whereabouts of the offender. For further details about a person's duty to report noncompliance, see the chart below and G.S. § 14-208.11A.

Pursuant to G.S. § 14-208.11(a1), a probation officer, parole officer, or any other law enforcement officer who is aware that a person has committed a violation of G.S. § 14-208.11(a) shall immediately arrest the person in violation in accordance with G.S. § 15A-401 or seek an order for the person's arrest in accordance with G.S. § 15A-305. For more information, see G.S. § 14-208.11, including subsection (c) that addresses offenders that are incarcerated in, or in the custody of a local, State, private, or federal correctional facility.

Pursuant to G.S. § 14-208.15A, an entity that receives either a complaint that a person is using its service to solicit a minor by computer to commit an unlawful sex act as defined in G.S. § 14-202.3, or a report that a user may be violating G.S. § 14-190.17, G.S. § 14-190.17A, or G.S § 14-190.17C by posting or transmitting material that contains a visual representation of a minor engaged in sexual activity, shall report that information and the online identifier information of the person allegedly committing the offense, including whether that online identifier is included in the statewide registry, to the Cyber Tip Line at the National Center for Missing and Exploited Children, which shall forward that report to an appropriate law enforcement official in this State. (See Section 13.2.5 "Release of Online Identifiers" of this publication for the definition of "entity".)

11. Crimes and Penalties

G.S. §	Who Can Be In Violation	Violation	Penalty
14-208.9A(c)	Person required to register	Fails to comply with sheriff's request for additional photograph as required by G.S. § 14-208.9A(c).	Class 1 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.	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 sheriff's 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

G.S. §	Who Can Be In Violation	Violation	Penalty
14-208.11(a)(9)	Person required to register	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)	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	Withholds information from, or fails 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
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	Harbors, attempts to harbor, or assists 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	Conceals, or attempts to conceal, or assists 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	Provides 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

G.S. §	Who Can Be In Violation	Violation	Penalty
14-208.16(f)	Person required to register	Violates G.S. § 14-208.16 by residing in a location within 1,000 ft of a property line of a school or child care center, or within any structure, any portion of which is within 1,000 feet of any property line of any property on which a school or child-care center is located	Class G felony
14-208.17(c)	Person required to register	Violates G.S. § 14-208.17 by working or volunteering for child-involved activities.	Class F felony
14-208.17(c)	Any person	Violates G.S. § 14-208.17 by allowing residence to be used for care of a child.	Class F felony
14-208.18	Persons required to register who have committed: any Article 7B offense, or a substantially similar offense; any offense where the victim of the offense was under the age of 18 years at the time of offense; first, second, or third degree sexual exploitation of a minor; or obscene visual representation of sexual exploitation of a minor.	Unlawfully on protected premises. 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
14-208.44(b) [S.L. 2007-213, § 6]	Any person	Intentionally tampers with, removes, vandalizes, or otherwise interferes with a device issued pursuant to a satellite-based monitoring program to a person enrolled in the program.	Class E felony
14-208.44(c) [S.L. 2007-213, § 6]	Person required to enroll in a satellite-based monitoring program	Failure to provide necessary information to the DAC, or fails to cooperate with DAC'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 babysitting service by sex offender or in the home of a sex offender.	Class 1 misd; Any subsequent offense is Class H felony
20-27.1 [S.L. 2009-491, § 4]	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

G.S. §	Who Can Be In Violation	Violation	Penalty
20-37.14A [S.L. 2009-491, § 6]	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
14-202.5	High-Risk Sex Offender as defined in G.S. § 14-202.5	Does any of the following online: 1. Communicate with a person they believe to be under 16. 2. Contact a person they believe to be under 16. 3. Pose falsely as a person under 16 with the intent to commit an unlawful sex act with a person under 16. 4. Use a website to gather information about a person they believe to be under 16. 5. Use a commercial social networking website (i.e. Facebook, LinkedIn, etc.) in violation of the website's policy, prohibiting convicted sex offenders from using the website.	Class H felony

12. Registration Procedures for Juveniles

12.1 Juveniles Transferred to and Convicted in Superior Court G.S. § 14-208.6B

A juvenile transferred to superior court pursuant to G.S. § 7B-2200 or § 7B-2200.5 who is convicted of a "sexually violent offense" or an "offense against a minor" must register IN PERSON just as an adult convicted of the same offense must register. The effective date for this provision is April 1, 1998. (Session Law 1997-516 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.)

12.2 Juveniles Adjudicated Delinquent

Some juveniles adjudicated delinquent in North Carolina are subject to the registry laws.

12.2.1 Registration Requirement G.S. §§ 7B-2509, 14-208.26 [S.L. 1997-516; S.L. 1999-363]

Whenever a juvenile, who is at least eleven (11) years-of-age at the time of the commission of the offense, is adjudicated delinquent for one of the offenses listed below, the court shall consider whether the juvenile is a danger to the community.

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
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
Former G.S. § 14-27.2	First Degree Rape
Former G.S. § 14-27.3	Second Degree Rape
Former G.S. § 14-27.4	First Degree Sexual Offense
Former G.S. § 14-27.5	Second Degree Sexual Offense
Former G.S. § 14-27.6	Attempted Rape/Sexual Offense

This also includes the attempt, conspiracy, or solicitation of another to commit any of the preceding offenses, and, aiding and abetting of any of the preceding offenses.

If the presiding judge determines the juvenile is a danger to the community, the court must then consider whether the juvenile should be required to register with the county sheriff.

A juvenile may only be required to register if the court first determines the juvenile is a danger to the community. If the judge issues an order that the juvenile must register, the presiding judge shall conduct the notification procedures, as specified for adults. The chief court counselor of that district must then file the registration information for the juvenile with the appropriate sheriff.

12.2.2 Juveniles Moving Into North Carolina

If there is a question about whether a juvenile that moves into North Carolina must maintain registration pursuant to any part of the North Carolina registry, an agency should contact its legal counsel. However, because Part 4 (i.e. juvenile registry) of the registry provisions require an adjudication of only certain North Carolina offenses, **registration on the juvenile registry** generally is not required for a juvenile adjudicated in another state. Whether the juvenile is required to register under Part 2 (i.e. "regular" sex offender registry) is another matter entirely and will depend upon whether the juvenile's out-of-state adjudication is a "final conviction" under the laws of the other state and whether that final conviction still requires registration in the state of conviction or is substantially similar to one of North Carolina's reportable offenses.

12.2.3 Change of Address
G.S. § 14-208.27

If a juvenile, required to register, changes their place of residence, the juvenile's court counselor must provide written notice of the new address, no later than the third business day after the address change, to the sheriff of the county with whom the juvenile last registered. Upon receipt of this notice, the sheriff shall immediately forward this information to the CIIS. If the juvenile moves to another county in North Carolina, the CIIS shall inform the sheriff of the new county of the juvenile's new address.

12.2.4 Verification of Information
G.S. § 14-208.28 [S.L. 1997-516; S.L. 2006-247]

Information provided to the sheriff must be verified for each juvenile registrant, as follows:

1. Every year on the anniversary date of a juvenile's initial registration date and six (6) months

after that date. The sheriff shall mail a verification form to the juvenile's assigned juvenile court counselor;

2. The juvenile's assigned juvenile court counselor shall return the verification form to the sheriff within 3 business days after receipt of the form; and

3. The verification form shall be signed by both the juvenile court counselor and the juvenile and shall indicate whether the juvenile still resides at the address last reported to the sheriff. If the juvenile has a different address, the new address shall be indicated on the form.

12.2.5 Juvenile Registration Information is Not Public Record
G.S. § 14-208.29 [S.L. 1997-516; S.L. 2008-117]

Juvenile registration information is not public information and is not available for public inspection. The registration information of a juvenile offender must be maintained separately by the sheriff and released only to law enforcement agencies and local boards of education. Under no circumstances shall the registration of a juvenile adjudicated delinquent be included in the county or statewide registries or be made available to the public via the Internet.

12.2.6 Termination of Registration Requirement
G.S. § 14-208.30 [S.L. 1997-516]

The requirement that a juvenile register automatically terminates on the juvenile's eighteenth (18^{th}) birthday, or when the juvenile court's jurisdiction with the juvenile ends, whichever comes first.

13. County and Statewide Registries

13.1 County Registry
G.S. § 14-208.10 [S.L. 1995-545; S.L. 1997-516]

13.1.1 Public Record

The following information in a county registry regarding a person required to register is public record, and will be available for public inspection:

1. Name;

2. Sex;

3. Address;

4. Physical description;

5. Picture;

6. Conviction date;

7. Offense for which registration was required;

8. Sentence imposed because of the conviction; and

9. Registration status.

A sheriff shall release any other relevant information that is necessary to protect the public concerning an offender but cannot release the identity of the victim of the registerable offense.

13.1.2 Restricted Information

Information regarding an offender's medical records or documentation of treatment for the offender's mental abnormality or personality disorder shall not be part of the public record.

13.1.3 Public Access to Information

Any person may obtain a copy of an offender's registration form, a portion or all of the county registry, by submitting a written request to the sheriff. Again, however, the identity of the victim cannot be released. A sheriff may charge a reasonable fee for duplicating and mailing costs.

13.2 Statewide Registry
G.S. § 14-208.14 [S.L. 1997-516]

The statewide registry shall include registration information:

1. Obtained by a sheriff or penal institution under this Article or from any other local or State law enforcement agency;

2. Received from a state or local law enforcement agency or penal institution in another state; and

3. Received from a federal law enforcement agency or penal institution.

13.2.1 Designated Custodian of Statewide Registry
G.S. §§ 14-208.14, 14-208.15

The CIIS will compile and maintain a current, central statewide sex offender registry. As custodian of the registry, the CIIS has the following responsibilities:

1. To receive from any sheriff, law enforcement agency or penal institution all sex offender registrations, changes of address, changes of academic or educational employment status, and prerelease notifications required under this Article or under federal law. The CIIS shall also receive notices of any violation of this Article, including a failure to register or a failure to report a change of address;

2. To provide all need-to-know law enforcement agencies (local, State, campus, federal, and those located in other states) immediately upon receipt of any of the following: registration information, a prerelease notification, a change of address, a change of academic or educational employment status, or notice of a violation of this Article;

3. To notify the appropriate law enforcement unit at an institution of higher education as soon as

possible upon receipt of relevant information based on registration information or notice of a change of academic or educational employment status. If the institution of higher education does not have a law enforcement unit, the CIIS shall provide the information to the local law enforcement agency that has jurisdiction for the campus;

4. To coordinate efforts among law enforcement agencies and penal institutions to ensure that the registration information, changes of address, changes of name, prerelease notifications, and notices of failure to register or to report a change of address are conveyed in an appropriate and timely manner;

5. To provide public access to the statewide registry;

6. To maintain the system for public access so that a registrant's full name, any aliases, and any legal name changes are cross-referenced and a member of the public may conduct a search of the system for a registrant under any of those names; and

7. To maintain a system allowing an entity to access a list of online identifiers of persons in the central sex offender registry.

13.2.2 Certain Statewide Registry Information is Public Record
G.S. § 14-208.15

Public record information in the statewide registry is the same as that set out in the county registry. The CIIS will release any other relevant information necessary to protect the public concerning a specific offender but will not release the identity of a victim.

13.2.3 Public Access to Information
G.S. § 14-208.15

The CIIS will provide free public access to automated data from the statewide registry, including a photograph provided by the registering sheriff via the Internet. The public will be able to access the statewide registry to view individual registration records, segments of the statewide registry, or all the statewide registry. The CIIS will also provide copies of registry information to the public upon written request and may charge a reasonable fee for duplicating and mailing costs. The Internet address for the statewide registry is: http://sexoffender.ncsbi.gov/

13.2.4 Required Use of Registry Information

1. Principals and Day Care Center Licensees G.S. § 14-208.19: The licensee for each licensed day care center and the principal of each elementary school, middle school, and high school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the licensed day care center or school.

2. Boards of Education and Contractual Personnel G.S. § 115C-332.1: Local boards of education shall prohibit any contractual personnel listed on the State Sex Offender and Public Protection Registry, the State Sexually Violent Predator Registration Program, or the National Sex Offender Registry from having direct interaction with students. Each board of education shall require contractors to conduct an annual check of these registries to see if any of their employees whose jobs involves direct interaction with children are on these registries.

3. Information on Juvenile Offenders Enrolled in Local Schools 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.

4. Higher Education G.S. § 14-208.15(c): If requested, the sheriff shall provide a report to institutions of higher education that discloses all registrants who have stated that they are a student or employee of that institution or expect to become a student or employee of that institution.

13.2.5 Release of Online Identifiers
G.S. § 14-208.15A

CIIS may release registry information regarding a registered offender's online identifier to an entity for the purpose of allowing the entity to prescreen users or to compare the online identifier information with information held by the entity as provided by this section. Entity is defined by G.S. § 14-208.6(1f) 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/organization is within or outside the State.

CIIS may charge an annual fee of $100 for this service. This information shall not be disclosed for any purpose other than for prescreening its users or comparing the database of registered users of the entity against the list of online identifiers of persons in the statewide registry.

Appendix I

G.S. § 110-86 defines "child care" and "child care facility" as:

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:

1. 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;

2. Recreational programs operated for less than four consecutive months in a year;

3. 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;

4. 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;

5. 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;

6. Public schools;

7. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by national or regional accrediting agencies with early childhood standards and that operate (i) 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 or (ii) a child care facility for more than six and one-half hours per day, but do not receive NC Pre-K or child care subsidy funding;

8. Bible schools conducted during vacation periods;

9. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;

10. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment;

11. 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; and

12. Track-out programs provided to school-age children when they are out of school on a year-round school calendar.

Child care facility. – Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. § 110-86 above, that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

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.

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 11 children, receive child care, provided the arrangement is in accordance with G.S. § 110-91(7)b.

Appendix II

Pursuant to G.S. § 14-208.18, persons required to register who have committed either:

1. An offense under Article 7B of Chapter 14 of the North Carolina General Statutes; or

2. An offense where the victim was under the age of 18 years at the time of offense are prohibited from many premises that are regularly used by children; or

3. First, second, or third degree sexual exploitation of a minor, or obscene visual representation of 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). (See Section 8.10 "Certain Offenders Prohibited from Protected Locations" of this publication for more information.)

North Carolina Article 7B Offenses	
A person required to register who has committed any of the following offenses is prohibited from going onto the premises described in Section 8.10 of this publication regardless of the age of the victim.	
Former 14-27.2	First Degree Rape
Former 14-27.2A	Rape of a Child; Adult Offender
Former 14-27.3	Second Degree Rape
Former 14-27.4	First Degree Sexual Offense
Former 14-27.4A	Sexual Offense with a child; adult offender
Former 14-27.5	Second Degree Sexual Offense
Former 14-27.5A	Sexual Battery
Former 14-27.6	Attempted Rape or Sexual Offense (Repealed in 1994)
Former 14-27.7	Intercourse and Sexual Offense with Certain Victims
Former 14-27.7A(a)	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
14-27.21	First Degree Forcible Rape
14-27.22	Second Degree Forcible Rape
14-27.23	Statutory Rape of a Child; Adult Offender
14-27.24	First Degree Statutory Rape
14-27.25(a)	Statutory Rape of victim 15 years old or younger by defendant at least 6 years older than victim
14-27.25(b)	Statutory Rape of victim 15 years old or younger by defendant who is at least 12 years old and more than 4 but less than 6 years older than victim
14-27.26	First Degree Forcible Sexual Offense

14-27.27	Second Degree Forcible Sexual Offense
14-27.28	Statutory Sexual Offense with a child by an Adult
14-27.29	First Degree Statutory Sexual Offense
14-27.30(a)	Statutory Sexual Offense of victim 15 years old or younger by defendant at least 6 years older than victim
14-27.30(b)	Statutory Sexual Offense of victim 15 years old or younger by defendant who is at least 12 years old and more than 4 but less than 6 years older than victim
14-27.31	Sexual Activity by a Substitute Parent or Custodian
14-27.32	Sexual Activity with a Student
14-27.33	Sexual Battery
14-27.33A	Sexual Contact or Penetration Under Pretext of Medical Treatment

North Carolina Sexual Exploitation of a Minor Offenses	
A person required to register who has committed any of the following sexual exploitation of a minor offenses (or substantially similar federal offenses, or substantially similar offenses in another state) is prohibited from going onto the premises described in Section 8.10 of this publication, even if the victim was not a minor.	
14-190.16	First Degree Sexual Exploitation of a Minor
14-190.17	Second Degree Sexual Exploitation of a Minor
14-190.17A	Third Degree Sexual Exploitation of a Minor
14-190.17C	Obscene Visual Representation of Sexual Exploitation of a Minor

Other North Carolina Offenses
If a person required to register has not committed a North Carolina offense that is listed in the previous chart, the person will be prohibited from going onto the premises described in Section 8.10 of this publication if the person has committed a North Carolina offense in which the victim was under the age of 18 at the time of offense. Research must be done to determine the actual age(s) of the offender's victim(s) at the time of the offense(s)

Offenses from Other Jurisdictions
Neither a conviction from another state nor a federal conviction will qualify as an Article 7B offense. Thus, offenders not convicted in a North Carolina court, will be prohibited from going onto the premises described in Section 8.10 of this publication only if the person has committed an offense in which the victim was under the age of 18 years at the time of the offense or the offense is substantially similar to an Article 7B or sexual exploitation of a minor offense listed above. Unless the offense in the other state is substantially similar to the above Article 7B or sexual exploitation of a minor offenses, the age of the victim must be ascertained in order to determine whether the offender is prohibited. If the statute clearly has an element requiring the victim to be under the age of 18 years old, then the offender is prohibited. If the statute does not have such a requirement, then research must be done to determine the actual age(s) of the offender's victim(s) at the time of the offense(s).

Offenses involving Aiding &Abetting, Attempt, Conspiracy, and Solicitation
Must analyze underlying offense and age of victim similarly to above.

NOTE: In cases where the registered sex offender committed an Article 7B offense (or substantially similar offense) and where the victim of the offense was not under 18, the registered sex offender will be prohibited from being within 300 feet of any location intended primarily for the use, care, or supervision of minors when the place is located on premises that are not intended primarily for that use (ex. child care center in a strip mall) only if a finding has been made in any criminal or civil proceeding that the person presents, or may present, a danger to minors under the age of 18. G.S. § 14-208.18(c)(2).