

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE DRH70329-SA-15 (03/03)

Short Title: Sex Offender Registry Changes. (Public)

Sponsors: Representatives Glazier, Goforth, R. Warren, Howard (Primary Sponsors);
Bordsen, Insko, and Farmer-Butterfield.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE EFFECTIVE USE OF LAW ENFORCEMENT
3 RESOURCES IN MONITORING REGISTERED SEX OFFENDERS.

4 Whereas, the purpose of sex offender registration requirements is not to be punitive
5 in nature, but solely for the purpose of public health and safety, the tiering of registration
6 requirements is based on a thoughtful measuring of the means necessary and proper for that
7 compelling governmental interest in protecting the public and particularly children from sexual
8 offenders; and

9 Whereas, after review of the cases and law enforcement experience under the
10 current provisions of the North Carolina sex offender registry and the experiences of other
11 states, an approach more directed to an effective use of the finite resources available to more
12 closely monitor the sex offenders in society most at risk of repeat offenses, and a recognition of
13 the differences that do exist and the levels and degrees of offenses covered under the sex
14 offender registration provisions, are consistent with the Constitution; Now, therefore,
15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** G.S. 14-208.6 reads as rewritten:
17 **"§ 14-208.6. Definitions.**

18 The following definitions apply in this Article:

- 19 (1a) ~~"Aggravated offense" means any criminal offense that includes either of the~~
20 ~~following: (i) engaging in a sexual act involving vaginal, anal, or oral~~
21 ~~penetration with a victim of any age through the use of force or the threat of~~
22 ~~serious violence; or (ii) engaging in a sexual act involving vaginal, anal, or~~
23 ~~oral penetration with a victim who is less than 12 years old.~~
24 (1b) "County registry" means the information compiled by the sheriff of a county
25 in compliance with this Article.
26 (1c) "Division" means the Division of Criminal Information of the Department of
27 Justice.
28 (1d) "Electronic mail" means the transmission of information or communication
29 by the use of the Internet, a computer, a facsimile machine, a pager, a
30 cellular telephone, a video recorder, or other electronic means sent to a
31 person identified by a unique address or address number and received by that
32 person.
33 (1e) "Employed" includes employment that is full-time or part-time for a period
34 of time exceeding 14 days or for an aggregate period of time exceeding 30



- 1 days during any calendar year, whether financially compensated,
2 volunteered, or for the purpose of government or educational benefit.
- 3 (1f) "Entity" means a business or organization that provides Internet service,
4 electronic communications service, remote computing service, online
5 service, electronic mail service, or electronic instant message or chat
6 services whether the business or organization is within or outside the State.
- 7 (1g) "Instant Message" means a form of real-time text communication between
8 two or more people. The communication is conveyed via computers
9 connected over a network such as the Internet.
- 10 (1h) "Institution of higher education" means any postsecondary public or private
11 educational institution, including any trade or professional institution,
12 college, or university.
- 13 (1i) "Internet" means the global information system that is logically linked
14 together by a globally unique address space based on the Internet Protocol or
15 its subsequent extensions; that is able to support communications using the
16 Transmission Control Protocol/Internet Protocol suite, its subsequent
17 extensions, or other Internet Protocol compatible protocols; and that
18 provides, uses, or makes accessible, either publicly or privately, high-level
19 services layered on the communications and related infrastructure described
20 in this subdivision.
- 21 (1j) "Mailing address" means the location where a person receives his or her
22 mail.
- 23 ~~(1j)~~(1k) "Mental abnormality" means a congenital or acquired condition of a
24 person that affects the emotional or volitional capacity of the person in a
25 manner that predisposes that person to the commission of criminal sexual
26 acts to a degree that makes the person a menace to the health and safety of
27 others.
- 28 ~~(1k)~~(1l) "Nonresident student" means a person who is not a resident of North
29 Carolina but who is enrolled in any type of school in the State on a part-time
30 or full-time basis.
- 31 ~~(1l)~~(1m) "Nonresident worker" means a person who is not a resident of North
32 Carolina but who has employment or carries on a vocation in the State, on a
33 part-time or full-time basis, with or without compensation or government or
34 educational benefit, for more than 14 days, or for an aggregate period
35 exceeding 30 days in a calendar year.
- 36 ~~(1m)~~(1n) "Offense against a minor" means any of the following offenses if the
37 offense is committed against a minor, and the person committing the offense
38 is not the minor's parent: G.S. 14-39 (kidnapping), G.S. 14-41 (abduction of
39 children), and G.S. 14-43.3 (felonious restraint). The term also includes the
40 following if the person convicted of the following is not the minor's parent: a
41 solicitation or conspiracy to commit any of these offenses; aiding and
42 abetting any of these offenses.
- 43 ~~(1n)~~(1o) "Online identifier" means electronic mail address, instant message screen
44 name, user ID, chat or other Internet communication name, but it does not
45 mean social security number, date of birth, or pin number.
- 46 (2) "Penal institution" means:
47 a. A detention facility operated under the jurisdiction of the Division of
48 Prisons of the Department of Correction;
49 b. A detention facility operated under the jurisdiction of another state or
50 the federal government; or

- 1 c. A detention facility operated by a local government in this State or
2 another state.
- 3 (2a) "Personality disorder" means an enduring pattern of inner experience and
4 behavior that deviates markedly from the expectations of the individual's
5 culture, is pervasive and inflexible, has an onset in adolescence or early
6 adulthood, is stable over time, and leads to distress or impairment.
- 7 (2b) "Recidivist" means a person who has a prior conviction for an offense that is
8 described in G.S. 14-208.6(4).
- 9 (3) "Release" means discharged or paroled.
- 10 (4) "Reportable conviction" means:
- 11 a. A final conviction for ~~an offense against a minor, a sexually violent~~
12 ~~offense, a tier I offense, a tier II offense, a tier III offense,~~ or an
13 attempt to commit any of those offenses unless the conviction is for
14 aiding and abetting. A final conviction for aiding and abetting is a
15 reportable conviction only if the court sentencing the individual finds
16 that the registration of that individual under this Article furthers the
17 purposes of this Article as stated in G.S. 14-208.5.
- 18 b. A final conviction in another state of an offense, which if committed
19 in this State, is substantially similar to ~~an offense against a minor or a~~
20 ~~sexually violent offense~~ a tier I offense, a tier II offense, or a tier III
21 offense as defined by this section, or a final conviction in another
22 state of an offense that requires registration under the sex offender
23 registration statutes of that state.
- 24 c. A final conviction in a federal jurisdiction (including a court martial)
25 of an offense, which is substantially similar to ~~an offense against a~~
26 ~~minor or a sexually violent offense~~ a tier I offense, a tier II offense, or
27 a tier III offense as defined by this section.
- 28 d. ~~A final conviction for a violation of G.S. 14 202(d), (e), (f), (g), or~~
29 ~~(h), or a second or subsequent conviction for a violation of~~
30 ~~G.S. 14 202(a), (a1), or (c), only if the court sentencing the~~
31 ~~individual issues an order pursuant to G.S. 14 202(l) requiring the~~
32 ~~individual to register.~~
- 33 (4a) "Residential address" means the address of a person's residence.
- 34 (5) ~~"Sexually violent offense" means a violation of G.S. 14-27.2 (first degree~~
35 ~~rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second~~
36 ~~degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex~~
37 ~~offense with a child; adult offender), G.S. 14-27.5 (second degree sexual~~
38 ~~offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or~~
39 ~~sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain~~
40 ~~victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is~~
41 ~~13, 14, or 15 years old where the defendant is at least six years older),~~
42 ~~G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude),~~
43 ~~G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or~~
44 ~~permitting minor to assist in offenses against public morality and decency),~~
45 ~~G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first~~
46 ~~degree sexual exploitation of a minor), G.S. 14-190.17 (second degree~~
47 ~~sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual~~
48 ~~exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor),~~
49 ~~G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1~~
50 ~~(taking indecent liberties with children), or G.S. 14-202.3 (Solicitation of~~
51 ~~child by computer to commit an unlawful sex act), G.S. 14-318.4(a1) (parent~~

1 or caretaker commit or permit act of prostitution with or by a juvenile), or
2 G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by
3 parent or guardian). The term also includes the following: a solicitation or
4 conspiracy to commit any of these offenses; aiding and abetting any of these
5 offenses.

6 (6) "Sexually violent predator" means a person who has been convicted of a
7 sexually violent offense tier I offense, a tier II offense, or a tier III offense
8 that is not an offense against a minor, and who suffers from a mental
9 abnormality or personality disorder that makes the person likely to engage in
10 sexually violent offenses directed at strangers or at a person with whom a
11 relationship has been established or promoted for the primary purpose of
12 victimization.

13 (7) "Sheriff" means the sheriff of a county in this State.

14 (8) "Statewide registry" means the central registry compiled by the Division in
15 accordance with G.S. 14-208.14.

16 (9) "Student" means a person who is enrolled on a full-time or part-time basis,
17 in any postsecondary public or private educational institution, including any
18 trade or professional institution, or other institution of higher education.

19 (10) "Temporary residence" means a place where a person abides that is a
20 location other than the person's reported residential address.

21 (11) "Tier I offense" means a violation of any of the following:

22 a. G.S. 14-27.5A (sexual battery).

23 b. G.S. 14-43.13 (subjection or maintaining a person for sexual
24 servitude) where the facts of the case show the victim was not a
25 minor at the time of the offense.

26 c. G.S. 14-178 (incest between near relatives) where the facts of the
27 case show the victim was not a minor at the time of the offense.

28 d. G.S. 14-190.9(a1) (felonious indecent exposure).

29 e. G.S. 14-190.17A (third degree sexual exploitation of a minor).

30 f. G.S. 14-202(d), (e), (f), (g), or (h), or a second or subsequent
31 violation of G.S. 14-202(a), (a1), or (c), only if the court sentencing
32 the individual issues an order pursuant to G.S. 14-202(l) requiring the
33 individual to register.

34 g. G.S. 14-202.1 (taking indecent liberties with children) when there is
35 no sexual contact.

36 h. G.S. 14-202.1 (taking indecent liberties with children) when there is
37 sexual contact, but only if the court sentencing the individual finds
38 that the victim was at least 13 years old, the offender was no more
39 than eight years older than the victim, no force was used in the
40 commission of the offense, and it is appropriate for the offense to be
41 classified as a tier I offense.

42 The term also includes the following: a solicitation or conspiracy to commit
43 any of these offenses; aiding and abetting any of these offenses.

44 (12) "Tier II offense" means a violation of any of the following:

45 a. G.S. 14-27.7 (intercourse and sexual offense with certain victims)
46 where the facts of the case show the victim was at least 13, but less
47 than 18, years old at the time of the offense.

48 b. G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is
49 13, 14, or 15 where defendant is at least six years older).

- 1 c. G.S. 14-43.13 (subjecting or maintaining a person for sexual
2 servitude) where the facts of the case show the victim was at least 13,
3 but less than 18, years old at the time of the offense.
4 d. G.S. 14-178 (incest between near relatives) where the facts of the
5 case show the victim was at least 13, but less than 18, years old at the
6 time of the offense.
7 e. G.S. 14-190.6 (employing or permitting minor to assist in offenses
8 against public morality and decency).
9 f. G.S. 14-190.16 (first-degree sexual exploitation of a minor).
10 g. G.S. 14-190.17 (second degree sexual exploitation of a minor).
11 h. G.S. 14-190.18 (promoting prostitution of a minor).
12 i. G.S. 14-190.19 (participating in the prostitution of a minor).
13 j. G.S. 14-202.1 (taking indecent liberties with children) where the
14 facts of the case show the victim was at least 13, but less than 16,
15 years old at the time of the offense and there was sexual contact with
16 the victim.
17 k. G.S. 14-202.3 (solicitation of child by computer to commit an
18 unlawful sex act).
19 l. G.S. 14-318.4(a1) (parent or caretaker commit or permit act of
20 prostitution with or by a juvenile).
21 m. G.S. 14-318.4(a2) (commission or allowing of sexual act upon a
22 juvenile by parent or guardian) where the facts of the case show the
23 victim was at least 13, but less than 18, years old at the time of the
24 offense.

25 The term also includes the following: a solicitation or conspiracy to commit
26 any of these offenses; aiding and abetting any of these offenses.

27 (13) "Tier III offense" means a violation of any of the following:

- 28 a. An offense against a minor.
29 b. G.S. 14-27.2 (first-degree rape).
30 c. G.S. 14-27.2A (rape of a child; adult offender).
31 d. G.S. 14-27.3 (second degree rape).
32 e. G.S. 14-27.4 (first-degree sexual offense).
33 f. G.S. 14-27.4A (sex offense with a child; adult offender).
34 g. G.S. 14-27.5 (second degree sexual offense).
35 h. G.S. 14-27.6 (attempted rape or sexual offense).
36 i. G.S. 14-27.7 (intercourse and sexual offense with certain victims)
37 where the facts of the case show the victim was under the age of 13
38 at the time of the offense.
39 j. G.S. 14-43.13 (subjecting or maintaining a person for sexual
40 servitude) where the facts of the case show the victim was under the
41 age of 13 at the time of the offense.
42 k. G.S. 14-178 (incest between near relatives) where the facts of the
43 case show the victim was under the age of 13 at the time of the
44 offense.
45 l. G.S. 14-202.1 (taking indecent liberties with children) where the
46 facts of the case show the victim was under the age of 13 at the time
47 of the offense and there was sexual contact with the victim.
48 m. G.S. 14-318.4(a2) (commission or allowing of sexual act upon a
49 juvenile by parent or guardian) where the facts of the case show the
50 victim was under the age of 13 at the time of the offense.

1 The term also includes the following: a solicitation or conspiracy to commit
2 any of these offenses; aiding and abetting any of these offenses.

3 (14) "Tier I registrant" means any person with a reportable conviction for a tier I
4 offense.

5 (15) "Tier II registrant" means any person who:

6 a. Has a reportable conviction for a tier II offense; or

7 b. Has a reportable conviction for a tier I offense and has a previous
8 reportable conviction for a tier I offense.

9 (16) "Tier III registrant" means any person who:

10 a. Has a reportable conviction for a tier III offense;

11 b. Has a reportable conviction for a tier I or tier II offense and has a
12 previous reportable conviction for a tier II offense; or

13 c. Has a reportable conviction for a tier I or tier II offense and has
14 previously been required to register in accordance with Part 2A of
15 this Article."

16 **SECTION 2.** G.S. 14-208.6A reads as rewritten:

17 **"§ 14-208.6A. ~~Lifetime registration~~Registration requirements for criminal offenders.**

18 It is the objective of the General Assembly to establish a ~~30-year~~15-year registration
19 requirement for persons convicted of ~~certain offenses against minors or sexually violent~~
20 ~~offenses~~tier I offenses with an opportunity for those persons to petition in superior court to
21 shorten their registration time period after 10 years of registration. It is also the objective of the
22 General Assembly to establish a 25-year registration requirement for persons convicted of tier
23 II offenses and certain recidivists. It is the further objective of the General Assembly to
24 establish a ~~more stringent set of registration requirements for recidivists, persons who commit~~
25 ~~aggravated offenses,~~lifetime registration requirement for persons convicted of tier III offenses,
26 certain recidivists, and for a subclass of highly dangerous sex offenders who are determined by
27 a sentencing court with the assistance of a board of experts to be sexually violent predators.

28 To accomplish this objective, there are established ~~two~~three registration programs: the Tier
29 I Sex Offender and Public Protection Registration Program~~Program~~, the Tier II Sex Offender
30 and Public Protection Registration Program and the Tier III Sex Offender and Sexually Violent
31 Predator Registration Program. Any ~~person convicted of an offense against a minor or of a~~
32 ~~sexually violent offense~~tier I registrant as defined by this Article shall register in person as an
33 offender in accordance with Part 2 of this Article. Any tier II registrant as defined by this
34 Article shall register in person as an offender in accordance with Part 2A of this Article. Any
35 ~~person who is a recidivist, who commits an aggravated offense, or who is determined to be a~~
36 ~~sexually violent predator~~predator or who is a tier III registrant shall register in person as ~~such~~
37 an offender in accordance with Part 3 of this Article.

38 The information obtained under these programs shall be immediately shared with the
39 appropriate local, State, federal, and out-of-state law enforcement officials and penal
40 institutions. In addition, the information designated under G.S. 14-208.10(a) as public record
41 shall be readily available to and accessible by the public. However, the identity of the victim is
42 not public record and shall not be released as a public record."

43 **SECTION 3.** G.S. 14-208.6B reads as rewritten:

44 **"§ 14-208.6B. Registration requirements for juveniles transferred to and convicted in**
45 **superior court.**

46 A juvenile transferred to superior court pursuant to G.S. 7B-2200 who is convicted of a
47 ~~sexually violent offense or an offense against a minor~~a tier I offense, a tier II offense, or a tier
48 III offense as defined in G.S. 14-208.6 shall register in person in accordance with this Article
49 just as an adult convicted of the same offense must register."

50 **SECTION 4.** The title of Part 2 of Article 27A of Chapter 14 of the General
51 Statutes reads as rewritten:

1 "Part 2. Tier I Sex Offender and Public Protection Registration Program."

2 **SECTION 5.** G.S. 14-208.7 reads as rewritten:

3 "**§ 14-208.7. Registration.**

4 (a) A person who is a State resident and who has a reportable conviction shall be
5 required to maintain registration with the sheriff of the county where the person resides. If the
6 person moves to North Carolina from outside this State, the person shall register within three
7 business days of establishing residence in this State, or whenever the person has been present in
8 the State for 15 days, whichever comes first. If the person is a current resident of North
9 Carolina, the person shall register:

10 (1) Within three business days of release from a penal institution or arrival in a
11 county to live outside a penal institution; or

12 (2) Immediately upon conviction for a reportable offense where an active term
13 of imprisonment was not imposed.

14 Registration shall be maintained for a period of at least ~~30~~15 years following the date of initial
15 county registration unless the person, after 10 years of registration, successfully petitions the
16 superior court to shorten his or her registration time period under G.S. 14-208.12A.

17 (a1) A person who is a nonresident student or a nonresident worker and who has a
18 reportable conviction, or is required to register in the person's state of residency, is required to
19 maintain registration with the sheriff of the county where the person works or attends school. In
20 addition to the information required under subsection (b) of this section, the person shall also
21 provide information regarding the person's school or place of employment as appropriate and
22 the person's mailing and residential address in his or her state of residence.

23 (b) The Division shall provide each sheriff with forms for registering persons as
24 required by this Article. The registration form shall require all of the following:

25 (1) The person's full name, each alias, date of birth, sex, race, height, weight,
26 eye color, hair color, and drivers license ~~number, and home address number.~~

27 (1a) The person's mailing address and also the person's residential address if the
28 person resides at a location other than the mailing address. If a person has
29 multiple residential addresses, then the person shall provide the address for
30 each residential address.

31 (2) The type of offense for which the person was convicted, the date of
32 conviction, and the sentence imposed.

33 (3) A current photograph taken by the sheriff, without charge, at the time of
34 registration.

35 (4) The person's fingerprints taken by the sheriff, without charge, at the time of
36 registration.

37 (5) A statement indicating whether the person is a student or expects to enroll as
38 a student within a year of registering. If the person is a student or expects to
39 enroll as a student within a year of registration, then the registration form
40 shall also require the name and address of the educational institution at
41 which the person is a student or expects to enroll as a student.

42 (6) A statement indicating whether the person is employed or expects to be
43 employed at an institution of higher education within a year of registering. If
44 the person is employed or expects to be employed at an institution of higher
45 education within a year of registration, then the registration form shall also
46 require the name and address of the educational institution at which the
47 person is or expects to be employed.

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

49 (c) When a person registers, the sheriff with whom the person registered shall
50 immediately send the registration information to the Division in a manner determined by the

1 Division. The sheriff shall retain the original registration form and other information collected
2 and shall compile the information that is a public record under this Part into a county registry.

3 (d) Any person required to register under this section shall report in person at the
4 appropriate sheriff's office to comply with the registration requirements set out in this section.
5 The sheriff shall provide the registrant with written proof of registration at the time of
6 registration."

7 **SECTION 6.** G.S. 14-208.9 reads as rewritten:

8 "**§ 14-208.9. Change of address; change of academic status or educational employment**
9 **status; change of online identifier.**

10 (a) ~~If~~ Unless otherwise provided by law, if a person required to register changes the
11 person's mailing address or residential address, the person shall report in person and provide
12 written notice of the new address not later than the third business day after the change to the
13 sheriff of the county with whom the person had last registered. If the person moves to another
14 county, the person shall also report in person to the sheriff of the new county and provide
15 written notice of the person's mailing address and residential address not later than the tenth
16 day after the change of address. Upon receipt of the notice, the sheriff shall immediately
17 forward this information to the Division. When the Division receives notice from a sheriff that
18 a person required to register is moving to another county in the State, the Division shall inform
19 the sheriff of the new county of the person's new residence.

20 (b) If a person required to register intends to move to another state, the person shall
21 report in person to the sheriff of the county of current residence at least three business days
22 before the date the person intends to leave this State to establish residence in another state or
23 jurisdiction. The person shall provide to the sheriff a written notification that includes all of the
24 following information: the mailing address and residential address, municipality, county, and
25 state of intended residence.

26 (1) If it appears to the sheriff that the record photograph of the sex offender no
27 longer provides a true and accurate likeness of the sex offender, then the
28 sheriff shall take a photograph of the offender to update the registration.

29 (2) The sheriff shall inform the person that the person must comply with the
30 registration requirements in the new state of residence. The sheriff shall also
31 immediately forward the information included in the notification to the
32 Division, and the Division shall inform the appropriate state official in the
33 state to which the registrant moves of the person's notification and new
34 address.

35 (b1) A person who indicates his or her intent to reside in another state or jurisdiction and
36 later decides to remain in this State shall, within three business days after the date upon which
37 the person indicated he or she would leave this State, report in person to the sheriff's office to
38 which the person reported the intended change of residence, of his or her intent to remain in
39 this State. If the sheriff is notified by the sexual offender that he or she intends to remain in this
40 State, the sheriff shall promptly report this information to the Division.

41 (c) If a person required to register changes his or her academic status either by enrolling
42 as a student or by terminating enrollment as a student, then the person shall, within three
43 business days, report in person to the sheriff of the county with whom the person registered and
44 provide written notice of the person's new status. The written notice shall include the name and
45 address of the institution of higher education at which the student is or was enrolled. The
46 sheriff shall immediately forward this information to the Division.

47 (d) If a person required to register changes his or her employment status either by
48 obtaining employment at an institution of higher education or by terminating employment at an
49 institution of higher education, then the person shall, within three business days, report in
50 person to the sheriff of the county with whom the person registered and provide written notice
51 of the person's new status not later than the tenth day after the change to the sheriff of the

1 county with whom the person registered. The written notice shall include the name and address
2 of the institution of higher education at which the person is or was employed. The sheriff shall
3 immediately forward this information to the Division.

4 (e) If a person required to register changes an online identifier, or obtains a new online
5 identifier, then the person shall, within 10 days, report in person to the sheriff of the county
6 with whom the person registered to provide the new or changed online identifier information to
7 the sheriff. The sheriff shall immediately forward this information to the Division."

8 **SECTION 7.** G.S. 14-208.9A reads as rewritten:

9 **"§ 14-208.9A. Verification of registration information.**

10 (a) The information in the county registry shall be verified ~~semiannually~~ annually for
11 each registrant as follows:

12 (1) Every year on the anniversary of a person's initial registration date, ~~and~~
13 ~~again six months after that date~~, the Division shall mail a nonforwardable
14 verification form to the last reported address of the person.

15 (2) The person shall return the verification form in person to the sheriff within
16 three business days after the receipt of the form.

17 (3) The verification form shall be signed by the person and shall indicate the
18 following:

19 a. Whether the person still resides at the address last reported to the
20 ~~sheriff~~ sheriff as the person's residential address. If the person has a
21 different residential address, then the person shall indicate that fact
22 and the new residential address.

23 b. Whether the person still uses or intends to use any online identifiers
24 last reported to the sheriff. If the person has any new or different
25 online identifiers, then the person shall provide those online
26 identifiers to the sheriff.

27 c. Whether the person still receives his or her mail at the mailing
28 address last reported to the sheriff as the person's mailing address. If
29 the person has a different mailing address, then the person shall
30 indicate that fact and the new mailing address.

31 (3a) If it appears to the sheriff that the record photograph of the sex offender no
32 longer provides a true and accurate likeness of the sex offender, then the
33 sheriff shall take a photograph of the offender to include with the
34 verification form.

35 (4) If the person fails to return the verification form in person to the sheriff
36 within three business days after receipt of the form, the person is subject to
37 the penalties provided in G.S. 14-208.11. If the person fails to report in
38 person and provide the written verification as provided by this section, the
39 sheriff shall make a reasonable attempt to verify that the person is residing at
40 the registered residential address. If the person cannot be found at the
41 registered residential address and has failed to report a change of residential
42 address, the person is subject to the penalties provided in G.S. 14-208.11,
43 unless the person reports in person to the sheriff and proves that the person
44 has not changed his or her residential address.

45 (b) Additional Verification May Be Required. – During the period that an offender is
46 required to be registered under this Article, the sheriff is authorized to attempt to verify that the
47 offender continues to reside at the residential address last registered by the offender.

48 (c) Additional Photograph May Be Required. – If it appears to the sheriff that the
49 current photograph of the sex offender no longer provides a true and accurate likeness of the
50 sex offender, upon in-person notice from the sheriff, the sex offender shall allow the sheriff to
51 take another photograph of the sex offender at the time of the sheriff's request. If requested by

1 the sheriff, the sex offender shall appear in person at the sheriff's office during normal business
2 hours within three business days of being requested to do so and shall allow the sheriff to take
3 another photograph of the sex offender. A person who willfully fails to comply with this
4 subsection is guilty of a Class 1 misdemeanor."

5 **SECTION 8.** G.S. 14-208.10(a) reads as rewritten:

6 "(a) The following information regarding a person required to register under this Article
7 is public record and shall be available for public inspection: name, sex, mailing address,
8 residential address, physical description, picture, conviction date, offense for which registration
9 was required, the sentence imposed as a result of the conviction, and registration status. The
10 information obtained under G.S. 14-208.22 regarding a person's medical records or
11 documentation of treatment for the person's mental abnormality or personality disorder shall
12 not be a part of the public record.

13 The sheriff shall release any other relevant information that is necessary to protect the
14 public concerning a specific person, but shall not release the identity of the victim of the
15 offense that required registration under this Article."

16 **SECTION 9.** G.S. 14-208.11(a) reads as rewritten:

17 "(a) A person required by this Article to register who willfully does any of the following
18 is guilty of a Class F felony:

- 19 (1) Fails to register as required by this Article.
- 20 (2) Fails to notify the last registering sheriff of a change of mailing address or
21 residential address as required by this Article.
- 22 (3) Fails to return a verification notice as required under G.S. 14-208.9A.
- 23 (4) Forges or submits under false pretenses the information or verification
24 notices required under this Article.
- 25 (5) Fails to inform the registering sheriff of enrollment or termination of
26 enrollment as a student.
- 27 (6) Fails to inform the registering sheriff of employment at an institution of
28 higher education or termination of employment at an institution of higher
29 education.
- 30 (7) Fails to report in person to the sheriff's office as required by G.S. 14-208.7,
31 14-208.9, and 14-208.9A.
- 32 (8) Reports his or her intent to reside in another state or jurisdiction but remains
33 in this State without reporting to the sheriff in the manner required by G.S.
34 14-208.9.
- 35 (9) Fails to notify the registering sheriff of out-of-county employment if
36 temporary residence is established as required under G.S. 14-208.8A.
- 37 (10) Fails to inform the registering sheriff of any new or changes to existing
38 online identifiers that the person uses or intends to use."

39 **SECTION 10.** G.S. 14-208.12A(a) reads as rewritten:

40 "(a) Ten years from the date of initial county registration, a person required to register
41 under this Part may petition the superior court in the district where the person resides to
42 terminate the ~~30-year~~15-year registration requirement if the person has not been convicted of a
43 subsequent offense requiring registration under this Article."

44 **SECTION 11.** G.S. 14-208.16 is recodified as G.S. 14-208.24B.

45 **SECTION 12.** G.S. 14-208.17 is recodified as G.S. 14-208.19E

46 **SECTION 13.** G.S. 14-208.18 is recodified as G.S. 14-208.24A.

47 **SECTION 14.** Article 27A of Chapter 14 of the General Statutes is amended by
48 adding a new Part to read:

49 "Part 2A. Tier II Sex Offender and Public Protection Registration Program.

50 "§ 14-208.19A. 25-year registration procedure; application of Part 2A of this Article.

1 Unless provided otherwise by this Part, the provisions of Part 2 of this Article apply to a tier
2 II registrant. The procedure for registering as a tier II registrant is the same as under Part 2 of
3 this Article.

4 **"§ 14-208.19B. Additional registration information required.**

5 (a) In addition to the information required by G.S. 14-208.7, the following information
6 shall also be obtained in the same manner as set out in Part 2 of this Article from a tier II
7 registrant:

8 (1) Identifying factors.

9 (2) Offense history.

10 (b) The Division shall provide each sheriff with forms for registering persons as
11 required by this Article.

12 (c) The Department of Correction shall also obtain the additional information set out in
13 subsection (a) of this section and shall include this information in the prerelease notice
14 forwarded to the sheriff or other appropriate law enforcement agency.

15 **"§ 14-208.19C. Length of registration.**

16 A tier II registrant shall maintain registration for a period of at least 25 years following the
17 date of initial county registration. Except as provided under G.S. 14-208.6C, the requirement of
18 registration shall not be terminated prior to the completion of the registration period.

19 **"§ 14-208.19D. Verification of registration information.**

20 (a) The information in the county registry shall be verified by the sheriff for each tier II
21 registrant every six months after the person's initial registration date.

22 (b) The procedure for verifying the information in the criminal offender registry is the
23 same as under G.S. 14-208.9A, except that verification shall be every six months as provided
24 by subsection (a) of this section."

25 **SECTION 15.** G.S. 14-208.19E, as recodified by Section 12 of this act, reads as
26 rewritten:

27 **"§ 14-208.19E. Sexual predator prohibited from working or volunteering for**
28 **child-involved activities; limitation on residential use.**

29 (a) It shall be unlawful for any person required to register under Part 2A or Part 3 of
30 this Article to work for any person or as a sole proprietor, with or without compensation, at any
31 place where a minor is present and the person's responsibilities or activities would include
32 instruction, supervision, or care of a minor or minors.

33 (b) It shall be unlawful for any person to conduct any activity at his or her residence
34 where the person:

35 (1) Accepts a minor or minors into his or her care or custody from another, and

36 (2) Knows that a person who resides at that same location is required to register
37 under Part 2A or Part 3 of this Article.

38 (c) A violation of this section is a Class F felony."

39 **SECTION 16.** The title of Part 3 of Article 27A of Chapter 14 of the General
40 Statutes reads as rewritten:

41 "Part 3. Tier III Sex Offender and Sexually Violent Predator Registration Program."

42 **SECTION 17.** G.S. 14-208.20(a) reads as rewritten:

43 "(a) When a person is charged by indictment or information with the commission of a
44 sexually violent offense, tier I offense, a tier II offense, or a tier III offense that is not an offense
45 against a minor, the district attorney shall decide whether to seek classification of the offender
46 as a sexually violent predator if the person is convicted. If the district attorney intends to seek
47 the classification of a sexually violent predator, the district attorney shall within the time
48 provided for the filing of pretrial motions under G.S. 15A-952 file a notice of the district
49 attorney's intent. The court may for good cause shown allow late filing of the notice, grant
50 additional time to the parties to prepare for trial, or make other appropriate orders."

51 **SECTION 18.** G.S. 14-208.21 reads as rewritten:

1 **"§ 14-208.21. Lifetime registration procedure; application of Part 2 of this Article.**

2 Unless provided otherwise by this Part, the provisions of Part 2 of this Article apply to a
3 person classified as a sexually violent predator, ~~a person who is a recidivist, or a person who is~~
4 ~~convicted of an aggravated offense.~~ predator or a tier III registrant. The procedure for
5 registering as a sexually violent predator, a recidivist, or a person convicted of an aggravated
6 offense predator or a tier III registrant is the same as under Part 2 of this Article.

7 The provisions of G.S. 14-208.19E apply to a person classified as a sexually violent
8 predator or a tier III registrant."

9 **SECTION 19.** G.S. 14-208.22(a) reads as rewritten:

10 "(a) In addition to the information required by G.S. 14-208.7, the following information
11 shall also be obtained in the same manner as set out in Part 2 of this Article from a person who
12 is a recidivist, ~~who is convicted of an aggravated offense,~~ tier III registrant or who is classified
13 as a sexually violent predator:

14 (1) Identifying factors.

15 (2) Offense history.

16 (3) Documentation of any treatment received by the person for the person's
17 mental abnormality or personality disorder."

18 **SECTION 20.** Article 27A of Chapter 14 of the General Statutes is amended by
19 adding a new section to read:

20 **"§ 14-208.22A. Notification of temporary address; public record; failure to register**
21 **temporary address or termination of temporary address.**

22 (a) A person who is classified as a sexually violent predator or who is a tier III
23 registrant shall report in person to and notify the sheriff of the county with whom the person is
24 registered if the person intends to maintain a temporary residence at the same location for a
25 period of five or more calendar days within a 30-calendar-day period, or for an aggregate
26 period exceeding 30 calendar days in a calendar year. The person shall report to that sheriff
27 within 72 hours after the person knows or should know that he or she will be maintaining a
28 temporary residence. Upon receipt of this notice, the sheriff shall immediately forward this
29 information to the Division. The Division shall in turn forward this notification to all affected
30 county sheriffs.

31 (b) The person shall also report in person to the sheriff of the county with whom the
32 person is registered when the person ceases to abide at the temporary residence. That notice
33 shall be provided within 72 hours after the person ceases to abide at the temporary residence.
34 Upon receipt of the notice, the sheriff shall immediately forward the information regarding the
35 termination of the temporary address to the Division and shall also remove the temporary
36 address from the public registry.

37 (c) In addition to the provisions of G.S. 14-208.10, the address of any temporary
38 residence maintained by a sexually violent predator or tier III registrant shall be public record
39 and available for public inspection unless removed by the sheriff pursuant to subsection (b) of
40 this section or G.S. 14-208.24(a1).

41 (d) A sexually violent predator or tier III registrant who willfully fails to notify the
42 registering sheriff of the establishment of a temporary address shall be guilty of a Class F
43 felony.

44 (e) A sexually violent predator or tier III registrant who willfully fails to report that the
45 person has ceased to abide at a temporary residence as required by subsection (b) of this section
46 is guilty of a Class A1 misdemeanor for a first offense. A sexually violent predator or tier III
47 registrant who commits a second or subsequent offense under this subsection is guilty of a
48 Class H felony."

49 **SECTION 21.** G.S. 14-208.23 reads as rewritten:

50 **"§ 14-208.23. Length of registration.**

1 A person who is a recidivist, who is convicted of an aggravated offense, or who is classified
2 as a sexually violent predator or who is a tier III registrant shall maintain registration for the
3 person's life. Except as provided under G.S. 14-208.6C, the requirement of registration shall not
4 be terminated."

5 **SECTION 22.** G.S. 14-208.24 reads as rewritten:

6 "**§ 14-208.24. Verification of registration information.**

7 (a) The information in the county registry shall be verified by the sheriff for each
8 ~~registrant who is a recidivist, who is convicted of an aggravated offense, or tier III registrant or~~
9 each registrant who is classified as a sexually violent predator every 90 days after the person's
10 initial registration date.

11 (a1) The verification required in subsection (a) of this section shall include verification
12 of whether the sexually violent predator or tier III registrant still maintains any temporary
13 residence previously reported. If the person verifies that the person no longer maintains a
14 previously reported temporary residence and has not been at that temporary residence for the
15 previous 30 days, the sheriff shall remove the address of the temporary residence from the
16 public registry and shall notify the Division of that fact.

17 (b) The procedure for verifying the information in the criminal offender registry is the
18 same as under G.S. 14-208.9A, except that verification shall be every 90 days as provided by
19 subsection (a) of this section."

20 **SECTION 23.** G.S. 14-208.24A, as recodified by Section 13 of this act, reads as
21 rewritten:

22 "**§ 14-208.24A. Sex offender unlawfully on premises.**

23 (a) It shall be unlawful for any person required to register under this ~~Article, if the~~
24 ~~offense requiring registration is described in subsection (b) of this section,~~Part to knowingly be
25 at any of the following locations:

26 (1) On the premises of any place intended primarily for the use, care, or
27 supervision of minors, including, but not limited to, schools, children's
28 museums, child care centers, nurseries, group homes for children,
29 amusement parks, arcades, and playgrounds.

30 (2) ~~Within 300 feet~~the facilities of any location intended primarily for the use,
31 care, or supervision of minors when the place is located on premises that are
32 ~~not intended primarily for the use, care, or supervision of minors,~~also used
33 for other purposes, including, but not limited to, places described in
34 subdivision (1) of this subsection that are located in malls, shopping centers,
35 or other property open to the general public. For purposes of this
36 subdivision, the prohibition shall only apply to that portion of the premises
37 intended primarily for the use, care, or supervision of minors while that
38 portion of the premises is being used for the use, care, or supervision of
39 minors.

40 (3) At any place where minors gather for regularly scheduled educational,
41 recreational, or social programs. For purposes of this subdivision, the
42 prohibition shall only apply to that portion of the place being used for the
43 educational, recreational, or social program for minors while the place is
44 being used for the educational, recreational, or social program for minors.

45 (4) On the premises of any institution of higher education, any gymnasium or
46 fitness facility that allows minors to use the facility, any county or state fair
47 while the fair is being held.

48 (b) Notwithstanding any provision of this section, a person subject to subsection (a) of
49 this section who is the parent or guardian of a minor ~~may take~~may:

50 (1) Take the minor to any location that can provide emergency medical care
51 treatment if the minor is in need of emergency medical care.

- 1 (2) Pick up or drop off the minor from or to school, child care centers, and
2 nurseries.
- 3 (3) In a medical emergency, and at the request of the school, child care center,
4 nursery, or any other prohibited location where the minor child is located,
5 enter the premises or location to pick up or attend to the minor child.
- 6 ~~(e) Subsection (a) of this section is applicable only to persons required to register under~~
7 ~~this Article who have committed any of the following offenses:~~
- 8 ~~(1) Any offense in Article 7A of this Chapter.~~
9 ~~(2) Any offense where the victim of the offense was under the age of 16 years at~~
10 ~~the time of the offense.~~
- 11 (d) A person subject to subsection (a) of this section who is a parent or guardian of a
12 student enrolled in a school may be present on school property if all of the following conditions
13 are met:
- 14 (1) The parent or guardian is on school property for the purpose for one of the
15 following:
- 16 a. To attend a conference at the school with school personnel to discuss
17 the academic or social progress of the parents' or guardians' child; or
18 b. The presence of the parent or guardian has been requested by the
19 principal or his or her designee for any other reason relating to the
20 welfare or transportation of the child.
- 21 (2) The parent or guardian complies with all of the following:
- 22 a. Notice: The parent or guardian shall notify the principal of the school
23 of the parents' or guardians' registration under this Article and of his
24 or her presence at the school unless the parent or guardian has
25 permission to be present from the superintendent or the local board
26 of education, or the principal has granted ongoing permission for
27 regular visits of a routine nature. If permission is granted by the
28 superintendent or the local board of education, the superintendent or
29 chairman of the local board of education shall inform the principal of
30 the school where the parents' or guardians' will be present.
31 Notification includes the nature of the parents' or guardians' visit and
32 the hours when the parent or guardian will be present at the school.
33 The parent or guardian is responsible for notifying the principal's
34 office upon arrival and upon departure. Any permission granted
35 under this sub-subdivision shall be in writing.
- 36 b. Supervision: At all times that a parent or guardian is on school
37 property, the parent or guardian shall remain under the direct
38 supervision of school personnel. A parent or guardian shall not be on
39 school property even if the parent or guardian has ongoing
40 permission for regular visits of a routine nature if no school
41 personnel are reasonably available to supervise the parent or
42 guardian on that occasion.
- 43 (e) A person subject to subsection (a) of this section who is eligible to vote may be
44 present at a location described in subsection (a) used as a voting place as defined by
45 G.S. 163-165 only for the purposes of voting and shall not be outside the voting enclosure other
46 than for the purpose of entering and exiting the voting place. If the voting place is a school,
47 then the person subject to subsection (a) shall notify the principal of the school that he or she is
48 registered under this Article.
- 49 (f) A person subject to subsection (a) of this section who is eligible under
50 G.S. 115C-378 to attend public school may be present on school property if permitted by the
51 local board of education pursuant to G.S. 115C-391(d)(2).

1 (f1) A person subject to subsection (a) of this section who is duly enrolled in an
2 institution of higher education may be present on the premises of the institution of higher
3 education for any purpose necessary for enrollment.

4 (g) A juvenile subject to subsection (a) of this section may be present at a location
5 described in that subsection if the juvenile is at the location to receive medical treatment or
6 mental health services and remains under the direct supervision of an employee of the treating
7 institution at all times.

8 (h) A violation of this section is a Class H felony."

9 **SECTION 24.** G.S. 14-208.24B, as recodified by Section 11 of this act, reads as
10 rewritten:

11 **"§ 14-208.24B. Residential restrictions.**

12 (a) A registrant under this ~~Article-Part~~ shall not knowingly reside or maintain a
13 temporary residence within 1,000 feet of the property on which any public or nonpublic school
14 or child care center is located.

15 (b) As used in this section, "school" does not include home schools as defined in G.S.
16 115C-563 or institutions of higher education, and the term "child care center" is defined by
17 G.S. 110-86(3). The term "registrant" means a person who is registered, or is required to
18 register, under this ~~Article-Part~~.

19 (c) This section does not apply to child care centers that are located on or within 1,000
20 feet of the property of an institution of higher education where the registrant is a ~~student or is~~
21 ~~employed-student.~~

22 (d) Changes in the ownership of or use of property within 1,000 feet of a registrant's
23 registered address that occur after a registrant establishes residency at the registered address
24 shall not form the basis for finding that an offender is in violation of this section. For purposes
25 of this subsection, a residence is established when the registrant does any of the following:

- 26 (1) Purchases the residence or enters into a specifically enforceable contract to
27 purchase the residence.
- 28 (2) Enters into a written lease contract for the residence and for as long as the
29 person is lawfully entitled to remain on the premises.
- 30 (3) Resides with an immediate family member who established residence in
31 accordance with this subsection. For purposes of this subsection, "immediate
32 family member" means a child or sibling who is 18 years of age or older, or
33 a parent, grandparent, legal guardian, or spouse of the registrant.

34 (e) Nothing in this section shall be construed as creating a private cause of action
35 against a real estate agent or landlord for any act or omission arising out of the residential
36 restriction in this section.

37 (f) A violation of this section is a Class G felony."

38 **SECTION 25.** G.S. 14-208.28 reads as rewritten:

39 **"§ 14-208.28. Verification of registration information.**

40 The information provided to the sheriff shall be verified ~~semiannually~~annually for each
41 juvenile registrant as follows:

- 42 (1) Every year on the anniversary of a juvenile's initial registration ~~date and six~~
43 ~~months after that~~ date, the sheriff shall mail a verification form to the
44 juvenile court counselor assigned to the juvenile.
- 45 (2) The juvenile court counselor for the juvenile shall return the verification
46 form to the sheriff within three business days after the receipt of the form.
- 47 (3) The verification form shall be signed by the juvenile court counselor and the
48 juvenile and shall indicate whether the juvenile still resides at the residential
49 address last reported to the sheriff. If the juvenile has a different residential
50 address, then that fact and the new residential address shall be indicated on
51 the form."

1 **SECTION 26.** G.S. 14-208.32 reads as rewritten:

2 "**§ 14-208.32. Application of Part.**

3 This Part does not apply to a juvenile who is tried and convicted as an adult for committing
4 or attempting to commit a sexually violent offense or an offense against a minor. A juvenile
5 who is convicted of one of those offenses as an adult is subject to the registration requirements
6 of ~~Part 2~~Part 2, Part 2A, and Part 3 of this Article."

7 **SECTION 27.** G.S. 14-208.40(a) reads as rewritten:

8 "(a) The Department of Correction shall establish a sex offender monitoring program
9 that uses a continuous satellite-based monitoring system and shall create guidelines to govern
10 the program. The program shall be designed to monitor three categories of offenders as
11 follows:

12 (1) Any offender who is convicted of a reportable conviction as defined by
13 G.S. 14-208.6(4) and who is required to register under Part 3 of Article 27A
14 of Chapter 14 of the General Statutes ~~because the defendant~~Statutes is
15 classified as a sexually violent predator, ~~is a recidivist, or was convicted of~~
16 ~~an aggravated offense~~or is a recidivist as those terms are defined in
17 G.S. 14-208.6.

18 (2) Any offender who satisfies all of the following criteria: (i) is convicted of a
19 reportable conviction as defined by G.S. 14-208.6(4), (ii) is required to
20 register under Part 2 or Part 2A of Article 27A of Chapter 14 of the General
21 Statutes, (iii) has committed an offense involving the physical, mental, or
22 sexual abuse of a minor, and (iv) based on the Department's risk assessment
23 program requires the highest possible level of supervision and monitoring.

24 (3) Any offender who is convicted of G.S. 14-27.2A or G.S. 14-27.4A, who
25 shall be enrolled in the satellite-based monitoring program for the offender's
26 natural life upon termination of the offender's active punishment."

27 **SECTION 28.** G.S. 14-208.40A reads as rewritten:

28 "**§ 14-208.40A. Determination of satellite-based monitoring requirement by court.**

29 (a) When an offender is convicted of a reportable conviction as defined by G.S.
30 14-208.6(4), during the sentencing phase, the district attorney shall present to the court any
31 evidence that (i) the offender has been classified as a sexually violent predator pursuant to G.S.
32 14-208.20, (ii) the offender is a recidivist, (iii) ~~the conviction offense was an aggravated~~
33 ~~offense,~~the offender is required to register under Part 3 of Article 27A of Chapter 14 of the
34 General Statutes, (iv) the conviction offense was a violation of G.S. 14-27.2A or G.S.
35 14-27.4A, or (v) the offense involved the physical, mental, or sexual abuse of a minor. The
36 district attorney shall have no discretion to withhold any evidence required to be submitted to
37 the court pursuant to this subsection.

38 The offender shall be allowed to present to the court any evidence that the district attorney's
39 evidence is not correct.

40 (b) After receipt of the evidence from the parties, the court shall determine whether the
41 offender's conviction places the offender in one of the categories described in G.S.
42 14-208.40(a), and if so, shall make a finding of fact of that determination, specifying whether
43 (i) the offender has been classified as a sexually violent predator pursuant to G.S. 14-208.20,
44 (ii) the offender is a recidivist, (iii) ~~the conviction offense was an aggravated offense,~~
45 the offender is required to register under Part 3 of Article 27A of Chapter 14 of the General
46 Statutes, (iv) the conviction offense was a violation of G.S. 14-27.2A or G.S. 14-27.4A, or (v)
47 the offense involved the physical, mental, or sexual abuse of a minor.

48 (c) If the court finds that the offender has been classified as a sexually violent predator,
49 is a recidivist, ~~has committed an aggravated offense,~~is required to register under Part 3 of
50 Article 27A of Chapter 14 of the General Statutes, or was convicted of G.S. 14-27.2A or

1 G.S. 14-27.4A, the court shall order the offender to enroll in a satellite-based monitoring
2 program for life.

3 (d) If the court finds that the offender committed an offense that involved the physical,
4 mental, or sexual abuse of a minor, that the offense is not ~~an aggravated offense or a violation~~
5 of G.S. 14-27.2A or G.S. 14-27.4A and the offender is not a recidivist and is not required to
6 register under Part 3 of Article 27A of Chapter 14 of the General Statutes, the court shall order
7 that the Department do a risk assessment of the offender. The Department shall have a
8 minimum of 30 days, but not more than 60 days, to complete the risk assessment of the
9 offender and report the results to the court.

10 (e) Upon receipt of a risk assessment from the Department pursuant to subsection (d) of
11 this section, the court shall determine whether, based on the Department's risk assessment, the
12 offender requires the highest possible level of supervision and monitoring. If the court
13 determines that the offender does require the highest possible level of supervision and
14 monitoring, the court shall order the offender to enroll in a satellite-based monitoring program
15 for a period of time to be specified by the court."

16 **SECTION 29.** G.S. 14-208.40B(c) reads as rewritten:

17 "(c) At the hearing, the court shall determine if the offender falls into one of the
18 categories described in G.S. 14-208.40(a). The court shall hold the hearing and make findings
19 of fact pursuant to G.S. 14-208.40A.

20 If the court finds that (i) the offender has been classified as a sexually violent predator
21 pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) ~~the conviction offense was an~~
22 ~~aggravated offense,~~ the offender is required to register under Part 3 of Article 27A of Chapter
23 14 of the General Statutes, or (iv) the conviction offense was a violation of G.S. 14-27.2A or
24 G.S. 14-27.4A, the court shall order the offender to enroll in satellite-based monitoring for life.

25 If the court finds that the offender committed an offense that involved the physical, mental,
26 or sexual abuse of a minor, that the offense is not ~~an aggravated offense or a violation of G.S.~~
27 ~~14-27.2A or G.S. 14-27.4A,~~ and the offender is not a recidivist and is not required to register
28 under Part 3 of Article 27A of Chapter 14 of the General Statutes, the court shall order that the
29 Department do a risk assessment of the offender. The Department shall have a minimum of 30
30 days, but not more than 60 days, to complete the risk assessment of the offender and report the
31 results to the court. The Department may use a risk assessment of the offender done within six
32 months of the date of the hearing.

33 Upon receipt of a risk assessment from the Department, the court shall determine whether,
34 based on the Department's risk assessment, the offender requires the highest possible level of
35 supervision and monitoring. If the court determines that the offender does require the highest
36 possible level of supervision and monitoring, the court shall order the offender to enroll in a
37 satellite-based monitoring program for a period of time to be specified by the court."

38 **SECTION 30.** This act becomes effective December 1, 2009, and applies to
39 persons who are required to be registered under Article 27A of Chapter 14 of the General
40 Statutes on or after that date.