

NORTH CAROLINA SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

5,318 as of March 5, 2003.

1. WHO IS REQUIRED TO REGISTER?

A person who has a reportable conviction is required to maintain registration.
(*N.C. Gen. Stat. § 14-208.7(a)*)

2. WHAT DOES “REPORTABLE CONVICTION” MEAN?

“Reportable conviction” means:

- (1) a final conviction for an offense against a minor, a sexually violent offense, or an attempt to commit any of those offenses unless the conviction is for aiding and abetting;
- (2) a final conviction in another state of an offense, which if committed in North Carolina, is substantially similar to an offense against a minor or a sexually violent offense; or
- (3) a final conviction in a federal jurisdiction, including a court martial, of an offense that is substantially similar to an offense against a minor or a sexually violent offense.

(*N.C. Gen. Stat. § 14-208.6(4)*)

3. WHAT DOES “OFFENSE AGAINST A MINOR” MEAN?

“Offense against a minor” means any of the following offenses if the offense is committed against a minor, and the person committing the offense is not the minor’s parent:

- (1) kidnapping;
- (2) abduction of children;
- (3) felonious restraint;
- (4) a solicitation or conspiracy to commit an offense listed in (1) through (3) above; or
- (5) aiding and abetting an offense listed in (1) through (4) above.

(*N.C. Gen. Stat. § 14-208.6(1i)*)

4. WHAT DOES “SEXUALLY VIOLENT OFFENSE” MEAN?

“Sexually violent offense” means:

- (1) first- or second-degree rape;
- (2) first- or second-degree sexual offense;
- (3) attempted rape or sexual offense;
- (4) intercourse and sexual offense with certain victims;
- (5) incest between near relatives;
- (6) employing or permitting a minor to assist in offenses against public morality and decency;

- (7) first-, second-, or third-degree sexual exploitation of a minor;
- (8) promoting prostitution of a minor;
- (9) participating in the prostitution of a minor;
- (10) taking indecent liberties with children;
- (11) a solicitation or conspiracy to commit an offense listed in (1) through (10) above; or
- (12) aiding and abetting an offense listed in (1) through (11) above.

(N.C. Gen. Stat. § 14-208.6(5))

5. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

A juvenile who is transferred to superior court and who is convicted of a sexually violent offense or an offense against a minor must register as if he or she were an adult convicted of the same offense.

(N.C. Gen. Stat. § 14-208.6B)

When a juvenile is adjudicated delinquent for committing, attempting, conspiring, or soliciting another to commit, or aiding and abetting in the commission of:

- (1) first- or second-degree rape;
- (2) first- or second-degree sexual offense; or
- (3) attempted rape or sexual offense,

and the juvenile was at least 11 at the time of the commission of the offense, the court must consider whether the juvenile is a danger to the community. If the court finds that the juvenile is a danger to the community, then the court must consider whether the juvenile should be required to register with the county sheriff. The determination as to whether the juvenile is a danger to the community and whether the juvenile will be ordered to register must be made by the presiding judge at the dispositional hearing. If the judge rules the juvenile is a danger to the community and that the juvenile must register, then an order will be entered requiring the juvenile to register. No juvenile who is adjudicated delinquent will be required to register unless the court first finds that he or she is a danger to the community.

(N.C. Gen. Stat. §§ 14-208.26(a)-(a1))

6. WHEN AND WHERE DOES AN OFFENDER REGISTER?

A sex offender must register with the sheriff of the county where he or she resides:

- (1) within 10 days of release from a penal institution or arrival in a county to live outside a penal institution; or
- (2) immediately upon conviction for a reportable offense when an active term of imprisonment is not imposed.

(N.C. Gen. Stat. § 14-208.7(a))

7. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

The registration form requires the sex offender's:

- (1) full name and any aliases;
- (2) date of birth;
- (3) sex;
- (4) race;
- (5) height and weight;
- (6) hair and eye color;
- (7) driver's license number;
- (8) home address;
- (9) offense for which he or she was convicted, the date of conviction, and the sentence imposed;
- (10) current photograph;

- (11) fingerprints;
- (12) statement indicating whether he or she is a student or expects to enroll as a student within a year of registering; and
- (13) statement indicating whether he or she is employed or expects to be employed at an institution of higher education within a year of registering.

(N.C. Gen. Stat. § 14-208.7(a1))

A sex offender who is a nonresident student or a nonresident worker must also provide information regarding his or her school or place of employment and his or her address in his or her state of residence.

(N.C. Gen. Stat. § 14-208.7(a1))

If a sex offender is a student or expects to enroll as a student within a year of registration, the registration form must also require the name and address of the educational institution at which he or she is a student or expects to enroll as a student.

(N.C. Gen. Stat. § 14-208.7(b)(5))

If a sex offender is employed or expects to be employed at an institution of higher education within a year of registration, the registration form must also require the name and address of the educational institution at which he or she is or expects to be employed.

(N.C. Gen. Stat. § 14-208.7(b)(6))

An offender who is a recidivist, who is convicted of an aggravated offense, or who is classified as a sexually violent predator must provide the following additional information:

- (1) identifying factors;
- (2) offense history; and
- (3) documentation of any treatment received for a mental abnormality or personality disorder.

(N.C. Gen. Stat. § 14-208.22(a))

8. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

If a sex offender who is required to register changes address, he or she must provide written notice of his or her new address no later than the 10th day after the change to the sheriff of the county with whom he or she had last registered. Upon receipt of the notice, the sheriff must immediately forward this information to the Division of Criminal Information. If a sex offender moves to another county in North Carolina, the division must inform the sheriff of the new county of his or her new residence.

(N.C. Gen. Stat. § 14-208.9(a))

If a sex offender who is required to register changes his or her academic status either by enrolling as a student or by terminating enrollment as a student, he or she must provide written notice of his or her new status no later than the 10th day after the change to the sheriff of the county with whom he or she registered. The written notice must include the name and address of the institution of higher education at which the student is or was enrolled.

(N.C. Gen. Stat. § 14-208.9(c))

If a sex offender who is required to register changes his or her employment status either by obtaining employment at an institution of higher education or by terminating employment at an institution of higher education, he or she must provide written notice of his or her new status no later than the 10th day after the change to the sheriff of the county with whom he or she registered. The written notice must

include the name and address of the institution of higher education at which he or she is or was employed.

(N.C. Gen. Stat. § 14-208.9(d))

If a juvenile who is adjudicated delinquent and required to register changes address, his or her juvenile-court counselor must provide written notice of the new address no later than the 10th day after the change to the sheriff of the county with whom the juvenile had last registered. Upon receipt of the notice, the sheriff must immediately forward this information to the division. If the juvenile moves to another county in North Carolina, the Division of Criminal Information must inform the sheriff of the new county of the juvenile's new residence.

(N.C. Gen. Stat. § 14-208.27)

9. WHAT HAPPENS IF AN OFFENDER MOVES FROM NORTH CAROLINA TO ANOTHER STATE?

If a sex offender who is required to register moves to another state, he or she must provide written notice of his or her new address no later than 10 days after the change to the sheriff of the county with whom he or she had last registered. Upon receipt of the notice, the sheriff must notify the sex offender that he or she must comply with the registration requirements in the new state of residence. The sheriff must also immediately forward the change of address information to the Division of Criminal Information, and the Division must inform the appropriate state official in the state to which the sex offender moves of his or her new address.

(N.C. Gen. Stat. § 14-208.9(b))

10. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO NORTH CAROLINA REQUIRED TO REGISTER?

If a sex offender moves to North Carolina from another state, he or she must register within 10 days of establishing residence in North Carolina, or whenever he or she has been present in North Carolina for 15 days, whichever comes first.

(N.C. Gen. Stat. § 14-208.7(a))

11. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN NORTH CAROLINA?

A sex offender who is a nonresident student or a nonresident worker and who has a reportable conviction or is required to register in his or her state of residency, is required to maintain registration with the sheriff of the county where he or she works or attends school.

(N.C. Gen. Stat. § 14-208.7(a1))

12. IS REGISTRATION A LIFETIME REQUIREMENT?

Sex-offender registration must be maintained for a period of 10 years following release from a penal institution. If no active term of imprisonment is imposed, registration must be maintained for a period of 10 years following each conviction for a reportable offense. If there is a subsequent offense, the county registration records must be retained until the registration requirement for the subsequent offense is terminated.

(N.C. Gen. Stat. § 14-208.7(a); § 14-208.12A)

An offender who is a recidivist, who is convicted of an aggravated offense, or who is classified as a sexually violent predator must maintain registration for his or her life.

(N.C. Gen. Stat. § 14-208.23)

The registration requirement for a juvenile who is adjudicated delinquent and required to register automatically terminates upon his or her 18th birthday or when the jurisdiction of the juvenile court with regard to him or her ends, whichever occurs first.

(N.C. Gen. Stat. § 14-208.30)

13. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

A sex offender who is required to register and who does any of the following is guilty of a Class F felony:

- (1) fails to register;
- (2) fails to notify the last registering sheriff of a change of address;
- (3) fails to return a verification notice;
- (4) forges or submits under false pretenses the required information or verification notices;
- (5) fails to inform the registering sheriff of enrollment or termination of enrollment as a student; or
- (6) fails to inform the registering sheriff of employment at an institution of higher education or termination of employment at an institution of higher education.

(N.C. Gen. Stat. § 14-208.11(a))

If a sex offender violates registration requirements, the probation officer, parole officer, or any other law-enforcement officer who is aware of the violation must immediately arrest the sex offender or seek an order for his or her arrest.

(N.C. Gen. Stat. § 14-208.11(a1))

14. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

A. Adult Offenders

The Division of Criminal Information keeps a current central Statewide Sex-Offender Registry. The registry includes:

- (1) registration information obtained by a sheriff or penal institution or from any other local or state law-enforcement agency;
- (2) registration information received from a state or local law-enforcement agency or penal institution in another state; and
- (3) registration information received from a federal law-enforcement agency or penal institution.

(N.C. Gen. Stat. §§ 14-208.14(a)-(b))

The information in the statewide registry that is public record includes an offender's:

- (1) name;
- (2) sex;
- (3) address;
- (4) physical description;
- (5) picture;
- (6) conviction date;
- (7) offense for which registration was required;
- (8) the sentence imposed as a result of the conviction; and
- (9) registration status.

(N.C. Gen. Stat. § 14-208.10(a); § 14-208.15(a))

The Division of Criminal Information or the sheriff must release any other relevant information that is necessary to protect the public concerning a specific person.

(N.C. Gen. Stat. § 14-208.10(a); § 14-208.15(a))

Any person may obtain a copy of a sex offender's registration form, a part of the county registry, or the entire county registry, by submitting a written request for the information to the sheriff.

(N.C. Gen. Stat. § 14-208.10(b))

B. Juvenile Offenders

Information regarding a juvenile who is adjudicated delinquent and who is required to register is not public record and is not available for public inspection. Registration information of a juvenile who is adjudicated delinquent and who is required to register is maintained separately by the sheriff and is released only to law-enforcement agencies.

(N.C. Gen. Stat. § 14-208.29)

15. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Division of Criminal Information provides free public access to automated data from the statewide registry, including photographs provided by the registering sheriffs, via the Internet. The public can access the statewide registry to view an individual registration record, a part of the Statewide Registry, or all of the statewide registry.

(N.C. Gen. Stat. § 14-208.15(b))

The registry is available on the Internet at <http://sbi.jus.state.nc.us/DOJHAHT/SOR/default.htm>. The web site can be searched by first or last name, zip code, city, county, status, and age.

16. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

According to the Division of Criminal Information web site, anyone who uses information from the statewide registry to commit a criminal act against another person will be subject to criminal prosecution.