

Consequences of Conviction of Offenses Subject to Sex Offender Registration

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Conviction of an offense subject to sex offender registration carries significant consequences—both criminal and civil—beyond the consequences that accompany criminal offenses generally. Some, such as longer criminal sentences and registration and satellite-based monitoring obligations, are imposed at sentencing in the criminal case. Some arise as a result of the conviction. Violation of these restrictions may result in additional criminal penalties. This paper reviews the consequences and restrictions imposed by North Carolina law as a result of an offense subject to sex offender registration. For more information on sex offender registration and related obligations, see the North Carolina Sheriffs' Association paper [Sex Offender Registration in North Carolina](#) (Apr. 2022).

Other consequences may apply to convictions of offenses of a sexual nature. Those consequences may be triggered whether or not the statute explicitly refers to sex offender registration. *See, e.g.*, G.S. 14-27.21, 14-27.22 (denying custody and inheritance rights for child conceived from rape) (codified as G.S. 14-27.2 and 14-27.3 for offenses committed before Dec. 1, 2015); G.S. 90-210.25B (prohibiting funeral service board from issuing or renewing license to engage in funeral services to person who has been convicted of a sexual offense against a minor as defined in that statute). For more information about those consequences, see the UNC School of Government's [Collateral Consequences Assessment Tool \(C-CAT\)](#).

For more information on relief from registration, monitoring, and other consequences, see [Relief from a Criminal Conviction in North Carolina: Sex Offender Registration and Monitoring](#) (UNC School of Government, 2023).

Charges

Generally, a conviction subject to sex offender registration triggers the various obligations and restrictions discussed in this paper. A charge or other allegations about potential offenses may have consequences in some instances.

Reporting, Arrest, and Charging

Some statutes create obligations to report violations of sex offender registration requirements and other requirements. *See* G.S. 14-208.11A (making it a Class H felony to fail to report noncompliance as detailed in statute); G.S. 14-208.15A (requiring entities to report complaints or reports that a user of the entities' services is committing certain online crimes against minors); *see also* North Carolina Sheriffs' Association, [Sex Offender Registration in North Carolina](#) at 28 (Apr. 2022) (discussing statutes). G.S. 14-318.6 makes it a Class 1 misdemeanor to fail to report sexual crimes identified in that statute against a juvenile. *See also* Sara DePasquale, [S.L. 2019-245 Creates a New Universal Mandated Reporting Law for Child Victims of Crimes and Changes the Definition of "Caretaker"](#), On the Civil Side, UNC Sch. of Gov't Blog (Nov. 13, 2019).

G.S. 14-208.11(a1) requires probation officers, parole officers, and law enforcement officers who are aware that a person has violated the registration obligations in G.S. 14-208.11(a) to arrest the person or seek an arrest warrant. *See also* North Carolina Sheriffs' Association, [Sex Offender Registration in North Carolina](#) at 28 (Apr. 2022) (discussing statute).

North Carolina has no statute of limitations for charging felonies and a two-year statute of limitations for charging most misdemeanors. Effective for offenses committed on or after December 1, 2019, G.S. 15-1 sets a 10-year

statute of limitations for charging, among other crimes, misdemeanor sexual battery under G.S. 14-27.33, an offense subject to sex offender registration. [2019 N.C. Sess. Law 145](#), sec. 2(a).

Pretrial Release

In some instances, a charge of an offense subject to registration or involving a person subject to registration may result in restrictions on pretrial release. See G.S. 15A-1345(b1) (directing magistrate to delay or deny pretrial release conditions for person arrested for probation violation who is subject to sex offender registration, discussed further below under Criminal Sentencing: Violations of Probation and Post-Release Supervision); G.S. 15A-533(b) (requiring judge to determine pretrial release condition for listed offenses, some of which are subject to registration on conviction); G.S. 15A-534.4 (authorizing judicial official to set certain conditions on pretrial release, such as stay-away conditions, for listed offenses, some of which are subject to registration on conviction).

Effect on Termination of Registration

G.S. 14-208.12A(a1)(1) states that a person is ineligible to terminate sex offender registration if he or she has been arrested for any crime that would require registration since completing his or her sentence. On its face, this language could be construed as barring termination if the petitioner is ever arrested for such an offense, regardless of the disposition of the case. See *In re Cuevas*, 271 N.C. App. 179 (2020) (unpublished) (trial judge denied petition to terminate for, among other reasons, arrest for offense subject to registration even though jury acquitted him after trial; appellate court did not rule on whether this ground was proper, upholding denial of petition based on other grounds on which judge denied relief); *In re Dunn*, 225 N.C. App. 43 (2013) (trial judge denied petition to terminate for, among other reasons, arrest of petitioner for offense subject to registration even though he was not convicted; appellate court did not rule on petitioner's argument that denial violated equal protection and due process, vacating trial judge's ruling for lack of jurisdiction). The General Assembly may not have intended to bar termination for an arrest on a charge that is later dismissed or for which a person is acquitted. More likely, the General Assembly intended by the "arrest" language to bar termination if a person has a pending charge for a crime that would require registration. This interpretation would be consistent with terminology used in more recently enacted relief statutes, which bar relief for pending disqualifying charges. See G.S. 14-415.4(e)(2) (barring restoration of firearm rights if person is under indictment or finding of probable cause exists for felony); G.S. 15A-145.4(e)(3) (barring expunction of nonviolent felony conviction if person has outstanding warrant or pending criminal case); G.S. 15A-145.5(c2), (c3) (barring expunction if person has outstanding warrants, pending criminal cases, or current indictment or finding of probable cause for felony); G.S. 15A-145.9(f) (barring expunction of conviction of offense by human trafficking victim if person has outstanding warrant); G.S. 15A-173.2(b)(5) (barring certificate of relief if person has pending criminal charge).

Criminal Sentencing

Length of Imprisonment and Post-Release Supervision

The following sentencing provisions apply to all offenses subject to sex offender registration.

Class B1 through E felonies

For offenses committed *on or after* Dec. 1, 2011 (under [2011 N.C. Sess. Law 307](#)), the maximum sentence of imprisonment is 120% of the applicable minimum, plus 60 months (rather than an additional 12 months as for other Class B1 through E offenses). G.S. 15A-1340.17(f).¹ The defendant is automatically released 60 months early

1. Some Class B1 through E offenses are subject to the 60-month sentence enhancement only if certain factual findings are made beyond the elements of the offense. For example, kidnapping is subject to sex offender registration only if committed against a minor by a person who is not the victim's parent. G.S. 14-208.6(1m). Because these additional facts increase a

and goes on post-release supervision for 60 months (rather than 12 months of post-release supervision as for other Class B1 through E offenses). G.S. 15A-1368.2(c).

For offenses committed *before* Dec. 1, 2011, the maximum sentence of imprisonment is 120% of the applicable minimum, plus 9 months (the same as for other Class B1 through E offenses). The defendant is automatically released 9 months early and goes on post-release supervision for 60 months (rather than 9 months of post-release supervision as for other Class B1 through E offenses).

Class F through I felonies

For offenses committed *on or after* Dec. 1, 2011 (under [2011 N.C. Sess. Law 192](#)), the maximum sentence of imprisonment is 120% of the applicable minimum, plus 9 months (the same as for other Class F through I offenses). G.S. 15A-1340.17(d). The defendant is automatically released 9 months early and goes on post-release supervision for 60 months (rather than 9 months of post-release supervision as for other Class F through I offenses). G.S. 15A-1368.2(c).

For offenses committed *before* Dec. 1, 2011, the sentencing rules are the same as for other Class F through I offenses. The maximum sentence of imprisonment is 120% of the minimum; there is no post-release supervision.

Conditions of Probation and Post-Release Supervision

Residence restrictions

If the offense involves evidence of sexual abuse of a minor, the defendant may not reside in a household with any minor child during any period of probation or post-release supervision. G.S. 15A-1343(b2)(4) (probation); G.S. 15A-1368.4(b1)(4) (post-release supervision). The courts have held that this probation condition does not violate a person's constitutional right to parent and care for his or her minor child. *See State v. Strickland*, 169 N.C. App. 193 (2005). Visiting a minor child does not violate the statutory residence restrictions. *See State v. Crowder*, 208 N.C. App. 723 (2010); *cf. State v. Tenant*, 141 N.C. App. 524 (2000) (upholding revocation of probation for contact with victim of offense in violation of probation condition prohibiting contact).

If the offense involves evidence of physical or mental abuse of a minor, the defendant may not reside in a household with any minor child during any period of probation and post-release supervision *unless* the court makes findings allowing residence with a minor child. G.S. 15A-1343(b2)(5) (probation); G.S. 15A-1368.4(b1)(5) (post-release supervision).

The statutory residence restrictions depend on whether the offense involves sexual, physical, or mental abuse of a minor; they do not depend on whether the offense is subject to sex offender registration. Additional residence restrictions may apply to a person subject to sex offender registration, whether or not the person is on probation, discussed below under Additional Restrictions: Residence Restrictions.

Other restrictions

Several other conditions, listed in G.S. 15A-1343(b2) (probation) and 15A-1368.4(b1) (post-release supervision), apply if the offense is subject to sex offender registration *or* involved physical, mental, or sexual abuse of a minor, including:

- not communicate with, be in the presence of, or be found on the premises of the victim;
- submit at reasonable times to warrantless searches by the person's probation officer;

defendant's sentence beyond the statutory maximum for the offense, it may be necessary for a jury (rather than a judge) to find the additional facts or for the defendant to admit them. *See Blakely v. Washington*, 542 U.S. 296 (2004).

- participate in evaluation and treatment as ordered by the court; and
- submit to satellite monitoring as required by the satellite monitoring statutes (discussed below under Satellite Monitoring).

A person convicted of an offense subject to sex offender registration may not be placed on unsupervised probation. G.S. 15A-1343(b2).

Violations of Probation and Post-Release Supervision

Restrictions on prehearing release for probation violations

Prehearing release restrictions apply to probationers who (a) are arrested for a violation of probation and (b) have been convicted at any time of an offense subject to sex offender registration requirements (or that would have been subject to registration but for the effective date of the registration requirements). The current probation need not be for an offense subject to sex offender registration. G.S. 15A-1345(b1).

If there is insufficient information about whether the probationer poses a danger, the magistrate or other judicial official holding the initial appearance must delay setting prehearing release conditions. Denial of release for this reason may last up to seven days. If the probationer is found to be a danger, the judicial official must deny release conditions pending the violation hearing. *Id.*²

Revocation of post-release supervision

If a person is on post-release supervision for an offense subject to sex offender registration, any violation is grounds for revocation of the person's post-release supervision and return to prison up to the time remaining on the person's maximum sentence. G.S. 15A-1368.3(c)(1). For offenses not subject to sex offender registration, revocation is permissible for specific violations only, such as commission of a new offense; for other violations, a person may be returned to prison for 90 days for the first two violations. *Id.*

Contempt for violation of post-release supervision

If an offense is subject to sex offender registration and post-release supervision, a willful refusal to accept post-release supervision or comply with the terms of post-release supervision may be punished as a contempt under G.S. 5A-11, with a sentence of imprisonment of up to thirty days. G.S. 15A-1368.2(b). The Post-Release Supervision and Parole Commission is authorized to conduct contempt proceedings for such a violation in accordance with the requirements for plenary contempt proceedings under G.S. 5A-15.³

A person who is imprisoned for contempt under the above provisions is not entitled to credit for time served against the sentence for which the person is subject to post-release supervision. If a person refuses post-release supervision and is not released for that reason, post-release supervision is tolled—that is, the person is still subject to the applicable period of post-release supervision. G.S. 15A-1368.2(b).

2. Generally, if a preliminary hearing on a probation violation is not held within seven working days of arrest, an in-custody probationer must be released to continue on probation pending a hearing; however, probationers subject to sex offender registration are required to be held until the final violation hearing if they have been denied release on the ground of dangerousness. G.S. 15A-1345(c). In cases in which a preliminary hearing is not timely held, continued detention may conflict with due process principles, which require that probationers be afforded a preliminary hearing "as promptly as convenient after arrest." *Morrissey v. Brewer*, 408 U.S. 471, 485 (1972) (parolees); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (applying principle to probationers).

3. In plenary contempt proceedings, an indigent respondent is entitled to appointed counsel. *See* G.S. 7A-451(a)(1) (providing for the right to appointed counsel if imprisonment is likely to be imposed); *Hammock v. Bencini*, 98 N.C. App. 510 (1990) (recognizing right to appointed counsel for criminal contempt if imprisonment is likely to be imposed); *McBride v. McBride*, 334 N.C. 124 (1993) (recognizing same right for civil contempt).

The above provisions became effective June 27, 2011, and appear to apply to offenses committed before or after the effective date if the person is on post-release supervision and commits a violation on or after that date. [2011 N.C. Sess. Law 307](#).

Parole

Effective for parole reviews on or after October 1, 2015, G.S. 15A-1371(b)(5) requires parole review every second year instead of every year for inmates convicted of sexually violent offenses. [2015 N.C. Sess. Law 228](#). G.S. 15A-1371(b) has been repealed, but it still applies to sentences for offenses that occurred before October 1, 1994.

Sex Offender Registration

There are two sex offender registration programs. One, which is referred to here as the regular registration program, covers offenses designated as reportable convictions. G.S. 14-208.6(4). The other, referred to here as the aggravated registration program, covers reportable convictions if the offense is an aggravated offense (G.S. 14-208.6(1a)), the person is a recidivist (G.S. 14-208.6(2b)), or the person is found to be a sexually violent predator (G.S. 14-208.6(6)). G.S. 14-208.20 through G.S. 14-208.24.

The dates vary when an offense became subject to the sex offender registration program. See Jamie Markham, [Sex Offender Registration & Satellite-Based Monitoring \(SBM\)](#) (July 2017). To be considered an aggravated offense, the offense must have been committed on or after October 1, 2001. To qualify as a recidivist, at least one of the offender's convictions must have been committed on or after October 1, 2001. [2001 N.C. Sess. Law 373](#).

Period of Registration

Regular registration period

Generally, registration is for a minimum of ten years and a maximum of 30 years. G.S. 14-208.6A. A person may petition to terminate registration after ten years if he or she meets the requirements in G.S. 14-208.12A.⁴

Aggravated registration period

Registration is for life. G.S. 14-208.23. Registration terminates only if the conviction is reversed, vacated, or set aside or an unconditional pardon of innocence is granted. G.S. 14-208.6C.

Registration Requirements

Regular requirements

The principal registration requirements are as follows. Unless provided otherwise, a violation of any registration requirement is a Class F felony. G.S. 14-208.11. Registration requirements applicable to particular activities, such as

4. The petition procedure applies to defendants still required to register on or after December 1, 2006. For defendants whose ten-year registration period expired before December 1, 2006, their registration obligation automatically terminated without the filing of a petition. For registrations made on or after December 1, 2008, the General Assembly established a 30-year registration requirement. [2008 N.C. Sess. Law 117](#). In my opinion, the 30-year maximum applies to any person still required to register under the regular registration program on or after December 1, 2008, whether the person began registering before or after that date. See G.S. 14-208.6A (stating that General Assembly's objective is to establish 30-year registration requirement); G.S. 14-208.12A (authorizing petition to terminate 30-year registration requirement after ten years). *But cf.* G.S. 14-208.7(a) (stating that registration must be maintained for at least 30 years unless person successfully petitions to shorten registration period).

reporting enrollment as a student and providing online identifiers, are described in the parts of this paper discussing those activities.

- A North Carolina resident must initially register with the local sheriff within statutory time limits following conviction or release from imprisonment. G.S. 14-208.7(a). Nonresident students and workers also must register. G.S. 14-208.7(a1). The person's address, photo, and offense are publicly accessible at <http://sexoffender.ncsbi.gov/>.
- A registrant must periodically re-verify the registration information in person at the sheriff's office. People on the regular registration program must re-verify at the end of the first year of registration and every six months thereafter. G.S. 14-208.9A.
- A registrant must provide updated information in person, such as any change of address, within specified time periods. G.S. 14-208.9; *see also* G.S. 14-208.8A (requiring that registrant give notice of employment requiring temporary residence in another county).
- A registrant must appear in person and provide an updated photograph of himself or herself to the sheriff on request. A violation is a Class 1 misdemeanor. G.S. 14-208.9A(c).

Aggravated registration requirements

The registration requirements are largely the same as for people on the regular registration program except that people on the aggravated registration program must re-verify registration information in person at the sheriff's office every 90 days for life. G.S. 14-208.23; *see also* G.S. 14-208.22 (describing additional information that registrant must provide, such as documentation of treatment).

Satellite Monitoring

Satellite monitoring first applied to people with a reportable conviction who: (1) committed a reportable offense on or after August 16, 2006; (2) were sentenced to an intermediate punishment on or after August 16, 2006; (3) were released from prison by parole or post-release supervision on or after August 16, 2006; or (4) completed a sentence on or after August 16, 2006, and were not on post-release supervision or parole. [2006 N.C. Sess. Law 247](#), sec. 15(l). In 2021 and 2023, the General Assembly modified the length of satellite monitoring and the offenses subject to it. *See* [2021 N.C. Sess. Law 138](#), amended by [2021 N.C. Sess. Law 182](#); [2023 N.C. Sess. Law 14](#), sec. 8.1. Termination of sex offender registration may terminate satellite monitoring. A person may petition separately to terminate satellite monitoring without terminating registration. *See* [Relief from a Criminal Conviction: Sex Offender Registration and Monitoring](#) (UNC School of Government, 2023).

Period of Monitoring

Court orders for monitoring imposed before December 1, 2021

If a court order for monitoring was imposed before December 1, 2021, and was for more than ten years, the court must, on request, reduce the term of monitoring to ten years. This category concerns people subject to lifetime monitoring orders because they were classified as a recidivist (a reportable conviction after a prior reportable conviction), convicted of an aggravated offense, determined to be a sexually violent predator, or convicted of statutory rape of a child by an adult or statutory sexual offense with a child by an adult. This category also concerns people convicted of physical, mental, or sexual abuse of a minor if the court imposed a term of monitoring for more than ten years. G.S. 14-208.46; *see also* Jamie Markham, [Revisions to North Carolina's Satellite-Based Monitoring Law](#), N.C. Crim. L., UNC Sch. of Gov't Blog (Oct. 11, 2021) (the blog post covers the initial changes the General Assembly made in 2021, but not later amendments in 2021, which are reflected in this paper and in G.S. 14-208.46).

Court orders for monitoring imposed on or after December 1, 2021, and before October 1, 2023

A court may impose satellite monitoring for up to ten years if the person is in one of the following categories and requires the highest level of supervision and monitoring: classified as a reoffender (two or more felony reportable convictions from different court dates), convicted of an aggravated offense, determined to be a sexually violent predator, convicted of statutory rape of a child by an adult or statutory sexual offense with a child by an adult, or convicted of an offense involving physical, mental, or sexual abuse of a minor. After five years, the person may petition to terminate or reduce the period of monitoring. G.S. 14-208.40A (as amended by [2021 N.C. Sess. Law 138](#) and [2021 N.C. Sess. Law 182](#)).⁵

Court order for monitoring imposed on or after October 1, 2023

A third set of rules concerns satellite monitoring orders imposed on or after October 1, 2023. See G.S. 14-208.40A, as currently worded. This third set of rules differs from the second in the length of monitoring that the court may order and the application to reoffenders. The process for terminating or modifying the length of monitoring is the same. This third group includes a person classified as a reoffender for certain offenses (identified in G.S. 14-208.40A(c)(4)), convicted of an aggravated offense, determined to be a sexually violent predator, or convicted of statutory rape of a child by an adult or statutory sexual offense with a child by an adult. If the court finds that the person requires the highest level of supervision and monitoring, the period of monitoring is for life. See G.S. 14-208.40A. This group also includes people convicted of an offense involving physical, mental, or sexual abuse of a minor. If the court finds that the person requires the highest level of supervision and monitoring, the period of monitoring is up to fifty years. *Id.* After five years, a person in either group may petition the court to terminate or reduce the period of monitoring and, if the court denies the petition, file a new petition after two years. See G.S. 14-208.43. The constitutionality of the most recent changes to the law has yet to be considered by the appellate courts. For a further discussion, see Phil Dixon, [2023 Satellite-Based Monitoring Revisions](#), N.C. Crim. L., UNC Sch. of Gov't Blog (Jun. 14, 2023)

Violations of Monitoring Requirements

The following violations of satellite monitoring requirements are subject to the indicated punishments. They apply regardless of the length of monitoring ordered:

- Failing to enroll, a Class F felony. G.S. 14-208.44(a).
- Tampering with, removing, vandalizing, or otherwise interfering with a satellite monitoring device, a Class E felony. G.S. 14-208.44(b).
- Failing to provide necessary information to the Division of Prisons or failing to cooperate with Division of Prisons guidelines and regulations, a Class 1 misdemeanor. G.S. 14-208.44(c).

Additional Restrictions

Unless otherwise noted, the following restrictions apply to all offenses subject to sex offender registration.

5. The codifier of statutes apparently is of the view that the ten-year time limit for offenses involving abuse of a minor applies to monitoring orders imposed on or after December 1, 2021, and before January 1, 2023, but not monitoring orders imposed from January 1, 2023, to October 1, 2023. The reason appears to be that S.L. 2021-138, as amended by S.L. 2021-182, revised G.S. 14-208.40A to set a ten-year time limit, but another session law, S.L. 2021-180, sec. 19C.9(jj), revised G.S. 14-208.40A effective January 1, 2023, and did not include a time limit on monitoring. The codifier of statutes apparently determined that the time limit in S.L. 2021-138, as amended by 2021-182, and S.L. 2021-180 without a time limit should both be given effect. Whether or not the codifier's interpretation is correct, the General Assembly modified the time limits, as discussed in the text, beginning with orders imposed on or after October 1, 2023.

Residence Restrictions

Distance restrictions

A person subject to sex offender registration may not knowingly reside within 1,000 feet of a school or child care center, as defined in G.S. 14-208.16.⁶ A violation is a Class G felony. A violation does not occur if either of the following applies:

- Ownership or use of the nearby property changed after the registrant established residence within the meaning of G.S. 14-208.16(d).
- The registrant established residence within the meaning of G.S. 14-208.16(d) before August 16, 2006. [2013 N.C. Sess. Law 28](#).

These restrictions do not prohibit a person subject to sex offender registration from obtaining visitation rights for a minor child conceived as a result of the offense. See *Bobbitt v. Eizenga*, 215 N.C. App. 378 (2011).

Federal housing restrictions

Federal law bars a person from living in federally assisted housing if subject to a lifetime registration requirement under a state sex offender registration program. 42 U.S.C. 13663.

Homelessness

The inability of a person subject to registration to obtain a suitable place to live, resulting in homelessness, is not a basis for revoking probation. See *State v. Tolbert*, 221 N.C. App. 650 (2012); *State v. Askew*, 221 N.C. App. 659 (2012). A homeless person must notify the sheriff, as part of registration obligations, of changes in his or her residence, even if “a homeless shelter, a location under a bridge or some other place.” *State v. Worley*, 198 N.C. App. 329, 338 (2009); see also Jamie Markham, [Sex Offender Case Law Update \(Part II\)](#), N.C. Crim. L., UNC Sch. of Gov’t Blog (July 16, 2009).

Premises Restrictions

Generally

G.S. 14-208.18 prohibits a person from knowingly being at the following locations if the person is subject to sex offender registration under the circumstances described below:

1. on the premises of any place intended primarily for the use, care, or supervision of minors;
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;
3. at any place where minors frequently congregate, including libraries, arcades, amusement parks, recreation parks, and swimming pools, when minors are present; and

6. The General Assembly has periodically modified the definitions of school and childcare center in G.S. 14-208.16, effective at different times. Effective for people required to register on or after June 24, 2014, the term “child care center” includes a permanent location of an organized Boys and Girls Club of America; the revised definition does not apply to a person who established residence within the meaning of G.S. 14-208.16(d) before June 24, 2014. See [2014 N.C. Sess. Law 21](#). Effective for offenses committed on or after December 1, 2019, the term “school” includes any “construction project designated for use as a public school” if the governing body has notified the local sheriff. See [2019 N.C. Sess. Law 245](#), sec. 8(a). Effective for offenses committed on or after December 1, 2021, the distance restriction is measured from the property line of the school or child care center; the revised definition does not apply to a person who established residence within the meaning of G.S. 14-208.16(d) before December 1, 2021. See [2021 N.C. Sess. Law 115](#).

4. the State Fairgrounds, Western North Carolina Agricultural Center grounds, and other fairgrounds for agricultural fairs when such fairs are being conducted.

G.S. 14-208.18 contains limited exceptions, such as to vote. A violation is a Class H felony.

In *Doe v. Cooper*, 842 F.3d 833 (4th Cir. 2016), the Fourth Circuit held that the previous version of the second restriction was unconstitutionally overbroad in violation of the First Amendment and that the previous version of the third restriction was unconstitutionally vague. The court enjoined enforcement. *See also State v. Anderson*, 254 N.C. App. 765 (2017) (following Fourth Circuit holding). Effective for offenses committed on or after September 1, 2016, [2016 N.C. Sess. L. 102](#) revised the premises restrictions to address the ruling; the above list incorporates the revisions.

Under the revised law, the premises restrictions in nos. 1, 3, and 4 apply if the person is required to register for any of the following offenses: an offense under G.S. Ch. 14, Art. 7B, including any degree of rape or sexual offense and misdemeanor sexual battery; a federal offense or offense in another state that is substantially similar to an offense in Art. 7B (effective for violations of G.S. 14-208.18 on or after December 1, 2015, under [2015 N.C. Sess. Law 62](#)); an offense that involved a victim under 18 (was, under 16 for offenses committed before September 1, 2016); or any degree of sexual exploitation of a minor in violation of G.S. 14-190.16, G.S. 14-190.17, or G.S. 14-190.17A, or substantially similar federal offense or offense in another state (effective for violations of G.S. 14-208.18 on or after December 1, 2021, under [2021 N.C. Sess. Law 115](#)). The premises restriction in no. 2 applies to the following offenses: an offense under G.S. Ch. 14, Art. 7B or a substantially similar federal offense or offense in another state if a finding has been made in any proceeding that the person presents or may present a danger to minors under 18; an offense that involved a victim under 18; or any degree of sexual exploitation of a minor in violation of G.S. 14-190.16, G.S. 14-190.17, or G.S. 14-190.17A, or substantially similar federal offense or offense in another state (effective for violations of G.S. 14-208.18 on or after December 1, 2021, under [2021 N.C. Sess. Law 115](#)). For a further discussion of the changes, see Jamie Markham, [Sex Offender Premises Restrictions Revised in Response to Doe v. Cooper](#), N.C. Crim. L., UNC Sch. of Gov't Blog (Jul. 28, 2016).

Ordinances

Subject to constitutional limits, localities may have ordinances imposing additional premises restrictions. *See Standley v. Town of Woodfin*, 362 N.C. 328 (2008), *aff'g*, 186 N.C. App. 134 (2007). A violation of a local ordinance is a Class 3 misdemeanor. G.S. 14-4.

Employment Restrictions

A person subject to sex offender registration may not engage in various types of employment:

- A registrant may not work or volunteer at a place where a minor is present if he or she instructs, supervises, or cares for a minor. A violation is a Class F felony. G.S. 14-208.17(a). It is also a Class F felony for any person to conduct any activity at his or her residence where the person accepts a minor into their care or custody and knows that a person who resides at that location is required to register. G.S. 14-208.17(b).
- It is unlawful for any adult to provide babysitting services as described in G.S. 14-321.1 if a resident of the home where the service is offered is required to register or a provider of the service is required to register. A violation is a Class 1 misdemeanor; a second offense is a Class H felony.
- A registrant may not drive a commercial motor vehicle that requires a P or S endorsement. G.S. 14-208.19A. It is a Class F felony for a person to drive a commercial passenger vehicle or school bus if the person does not have a P or S endorsement because he or she is subject to sex offender registration. G.S. 20-27.1. It is a Class I felony for an applicant for a commercial driver's license with a P or S endorsement to make a false affidavit or knowingly swear or affirm that he or she is not subject to sex offender registration. G.S. 20-37.14A.

People subject to sex offender registration are also barred from obtaining licenses for other types of employment. *See, e.g.*, G.S. 131E-159(h) (barring issuance or renewal of emergency medical services credentials). For additional information, consult [C-CAT](#).

Education Restrictions

A local board of education may expel a student who is subject to the premises restrictions in G.S. 14-208.18, described above under Additional Restrictions: Premises Restrictions. G.S. 115C-390.11.

As part of providing registration information to the sheriff, a person subject to sex offender registration must provide updated information, in person and within specified time periods, about enrollment as a student at a post-secondary public or private educational institution or employment at an institution of higher education. G.S. 14-208.9(c), (d). Effective December 1, 2015, the sheriff must provide on request of an institution of higher education a report of registry information for a registrant who intends to become a student or employee at the institution. G.S. 14-208.15(c) (enacted by [2015 N.C. Sess. Law 44](#)).

Local boards of education must require employers with whom it contracts to conduct an annual check of the state and national sex offender registries for employees who have direct interaction with students. The contract's terms must prohibit employees who are on a registry from having direct interaction with students. G.S. 115C-332.1; *see also* G.S. 115C-332 (requiring local education boards to adopt policies on criminal record checks for their employees).

Internet Restrictions

Previously, G.S. 14-202.5 made it a Class I felony for a person subject to sex offender registration to access “a commercial social networking Web site.” In *State v. Packingham*, 229 N.C. App. 293 (2013), the North Carolina Court of Appeals found this statute unconstitutional. The North Carolina Supreme Court reversed the court of appeals’ decision and upheld the statute’s constitutionality. 368 N.C. 380 (2015). The U.S. Supreme Court struck down the statute, holding that it violated the First Amendment. *Packingham v. North Carolina*, 582 U.S. 98 (2017); *see also* Jamie Markham, [North Carolina’s Commercial Social Networking Ban for Sex Offenders Is Unconstitutional](#), N.C. Crim. L., UNC Sch. of Gov’t Blog (June 22, 2017).

In [2019 N.C. Sess. Law 245](#), the General Assembly revised G.S. 14-202.5 to make it a Class H felony for a “high-risk sex offender” to do any of the following online:

1. communicate with a person that the offender believes is under 16 years,
2. contact a person that the offender believes is under 16 years old,
3. pose falsely as a person under 16 years old with the intent to commit an unlawful sex act with a person that the offender believes is under 16 years old,
4. use a website to gather information about a person that the offender believes is under 16 years old, or
5. use a commercial social networking website 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 site.

Subsection (c1) of the revised statute defines “high-risk sex offender” as any person registered under G.S. Ch. 14, Art. 27A, the sex offender registration statutes, who was convicted of specified offenses against a person under 18 years old. Together, the listed offenses appear to include almost all registrable offenses if committed against a person under 18. The statute does not define “online”; rather, subsection (b) defines “commercial social networking website” and subsection (c) excludes certain websites from that definition. G.S. 14-202.5A protects from civil liability commercial social networking websites that impose restrictions on use of their websites by high-risk sex offenders.

As part of providing registration information to the sheriff, a person subject to sex offender registration must provide online identifiers and changes in online identifiers; this information is not publicly accessible. G.S. 14-208.7(b)(7), G.S. 14-208.9(e), G.S. 14-208.9A(a)(3).

Contact Restrictions

At the time of sentencing for any offense subject to sex offender registration, the judge may enter a permanent no-contact order prohibiting the defendant from having any contact with the victim of the offense. A violation of a no-contact order is a Class A1 misdemeanor. G.S. 15A-1340.50; *see also State v. Hunt*, 221 N.C. App. 48 (2012) (upholding constitutionality). G.S. 15A-1340.50 protects the victim of the offense, not third parties, and a judge may not prohibit contact with third parties for their protection; however, on appropriate findings, a judge may prohibit the defendant from indirectly contacting the victim through specifically identified third parties, such as the victim's family. *See State v. Barnett*, 369 N.C. 298 (2016), *rev'g in part*, 245 N.C. App. 101 (2016); John Rubin, [Interpreting Sex Offender Consequence Laws: Contact with Minors](#), N.C. Crim. L., UNC Sch. of Gov't Blog (Feb. 2, 2016); *cf. State v. Mastor*, 243 N.C. App. 476 (2015) (upholding finding of criminal contempt against defendant for violating consent order, which prohibited defendant from allowing convicted sex offender to be in presence of defendant's children).

Ch. 50D (G.S. 50D-1 through G.S. 50D-11), added by [2015 N.C. Sess. Law 91](#), authorizes a civil action for a permanent no-contact order by the victim against a person convicted of an offense subject to sex offender registration. This remedy is available if the victim did not seek a permanent no-contact order at sentencing under G.S. 15A-1340.50. G.S. 50D-5(a)(2). A violation is punishable by contempt or as a Class A1 misdemeanor.

Record Change Restrictions

Expunctions

For the most part, North Carolina's expunction statutes do not allow expunction of a conviction of an offense subject to sex offender registration. Either the statutes are not broad enough to cover the offenses or the offenses are excluded from relief. Narrow exceptions may exist. If a charge is dismissed or diverted without a conviction, it can be expunged under the usual rules for expunging dismissals. *See* [Relief from a Criminal Conviction: Frequently Asked Questions](#) (Offenses Subject to Sex Offender Registration) (UNC School of Government, 2023).

Name change

A person subject to sex offender registration may not obtain a name change. G.S. 14-202.6; G.S. 101-6.

License to Drive

Under G.S. 20-9.3, the Division of Motor Vehicles (DMV) must notify applicants for a driver's license of the obligation to register if a sex offender.

Under G.S. 20-9(i), DMV may not issue a driver's license to an applicant who has lived in North Carolina for less than 12 months until it has searched the National Sex Offender Public Registry to determine whether the person is registered as a sex offender in another state. If the person is registered in another state, DMV may not issue a driver's license until the person submits proof of registration in North Carolina. If the person's name does not appear on the national registry, the person must sign an affidavit acknowledging that, if a sex offender, the person must register in North Carolina. If DMV is unable to access information in the national registry, the person must sign an affidavit stating that his or her name is not on the national registry; if DMV issues the person a license and later learns the person is on the national registry, the person is in violation of G.S. 20-30, punishable as provided in G.S. 20-35, and DMV must revoke the person's license.

Civil Liability

Effective for civil actions commenced on or after December 1, 2019, G.S. 1-17 allows a plaintiff to file a civil action against a defendant:

- until the plaintiff is 28 years old for claims related to sexual abuse while the plaintiff was under 18 years old, or
- within two years of a criminal conviction for a felony sexual offense for claims related to sexual abuse while the plaintiff was under 18 years old. [2019 N.C. Sess. Law 245](#)

The legislation also provided that civil actions for child sexual abuse that were otherwise time-barred under G.S. 1-52 were revived from January 1, 2020, to December 1, 2021.