

# Sex Offender Registration

## Crimes Requiring Registration

### Sexually Violent Offenses (G.S. 14-208.6(5))

Statute (G.S.)	Offense	Effective Date
14-27.21	First-degree forcible rape	Committed on/after 12/1/2015
14-27.22	Second-degree forcible rape	Committed on/after 12/1/2015
14-27.23	Statutory rape of a child by an adult	Committed on/after 12/1/2015
14-27.24	First-degree statutory rape	Effective 12/1/2015 and, at a minimum, applicable to offenses committed on or after that date
14-27.25(a)	Statutory rape of a person who is 15 years of age or younger and the defendant is at least six years older	Committed on/after 12/1/2015
14-27.26	First-degree forcible sexual offense	Committed on/after 12/1/2015
14-27.27	Second-degree forcible sexual offense	Committed on/after 12/1/2015
14-27.28	Statutory sexual offense with a child by an adult	Committed on/after 12/1/2015
14-27.29	First-degree statutory sexual offense	Committed on/after 12/1/2015
14-27.30(a)	Statutory sexual offense with a person who is 15 years of age or younger and the defendant is at least six years older	Committed on/after 12/1/2015
14-27.31	Sexual activity by a substitute parent or custodian	Committed on/after 12/1/2015
14-27.32	Sexual activity with a student	Committed on/after 12/1/2015
14-27.33	Sexual battery	Committed on/after 12/1/2015
14-43.11	Human trafficking, if (1) the offense is committed against a minor who is less than 18 years of age or (2) the offense is committed against any person with the intent that they be held in sexual servitude	Committed on/after 12/1/2013
14-43.13	Sexual servitude	Committed on/after 12/1/2006
14-178	Incest between near relatives	Convicted/released on/after 1/1/1996
14-190.6	Employing or permitting minor to assist in offenses against public morality and decency	Convicted/released on/after 1/1/1996
14-190.9(a1)	Felonious indecent exposure	Committed on/after 12/1/2005
14-190.16	First-degree sexual exploitation of a minor	Convicted/released on/after 1/1/1996
14-190.17	Second-degree sexual exploitation of a minor	Convicted/released on/after 1/1/1996
14-190.17A	Third-degree sexual exploitation of a minor	Convicted/released on/after 1/1/1996
14-190.17C	Obscene visual representation of sexual exploitation of a minor	Committed on/after 12/1/2024
14-202.1	Taking indecent liberties with children	Convicted/released on/after 1/1/1996

14-202.3	Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act	Committed on/after 12/1/2005
14-202.4(a)	Taking indecent liberties with a student	Convicted/released on/after 12/1/2009
14-205.2(c) or (d)	Patronizing a prostitute who is a minor or has a mental disability	Committed on/after 10/1/2013
14-205.3(b)	Promoting prostitution of a minor or a person who has a mental disability	Committed on/after 10/1/2013
14-318.4(a1)	Child abuse—prostitution	Convicted/released on/after 12/1/2008
14-318.4(a2)	Child abuse—sexual act	Convicted/released on/after 12/1/2008
14-27.6	Former attempted rape or sexual offense	Convicted/released on/after 1/1/1996
14-27.2	Former first-degree rape	Convicted/released on/after 1/1/1996
14-27.2A	Former rape of a child by an adult offender	Committed on/after 12/1/2008
14-27.3	Former second-degree rape	Convicted/released on/after 1/1/1996
14-27.4	Former first-degree sexual offense	Convicted/released on/after 1/1/1996
14-27.4A	Former sexual offense with a child by an adult offender	Committed on/after 12/1/2008
14-27.5	Former second-degree sexual offense	Convicted/released on/after 1/1/1996
14-27.5A	Former sexual battery	Committed on/after 12/1/2005
14-27.7	Former intercourse/sexual offense with certain victims	Convicted/released on/after 1/1/1996
14-27.7A(a)	Former statutory rape/sexual offense of a person who is 13, 14, or 15 years old by a defendant who is more than six years older than the victim	Committed on/after 12/1/2006
14-190.18	Former promoting prostitution of a minor	Convicted/released on/after 1/1/1996
14-190.19	Former participating in prostitution of a minor	Convicted/released on/after 1/1/1996

**Recodified offenses.** Many reportable offenses were recodified in 2015. Older offenses committed under the prior statutes continue to require registration for defendants who fall within the indicated offense dates. *See State v. Mack*, 277 N.C. App. 505 (2021).

### Offenses Against a Minor (G.S. 14-208.6(1m))

These offenses are reportable only when committed against a minor (less than 18 years old) and the defendant is not the minor's parent. "Parent" in this context means biological parent or adoptive parent with parental rights. *See State v. Stanley*, 205 N.C. App. 707 (2010) (non-adoptive stepparent not a parent within the meaning of G.S. 14-208.6(1m)).

Statute (G.S.)	Offense	Effective Date
14-39	Kidnapping	Committed on/after 4/1/1998 (at a minimum)
14-41	Abduction of children	Committed on/after 4/1/1998 (at a minimum)
14-43.3	Felonious restraint	Committed on/after 4/1/1998 (at a minimum)

## Offenses That Are Reportable Only If the Sentencing Court Rules That the Defendant Is a Danger to the Community

Statute (G.S.)	Offense	Effective Date
Unlawful sale, surrender, or purchase of a minor (G.S. 14-43.14). Reportable only if the sentencing court rules that the person is a danger to the community and that the person shall register. G.S. 14-43.14(e).		
14-43.14	Unlawful sale, surrender, or purchase of a minor	Committed on/after 12/1/2012
Secretly peeping (G.S. 14-208.6(4)d). Reportable for the specific secretly peeping listed below, and only when the sentencing court rules that the person is a danger to the community and that the person shall register. G.S. 14-202(l); <i>see</i> State v. Fuller, 376 N.C. 862 (2021) (affirming a finding of dangerousness).		
14-202(d), (e), (f), (g), or (h)	Felony peeping	Committed on/after 12/1/2003
14-202(e1)	Felony peeping	Committed on/after 12/1/2025
14-202(a) or (c)	Second/subsequent conviction for misdemeanor peeping	Committed on/after 12/1/2003
14-202(a1)	Second/subsequent conviction for misdemeanor peeping with a mirror or other device	Committed on/after 12/1/2004
In <i>Fuller</i> , 376 N.C. at 862, the trial court did not err by making findings of the defendant's dangerousness based on the defendant's willingness to take advantage of a close person friendship; use of a sophisticated scheme to avoid detection; and the extended time period during which a hidden camera was used. The court was not limited to a Static-99 risk assessment and could review both past acts and predictions of future behavior.		
Aiding and abetting an "offense against a minor" or a "sexually violent offense." A final conviction for aiding and abetting is a reportable conviction only if the sentencing court finds that registration furthers the purposes of Article 27A of G.S. Chapter 14 as stated in G.S. 14-208.5.		
14-208.6(4)(a)	Aiding and abetting an "offense against a minor" or a "sexually violent offense"	Committed on/after 12/1/1999. If the target offense has a later effective date, use that date.

## Inchoate Offenses

Statute (G.S.)	Offense	Effective Date
14-208.6(4)(a)	Attempt to commit an "offense against a minor" or a "sexually violent offense"	Effective 4/1/1998 and, at a minimum, applicable to offenses committed on or after that date. If the target offense has a later effective date, use that date.
14-208.6(1m) and - 208.6(5)	Conspiracy to commit an "offense against a minor" or a "sexually violent offense"	Committed on/after 12/1/1999. If the target offense has a later effective date, use that date.
14-208.6(1m) and - 208.6(5)	Solicitation to commit an "offense against a minor" or a "sexually violent offense"	Committed on/after 12/1/1999. If the target offense has a later effective date, use that date.

## Select Crimes That DO NOT Require Registration

Statute (G.S.)	Offense
14-27.25(b)	Statutory rape of a person who is 15 years of age or younger and the defendant is more than four but less than six years older than the person
14-27.30(b)	Statutory sexual offense with a person who is 15 years of age or younger and the defendant is more than four but less than six years older than the person
14-33(c)(2)	Assault on a female
14-177	Crime against nature
14-202.4(b)	Indecent liberties by school personnel other than a teacher, school administrator, student teacher, school safety officer, or coach, and who is less than four years older than the victim
14-208.11	Failure to register as a sex offender

## Federal Convictions

A person is required to register in North Carolina based on a federal conviction if the offense is substantially similar to a North Carolina “offense against a minor” or “sexually violent offense.” G.S. 14-208.6(4)(c). That requirement includes conspiracy, solicitation, and aiding and abetting, but excludes attempts. It applies at the earliest to anyone convicted or released on or after April 3, 1997, S.L. 1997-15, but use the effective date of the purportedly similar North Carolina offense if it is later. The requirement was extended to include a court martial for offenses committed on or after October 1, 2001. S.L. 2001-373.

***The superior court determines substantial similarity under the procedure described below.***

## Convictions from Another State

A person is required to register in North Carolina based on a conviction from another state in two circumstances, as provided in G.S. 14-208.6(4)(b).

1. **A final conviction in another state of an offense, which if committed in this State, is substantially similar to an offense against a minor or a sexually violent offense.** This pathway includes conspiracy, solicitation, and aiding and abetting , but excludes attempts. Use the effective date of the similar North Carolina offense.

***The superior court determines substantial similarity under the procedure described below.***

2. **A final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state.** This requirement is generally carried out by the sheriff’s office of the county to which the person moves. To apply this pathway, the registration authority should look to the law of the other state when evaluating whether the

offense at issue is a conviction requiring registration there. Applying that rule, if another state deems a juvenile adjudication to be a final conviction that requires registration in that state, registration is required in North Carolina if the person moves here. *See State v. Jackson*, \_\_\_ N.C. App. \_\_\_, 918 S.E.2d 917 (2025) (a Delaware juvenile adjudication that required adult registration in Delaware triggered the registration requirement in North Carolina). This requirement applies to eligible offenders who moved to North Carolina on or after December 1, 2006, and also to offenders who moved to North Carolina before that date if they serve active time; are on probation, parole, or post-release supervision; are required to register for another offense in North Carolina; or are convicted of any felony on or after October 1, 2010. S.L. 2010-174.

### Substantial Similarity Determinations

When a person is notified by a sheriff that they may be required to register based on federal conviction or conviction from another state that is purportedly substantially similar to a North Carolina offense that requires registration, the person has a right to petition the superior court for a determination of the requirement to register. G.S. 14-208.12B.

- The defendant may use **Form AOC-CV-656** to file the petition. Side two of that form serves as the court's order.
- The petition is filed in the county in the county of residence.
- The petitioner has a right to counsel, including the right to appointed counsel if he or she cannot afford to retain counsel.
- The district attorney has the burden to prove, by a preponderance of the evidence, that the person's out-of-state or federal conviction is substantially similar to a sexually violent offense or offense against a minor.
- The court may review copies of the relevant law from the other jurisdiction to "compare the elements of the out-of-state or federal offense to those purportedly similar to a North Carolina offense."
- If the presiding superior court judge determines that the offense is indeed substantially similar, he or she orders registration.
- If the judge does not deem the offense to be substantially similar, the judge indicates in an order that the person is not required to register based on the out-of-state offense.

In *In re Laliveres*, 292 N.C. App. 422 (2024), the Court of Appeals noted that the procedure outlined in G.S. 14-208.12B does not apply to a person required to register in North Carolina based on the second pathway outlined above—that the offense requires registration under the law of the state of conviction. Because the petitioner's rape conviction in that case required registration in New York, it required registration here "independent of any substantial similarity analysis."

## Length of Registration

**Regular registration.** The baseline registration period for a reportable offense is 30 years. G.S. 14-208.7. A person may petition for early termination of that registration period after 10 years under G.S. 14-208.12A.

**Lifetime registration.** The following categories of offenders must register for life.

- **Recidivists.** A person who has a prior conviction for an offense that is described in G.S. 14-208.6(4).
- Offenders convicted of an **aggravated offense**.
  - Engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any age through the use of force or the threat of serious violence; or
  - Engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old.
- Offenders classified as a **sexually violent predator** through the procedure in G.S. 14-208.20.

## “Final Conviction”

Registration is required when a defendant has a “final conviction.” G.S. 14-208.6(4). A prayer for judgment continued is not a final conviction within the meaning of that statute. *Walters v. Cooper*, 367 N.C. 117 (2013). However, a conviction on appeal to the appellate division requires registration. *State v. Smith*, 230 N.C. App. 387 (2013).

## Satellite-Based Monitoring (SBM)

For any defendant convicted of a reportable conviction, the court must determine eligibility for satellite-based monitoring. G.S. 14-208.40A. SBM, when applicable, is either for life or for up to 50 years, depending on the eligibility criteria described below.

### 1. Is the defendant in an eligible category for SBM?

#### A. Lifetime SBM

- **Sexually violent predator.** Determined through the procedure in G.S. 14-208.20. This is relatively rare. There are currently 24 sexually violent predators in the state.
- **Reoffenders.** “Reoffender” is defined as a defendant with two or more convictions for a *felony* described in G.S. 14-208.6(4). (Previously, this criterion referred to “recidivists,” which included repeat misdemeanor offenders, but lifetime SBM for recidivists was deemed unconstitutional in *State v. Grady*, 372 N.C. 509 (2019).) The following felony offenses qualify a person as a lifetime SBM reoffender when a person has two or more convictions from different sessions of court:
  - First-degree forcible rape, G.S. 14-27.21
  - Second-degree forcible rape, G.S. 14-7.22
  - Statutory rape of a child by an adult, G.S. 14-27.23
  - First-degree statutory rape, G.S. 14-27.24
  - Statutory rape of a child under 15 by one more than 6 years older than the victim, G.S. 14-27.25(a)
  - First-degree forcible sexual offense, G.S. 14-27.26
  - Second-degree forcible sexual offense, G.S. 14-27.27
  - Statutory sexual offense of a child by an adult, G.S. 14-27.28
  - First-degree statutory sexual offense, G.S. 14-27.29
  - Statutory sexual offense against a child under 15 by one more than 6 years older than the victim, G.S. 14-27.30(a)
  - Human Trafficking, G.S. 14-43.11
  - Sexual Servitude, G.S. 14-43.13
  - Incest against a child under 13 by one who is at least 12 and at least four years older than the victim, incest against a child who is 13, 14, or 15 by one at least 6 years older than the victim, and incest against a child who is 13, 14, or 15 by one more than 4 but less than 6 years older than the victim, G.S. 14-178(b)(1) & (2)
  - First-degree child exploitation, G.S. 14-190.16
  - Patronizing a prostitute with a severe or profound mental disability, G.S. 14-205.2(d)
  - Promoting prostitution of a minor or of any person with a severe or profound mental disability, G.S. 14-205.3(b)
  - Child abuse by permitting, encouraging, or committing any act of prostitution by or with the child, G.S. 14-318.4(a1).

- Child abuse by committing or permitting the commission of sexual acts upon a child, G.S. 14-318.4(a2).
- **Aggravated offenses.** The same definition of aggravated offense applies for lifetime SBM as for lifetime registration.
  - Engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any age through the use of force or the threat of serious violence; or
  - Engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old.

To determine whether an offense is aggravated, the court looks only to the elements of the conviction offense, not to the underlying facts of the case. *State v. Davison*, 201 N.C. App. 354 (2009). Applying that rule, ONLY COMPLETED RAPE OFFENSES ARE AGGRAVATED OFFENSES. See *State v. Clark*, 211 N.C. App. 60 (2011).

OFFENSES THAT ARE NOT AGGRAVATED OFFENSES: Sexual offense is never an aggravated offense. *Davison*, 201 N.C. App. at 364. Indecent liberties is not an aggravated offense. *State v. Singleton*, 201 N.C. App. 620 (2010). Sexual battery is not aggravated. *State v. Brooks*, 204 N.C. App. 193 (2010).

- **Convicted of statutory rape of a child by an adult (G.S. 14-27.23) or statutory sexual offense with a child by an adult (G.S. 14-27.28).** These specific offenses require satellite-based monitoring for life, subject to the risk assessment and constitutional analysis described below.

#### B. SBM for up to 50 Years

- To be eligible under this category, the defendant must have been convicted of an offense that involved the “**physical, mental, or sexual abuse of a minor.**” G.S. 14-208.40A. “Physical, mental, or sexual abuse of a minor” is undefined. Based on appellate cases decided thus far, it includes the following:
  - Indecent liberties with a child. *State v. Jarvis*, 214 N.C. App. 84 (2011)
  - Solicitation to commit indecent liberties. *State v. Cowan*, 207 N.C. App. 192 (2010)
 Other crimes may also qualify.

## 2. Does the defendant require the highest possible level of supervision and monitoring?

For both major categories of SBM eligibility ((A) lifetime and (B) up to 50 years), SBM is not automatic based on the defendant’s conviction of an eligible offense. Rather, for both categories, the court must order DAC to complete a risk assessment within 60 days, or provide the court with a risk assessment that has already been completed within the last six months. (Under the law as it existed until 2021, SBM was automatic for the lifetime categories and conditional for the “abuse of a minor” category. Now, the risk assessment is required for both major categories.) DAC uses the Static 99 risk assessment for most adult male offenders. For women and younger men, it will use a modified



version of the Offender Traits Inventory (OTI)—the risk assessment tool it uses for all probationers (not just sex offenders).

Upon receipt of the risk assessment, the court must determine whether the defendant “requires the highest possible level of supervision and monitoring”—which has been interpreted as another way of saying SBM.

If the Static 99 risk level is High, then the offender may be deemed based on that alone to require the highest possible level of supervision and monitoring. If the results are less than high (e.g., “moderate”), the offender may not be said based on that alone to require the highest possible level of supervision and monitoring. *State v. Kilby*, 198 N.C. App. 363 (2009).

However, the court may make other findings of fact aside from the Static 99 that support its conclusion that the defendant requires SBM. The general rule is that those findings must concern facts that are not already included within the Static 99 risk score itself.

#### PERMISSIBLE FINDINGS

- Victim is very young. *State v. Green*, 211 N.C. App. 599 (2011).
- Defendant failed to complete treatment while on probation. *Id.*
- Crimes of escalating aggressiveness. *State v. Smith*, 240 N.C. App. 73 (2015).
- Many prior probation violations. *State v. King*, 204 N.C. App. 198 (2010).
- Difficulty locating defendant; homelessness. *State v. Belfield*, \_\_\_ N.C. App. \_\_\_ (2025).

#### IMPERMISSIBLE FINDINGS

- Prior sex crimes. *State v. Thomas*, 225 N.C. App. 631 (2013).
- Crimes against stranger victims.
- Crimes against same-sex victims.

### **3. Is SBM a constitutionally reasonable search of the defendant?**

The trial court must ultimately determine whether SBM is a reasonable search under the Fourth Amendment. That is an evaluation made after considering the totality of the circumstances, weighing (1) the legitimacy of the State's interest; (2) the scope of the Defendant's privacy interests; and (3) the intrusion imposed by SBM. *State v. Griffin*, 286 N.C. App. 94 (2022).

Before legislative amendments to the SBM law in 2021, the Supreme Court of North Carolina held that SBM was facially unconstitutional for recidivists no longer under formal supervision. *State v. Grady*, 372 N.C. 509 (2019) (“Grady III”). Subsequently, including after the legislative amendments, the appellate courts have consistently upheld the constitutionality of SBM.

- State v. Hilton, 378 N.C. 692 (2021) (constitutional as applied to an aggravated offender, adding that SBM is effective, and that there is no further requirement for the State to prove its efficacy in individual cases)
- State v. Griffin, 286 N.C. App. 94 (2022) (SBM reasonable for defendant convicted of first-degree sexual offense with a child)
- State v. Gordon, 285 N.C. App. 191 (2022) (SBM reasonable for defendant convicted of statutory rape and other offenses).
- State v. Anthony, 284 N.C. App. 135 (2022) (SBM reasonable for defendant convicted of aggravated sex offenses).
- State v. Carter, 283 N.C. App. 61 (2022) (SBM reasonable for defendant convicted of first-degree sexual offense with a child).

Even if the actual search accomplished through SBM will not happen for many years or decades after sentencing, the Supreme Court has stated that trial court should evaluate reasonableness at the time of sentencing, making any later adjustments as needed through Rule 60(b). State v. Strudwick, 379 N.C. 94 (2021).

#### **4. Summary: Impose SBM**

- A. If the defendant
  - a. is in one of the lifetime categories,
  - b. requires the highest level of supervision and monitoring, and
  - c. SBM is a reasonable search,
 then order SBM for life.
  
- B. If the defendant
  - a. is not in one of the lifetime categories
  - b. committed an offense that involves the physical, mental, or sexual abuse of a minor,
  - c. requires the highest level of supervision and monitoring, and
  - d. SBM is a reasonable search,
 then order SBM for a period of time specified by the court, not to exceed 50 years.
  
- C. If the defendant is not in either category, does not require the highest level of supervision and monitoring, or SBM would constitute an unreasonable search, the court orders that the defendant is not to enroll in SBM.