

STATE OF NORTH CAROLINA

File No.
Co. Of Hearing

_____ County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

JUDICIAL FINDINGS AND ORDER AS TO SATELLITE-BASED MONITORING WHEN THERE HAS BEEN NO PRIOR DETERMINATION

Name And Address Of Defendant

Race _____ Sex _____ Date Of Birth _____

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

NOTE: Use this form after a hearing scheduled pursuant to G.S. 14-208.40B for a defendant convicted of a reportable sex offense, but for whom there has been no determination by a court on whether the defendant should be required to enroll in satellite-based monitoring.

County Of Origin File No.(s)	Off.	Offense Description	Offense Date	G.S. No.

See Additional Offenses on Side Two.

FINDINGS

The Court, following a hearing under G.S. 14-208.40B, finds that

- 1. The defendant was convicted of a reportable conviction as defined by G.S. 14-208.6(4), but the sentencing court made no determination on whether the defendant should be required to enroll in satellite-based monitoring (SBM) under Article 27A of Chapter 14 of the General Statutes.
- 2. The Division of Prisons of the Department of Adult Correction has made an initial determination and given notice to the defendant that *(check all that apply)*
 - i. the defendant is a reoffender of a crime listed in G.S. 14-208.40A(c)(4).
 - ii. the defendant has been classified as a sexually violent predator pursuant to G.S. 14-208.20.
 - iii. the offense of which the defendant was convicted was an aggravated offense, as defined in G.S. 14-208.6(1a).
 - iv. the defendant was convicted of a violation of G.S. 14-27.23 or G.S. 14-27.28.
 - v. the offense(s) of conviction involved the physical, mental, or sexual abuse of a minor.
- 3. The Division of Prisons of the Department of Adult Correction has conducted a risk assessment of the defendant and determined the defendant's risk level to be _____.
- 4. The District Attorney scheduled a hearing in the county named above, which is the county of the defendant's residence, the Division of Prisons of the Department of Adult Correction provided notice to the defendant as required by G.S. 14-208.40B, and the hearing was not held sooner than 15 days after the date the Division gave notice.
- 5. The defendant
 - a. falls into at least one of the categories requiring satellite-based monitoring under G.S. 14-208.40, in that *(check all that apply)*
 - i. the defendant is a reoffender of a crime listed in G.S. 14-208.40A(c)(4).
 - ii. the defendant has been classified as a sexually violent predator pursuant to G.S. 14-208.20.
 - iii. the offense of which the defendant was convicted was an aggravated offense, as defined in G.S. 14-208.6(1a).
 - iv. the defendant was convicted of a violation of G.S. 14-27.23 or G.S. 14-27.28.
 - v. the offense(s) of conviction involved the physical, mental, or sexual abuse of a minor but was not an aggravated offense or a violation of G.S. 14-27.23 or G.S. 14-27.28. The defendant is not a sexually violent predator but is either a reoffender of a crime listed in G.S. 14-208.40A(d)(3) or not a reoffender.
 - b. does not fall into any of the categories requiring satellite-based monitoring under G.S. 14-208.40. (**NOTE:** Stop here; enter Order No. 2.)
- 6. Based on the risk assessment by the Division of Prisons of the Department of Adult Correction, all relevant evidence, and the additional findings on the attached AOC-CR-618 Other: _____, incorporated herein by reference, the Court finds: (**NOTE:** Must find both in the affirmative to impose SBM.)
 - a. the defendant does does not require the highest possible level of supervision and monitoring.
 - b. the imposition of SBM does does not constitute a reasonable search of the defendant in this case.

ORDER

Based on the foregoing findings, the Court ORDERS that

- 1. The defendant shall enroll in satellite-based monitoring under Article 27A of Chapter 14 of the General Statutes for
 - a. *(if any of 5.a.i. - iv. found, and 6.a. and b. both found in the affirmative)* his/her natural life,
 - b. *(if 5.a.v. found, 5.a.i. - iv. not found, and 6.a. and b. both found in the affirmative, specify a time period, not to exceed 50 years)* _____, unless monitoring is terminated or modified pursuant to G.S. 14-208.43. The defendant shall pay the fee prescribed by G.S. 14-208.45.
- 2. The defendant shall not be required to enroll in satellite-based monitoring, because: *(check all that apply)*
 - a. the defendant does not require the highest possible level of supervision and monitoring.
 - b. SBM would constitute an unreasonable search of the defendant in this case.
 - c. Other: _____.

SIGNATURE OF JUDGE

Date _____ Name Of Judge (type or print) _____ Signature Of Judge _____

(Over)

Original-File Copy-Defendant's Attorney or Defendant Copy-Sheriff Copy-Department of Adult Correction Combined Records

ADDITIONAL OFFENSES

County Of Origin File No.(s)	Off.	Offense Description	Offense Date	G.S. No.