

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

JUDICIAL FINDINGS AND ORDER FOR SEX OFFENDERS - ACTIVE PUNISHMENT

G.S. Ch 14, Art. 27A

NOTE: Use this form to make additional findings and orders concerning sex offender registration and satellite-based monitoring for a defendant who is convicted of a reportable conviction as defined by G.S. 14-208.6(4) and sentenced to an active punishment.

FINDINGS

- The Court, having entered judgment in the above-captioned action, which is incorporated by reference herein, finds in addition that:
1. the defendant has been convicted of a reportable conviction under G.S. 14-208.6, specifically (check all that apply)
a. an offense against a minor under G.S. 14-208.6(1i), or an attempt, solicitation, or conspiracy to commit such offense, and defendant is not the parent of the victim.
b. a sexually violent offense under G.S. 14-208.6(5) or an attempt, solicitation, or conspiracy to commit such offense
c. aiding and abetting an offense against a minor or a sexually violent offense, other than an offense under G.S. 14-27.2A or G.S. 14-27.4A, and registration of the defendant as a sex offender will further the purposes of G.S. 14-208.5.
d. rape of a child, G.S. 14-27.2A, or sexual offense with a child, G.S. 14-27.4A, or an attempt, solicitation, or conspiracy to commit such offense
e. a violation of G.S. 14-202(d), (e), (f), (g) or (h), or a second or subsequent violation of subsection (a), (a1) or (c) of that section, the defendant is a danger to the community, and his/her registration as a sex offender will further the purposes of G.S. 14-208.5.
2. the defendant has not been classified as a sexually violent predator
3. the defendant is not a recidivist
4. the offense(s) of conviction is not an aggravated offense
5. the offense(s) of conviction did not involve the physical, mental, or sexual abuse of a minor

(NOTE: See finding No. 9 on AOC-CR-601, Side One, or finding No. 6 on AOC-CR-602, Side One.)

ORDER

- 1. Registration. Pursuant to the above findings, it is hereby ordered that the defendant, upon release from imprisonment, shall register as a sex offender
a. (if any of Nos. 2 - 4 above found in the affirmative) pursuant to Part 3 of Article 27A of Chapter 14 of the General Statutes, for his/her natural life.
b. (if Nos. 2 - 4 above all found in the negative) pursuant to Part 2 of Article 27A of Chapter 14 of the General Statutes, for a period of 30 years.
2. Satellite-Based Monitoring (SBM). It is further ordered that the defendant shall
a. upon release from imprisonment, be enrolled in a satellite-based monitoring program
i. (if No. 1.d. or any of Nos. 2-4 above found in the affirmative) for his/her natural life, unless the monitoring program is terminated pursuant to G.S. 14-208.43.
ii. (if Nos. 2 - 4 above all found in the negative and No. 5.b.i.(a) found) for a period of (specify time period)
The defendant shall also pay the fee as prescribed by G.S. 14-208.45 and set out in the judgment incorporated herein by reference.
b. (if Nos. 1.d. and 5.b.i.(a). not found, and Nos. 2 - 4 all found in the negative) not be required to enroll in satellite-based monitoring.

SIGNATURE OF JUDGE

Date Name Of Judge (Type Or Print) Signature Of Judge

# STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
 District     Superior Court Division

## STATE VERSUS

## JUDICIAL FINDINGS AND ORDER FOR SEX OFFENDERS - SUSPENDED SENTENCE

Name Of Defendant

G.S. Ch. 14, Art. 27A

**NOTE:** Use this form to make additional findings and orders concerning sex offender registration and satellite-based monitoring for a defendant who is convicted of a reportable conviction as defined by G.S. 14-208.6(4) and sentenced to a community or intermediate punishment. Finding No. 7, AOC-CR-603, Page One, Side One, or No. 4, AOC-CR-604, Side One, should be marked to incorporate the additional findings and orders on this form.

### FINDINGS

The Court, having entered judgment in the above-captioned action, which is incorporated by reference herein, finds in addition that:

1. the defendant has been convicted of a reportable conviction under G.S. 14-208.6, specifically (check all that apply)
  - a. an offense against a minor under G.S. 14-208.6(1i), or an attempt, solicitation, or conspiracy to commit such offense, and defendant is not the parent of the victim. (**NOTE:** Applies only to kidnapping, G.S. 14-39; abduction of children, G.S. 14-41; and felonious restraint, G.S. 14-43.3.)
  - b. a sexually violent offense under G.S. 14-208.6(5), or an attempt, solicitation, or conspiracy to commit such offense.
  - c. aiding and abetting an offense against a minor or a sexually violent offense, and registration of the defendant as a sex offender will further the purposes of G.S. 14-208.5.
  - d. a violation of G.S. 14-202(d), (e), (f), (g) or (h), or a second or subsequent violation of subsection (a), (a1) or (c) of that section, the defendant is a danger to the community, and his/her registration as a sex offender will further the purposes of G.S. 14-208.5.
2. the defendant  has  has not been classified as a sexually violent predator (sexually violent offenses only, G.S. 14-208.6(5)). G.S. 14-208.20.
3. the defendant  is  is not a recidivist. G.S. 14-208.6(2b).
4. the offense(s) of conviction  is  is not an aggravated offense. G.S. 14-208.6(1a).
5. the offense(s) of conviction (check either a. or b.)
  - a. did not involve the physical, mental, or sexual abuse of a minor.
  - b. did involve the physical, mental, or sexual abuse of a minor,
    - i. and based on the risk assessment of the Department of Correction  and the additional findings on the attached AOC-CR-618, incorporated herein by reference, the defendant
      - (a) requires the highest possible level of supervision and monitoring.
      - (b) does not require the highest possible level of supervision and monitoring.
    - ii. but no risk assessment is required from the Department of Correction because lifetime satellite-based monitoring is required based upon the findings above.

(NOTE: See finding No. 8 on AOC-CR-603, Page One, Side One, or finding No. 5 on AOC-CR-604, Side One.)

### ORDER

1. **Registration.** Pursuant to the above findings, it is hereby ordered that the defendant shall register as a sex offender (check either a. or b.)
  - a. (if any of Nos. 2 - 4 above found in the affirmative) pursuant to Part 3 of Article 27A of Chapter 14 of the General Statutes, for his/her natural life.
  - b. (if Nos. 2 - 4 above all found in the negative) pursuant to Part 2 of Article 27A of Chapter 14 of the General Statutes, for a period of 30 years. Defendant may petition for termination of the requirement to register after 10 years of registration, pursuant to G.S. 14-208.12A.
2. **Satellite-Based Monitoring (SBM).** It is further ordered that the defendant shall (check either a. or b.)
  - a. be enrolled in a satellite-based monitoring program (check one)
    - i. (if any of Nos. 2 - 4 above found in the affirmative) for his/her natural life, unless the monitoring program is terminated pursuant to G.S. 14-208.43.
    - ii. (if Nos. 2 - 4 above all found in the negative and No. 5.b.i.(a) found) for a period of (specify time period) \_\_\_\_\_.
 The defendant shall also pay the fee as prescribed by G.S. 14-208.45 and set out in the judgment incorporated herein by reference.
  - b. (if No. 5.b.i.(a) not found, and Nos. 2 - 4 all found in the negative) not be required to enroll in satellite-based monitoring.

**NOTE:** Complete AOC-CR-261 in addition to this Order. For an offender with a reportable conviction but not sentenced to active imprisonment, the court must conduct the notification procedures of G.S. 14-208.8 at the time of sentencing.

### SIGNATURE OF JUDGE

Date

Name Of Judge (Type Or Print)

Signature Of Judge