

Sex Offenders Must Now Register in North Carolina

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Introduction

If you have ever been concerned about a new neighbor who invites your children over to play, or a volunteer at the local playground who is a little too friendly with the children, a new law in North Carolina may help ease your mind. Starting January 1, 1996, convicted sex offenders in North Carolina must register with the sheriff in the county where they reside, and this information will be available to the public.

Who Must Register?

The law applies to any person convicted of a reportable offense on or after January 1, 1996, or who is released from prison on or after that date. Failure to register is a crime.

What Is a "Reportable Offense"?

A "reportable offense" is a final conviction from any state for the following crimes:

- first or second degree rape;
- first or second degree sexual offense;
- attempted rape or sexual offense;
- intercourse and sexual offense with certain victims;
- incest between near relatives;
- employing or permitting a minor to assist in offenses against public morality and decency;

- first, second, and third degree sexual exploitation of a minor;
- promoting prostitution of a minor;
- participating in prostitution of a minor; or
- taking indecent liberties with children.

When Does Someone Register?

A resident of North Carolina who has a reportable conviction is required to register with the sheriff of the county where he or she resides within ten days of being released from prison. If no prison term was served, the person must register immediately after conviction. If the person moves to North Carolina from outside the State, the person must register within ten days of moving to North Carolina. Registration information is kept in the county of residence and sent to the Division of Criminal Statistics of the Department of Justice (hereinafter called "Division").

The Honor System Doesn't Apply

Registration does not depend upon the honor of the convicted sex offender. Prison officials must notify the sheriff and the Division of the pending release of a sex offender. If the person did not serve a prison term, the court pronouncing sentence must notify the sheriff and the Division. If the person moves, he or she is required to give a change of address to the sheriff, who then notifies the sheriff in the new county and the Division.

Who Has Access to This Information?

Any person can request an individual's registration status by giving the sheriff the following information:

- The individual's name and sex;
- A physical description of the individual; and
- Any other relevant information known about the individual.

The sheriff must respond in writing whether the individual has registered as a sex offender in the State, the date of conviction, and the offenses for which registration is required. This information is a public record, including the photographs of each registered sex offender, and any person may

examine the entire registry. For payment of a fee, any person may obtain a copy of an individual's registration form, excluding the photograph.

Upon written request and payment of a fee, the sheriff may provide a copy of the entire registry to any group, entity, organization, corporation, or school that uses volunteers or employees in working with children or disabled or elderly persons.

How Long Must the Individual Report to the Sheriff?

A convicted sex offender must maintain his or her registration for ten years. The Division maintains the registration information permanently, even after the registrant's reporting requirement expires.

Can a Sex Offender Be Exempted From Registration?

If the person can show the court by clear and convincing evidence that registration will not serve any useful purpose, the court may exempt him or her from the registration requirements.

Why the North Carolina General Assembly Passed This Law.

The North Carolina General Assembly recognized that convicted sex offenders often repeat their crimes, and thus, pose a high risk to the community. The law is designed to help local law enforcement officers protect their communities, investigate sex offenses, and apprehend offenders.

What Are the Weaknesses of This System?

This new law is a major step in protecting innocent victims, many of whom are children. However, there are some weaknesses in the system.

- The law only applies to *convicted* sex offenders. People only suspected of sex offenses, or who have been arrested and charged but never convicted do not register. While this rule is constitutionally sound and protects those falsely accused, it results in an incomplete registration list of people who may harm you or your children.
- The law applies only to people convicted of a reportable offense or released from prison on or after January 1, 1996. It may be years before all known sex offenders are registered. Therefore, checking the registry cannot provide a full measure of security.

- Checking the registry with the local sheriff may not be sufficient. If the convicted sex offender does not report a change of address, the new county may not have the information. Or, if the ten year registration requirement has expired, a convicted sex offender is not required to report to the sheriff if he or she moves to a new county. The most complete information may be on file with the Division of Criminal Statistics.

References

Chapter 545, Senate Bill 53, AN ACT TO REQUIRE THE REGISTRATION OF PERSONS CONVICTED OF CERTAIN CRIMINAL SEXUAL OFFENSES, ratified July 29, 1995. North Carolina General Statutes, Chapter 14, Article 27A.

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