

Sex Offender Registration for Out-of-State Juvenile Adjudications

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When, if ever, must a person register as a sex offender in North Carolina because of a juvenile adjudication from another state?

North Carolina has an [adult sex offender registry](#) and a juvenile sex offender registry. Notice there's no hyperlink to the juvenile registry. That's because that information is maintained separately by the sheriffs and released only to law enforcement agencies and local boards of education. [G.S. 14-208.29](#) ("Under no circumstances shall the registration of a juvenile adjudicated delinquent be included in the county or statewide registries, or be made available to the public via internet.").

Juvenile registration is much more limited than adult registration. It applies only for juveniles of at least 11 years of age who are adjudicated delinquent for rape or sexual offense, and then only when the court rules that the child must register. [G.S. 14-208.26](#). While a juvenile tried and convicted as an adult in North Carolina goes on the regular adult registry, [G.S. 14-208.32](#), no North Carolina juvenile adjudication requires adult registration.

But what about a juvenile adjudication from another state? Some states include certain juvenile adjudications within their definition of the "convictions" that require adult registration. In fact, federal law directs states to do that for certain juvenile adjudications involving an offender of at least 14 years of age, [42 U.S.C. § 16911\(8\)](#) (although former Attorney General Lynch allowed states a bit more flexibility on that point in [supplemental guidelines issued in 2016](#)). North Carolina has not acted on the federal directive to include any juvenile adjudications within the definition of "conviction" for registration purposes, but some states have.

Suppose a person registered as an adult in one of those states moves to North Carolina. Must he or she register here?

Under [G.S. 14-208.6\(4\)b](#), a person with an out-of-state conviction has a "reportable conviction" in North Carolina if he or she has:

1. A final conviction in another state for an offense substantially similar to a North Carolina offense requiring registration, or
2. A final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state.

Both pathways require a "final conviction" in another state—and there is a pretty good argument that you can stop right there. If we understand "final conviction" to mean what it generally means under North Carolina law, it would *never* include a juvenile adjudication. Under [G.S. 7B-2412](#), no juvenile adjudication may be considered a "conviction" of a criminal offense.

The only way an out-of-state adjudication would be reportable, then, is if we understand "final conviction" to mean "final conviction" as the *other state* defines it.

Particularly with respect to the second pathway, there is some logic in reading the law that way. The purpose of the second pathway is to prevent out-of-state offenders from being able to avoid a requirement to register by moving to North Carolina. The law even refers to the requirement to register “under the sex offender registration statutes of [the other] state.”

On the other hand, the law says “final conviction,” and our appellate courts have read those words narrowly. They concluded, for example, that “final conviction” did not include a person’s prayer for judgment continued for sexual battery. *Walters v. Cooper*, 226 N.C. App. 166, *aff’d*, 367 N.C. 117 (2013). The legislature has studied the issue of requiring registration for certain juvenile adjudications, [S.L. 1997-516](#), sec. 1B (“The Secretary of the Department of Crime Control and Public safety shall appoint a committee to study whether a juvenile adjudicated delinquent for committing a sexually violent offense or an offense against a minor . . . should be required to register . . .”), and never brought them within the coverage of the adult registry.

The question appears to be an open one for now. The Attorney General’s office notes the ambiguity in its [online publication on North Carolina’s registry](#), saying (on page 4) that “‘Final conviction’ may or may not include juvenile proceedings in another state.” Faced with a similar question regarding whether in-state juvenile adjudications constituted convictions and triggered registration, West Virginia’s high court concluded that they should not be considered “convictions” within the meaning of the state’s sex offender laws. *State v. J.E.*, Nos. 16-0677; 16-0723, 2017 WL 672509 (W. Va. Feb. 14, 2017). The court cited a handful of states where juvenile adjudications were deemed convictions for registration purposes (Rhode Island, Illinois, and Nevada), but noted that those states all had explicit language bringing certain juvenile adjudications into the fold. In the absence of such legislation in West Virginia, the court excluded juvenile adjudications. *Id.* at *6 (“Had the Legislature intended to include adult offenders convicted of a criminal offense *and* adjudicated juvenile delinquents . . . , we presume it would have done so explicitly.”).

If North Carolina follows that line of authority, juvenile adjudications from another state would not require registration here. Until our courts or the legislature clarifies the matter, however, a person registered in another state for a juvenile adjudication who moves to North Carolina is on uncertain legal ground.