

Updated Sex Offender Flow Chart (July 2012 edition)

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Categories : [Sentencing](#), [Uncategorized](#)

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It's been over six months since the last update of my sex offender flow chart (the previous version was current as of January 12, 2012). A revised version is now available [here](#). As in the prior version, everything to do with registration is on the front and everything to do with satellite-based monitoring (SBM) is on the back. Among other changes, the latest version:

- Includes a reference to the permanent no contact order permissible under [G.S. 15A-1340.50](#), discussed in [this prior post](#).
- Adds the new crime of sale, surrender, or purchase of a minor, G.S. 14-43.14, to the list of reportable offenses. Similar to peeping offenses and aiding and abetting sex crimes, a violation of the new law is only reportable if the sentencing judge rules that the defendant is a danger to the community and issues an order requiring him or her to register. G.S. 14-208.6(4)e. Attempts, conspiracies, and solicitations to sell, surrender, or purchase a child apparently are not reportable. The revised law applies to offenses committed on or after December 1, 2012. [S.L. 2012-153](#).
- Adds a reference to State v. Carter, ___ N.C. App. ___, 718 S.E.2d 687 (2011), which held that first-degree sexual offense is *not* an aggravated offense triggering lifetime SBM but *is* an offense involving sexual abuse of a minor that can trigger SBM for a period determined by the court.
- Expands the reference to State v. Jarvis, ___ N.C. App. ___, 715 S.E.2d 252 (2011), to include the appellate court's discussion of the findings the trial court made in support of its conclusion that the defendant required the "highest possible level of supervision and monitoring" in spite of his LOW Static-99 risk assessment score.
- Updates the "Constitutional Issues" section to add State v. Manning, ___ N.C. App. ___, 727 S.E.2d 380 (2012), a recent case holding that, in the absence of any record evidence showing an actual violation, SBM does not infringe on an offender's right to travel.

The General Assembly did not pass any legislation on the SORNA-compliance front (background [here](#)), but I wouldn't be surprised to see that come up next year. And finally, a bill that would have made certain human trafficking crimes reportable, [Senate Bill 922](#), did not become law. The budget bill established a commission to consider, among other things, whether those crimes should be reportable. [S.L. 2012-142](#), sec. 15.3A.(c)(7).