

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
Superior Court Division

_____ County

IN THE MATTER OF

Name And Current Mailing Address Of Petitioner

**PETITION AND ORDER FOR JUDICIAL
DETERMINATION OF SEX OFFENDER
REGISTRATION REQUIREMENT**

G.S. 14-208.12B

Petitioner's Telephone No.

Name And Address Of Petitioner's Attorney

Race

Sex

Date Of Birth

Sex Offender And Public Protection Registry No. (if applicable)

Attorney's Telephone No.

I. PETITION**NOTE TO PETITIONER:** *File this petition with the clerk of superior court in the county in which you currently reside.*

The petitioner named above hereby moves for a judicial determination as to whether the petitioner is required to register under Part 2 of Article 27A of Chapter 14 of the General Statutes and, in support of this petition, states the following:

1. (check one)

- a. I was notified by the sheriff on (date notification was received) _____ of the requirement to register as a sex offender under Part 2 of Article 27A of Chapter 14 of the General Statutes based on an out-of-state or federal conviction and the right to contest the requirement to register.
- b. I was notified by the NC Department of Public Safety on (date notification was received) _____ of the right to contest the requirement to register as a sex offender under Part 2 of Article 27A of Chapter 14 of the General Statutes based on an out-of-state or federal conviction.

2. I am a current resident of (name of county) _____ County.

3. This petition is being filed with the clerk of court within 30 days of the date I received notice of the requirement to register.

Date

Signature Of Petitioner

II. CERTIFICATE OF SERVICE**NOTE TO PETITIONER:** *G.S. 14-208.12B(b) provides, "The person filing the petition must serve a copy of the petition on the office of the district attorney and the sheriff in the county where the person resides within three days of filing the petition with the clerk of court."*

The petitioner hereby certifies that a copy of the above Petition and Order for Judicial Determination of Sex Offender Registration Requirement was served on the district attorney and sheriff for this county by mailing a copy to each by first-class mail.
 personally delivering a copy to each.

Date Of Service

Signature Of Petitioner

III. NOTICE OF HEARING**NOTE TO CLERK:** *This petition must be calendared at the next regularly scheduled term of superior court. Copies of the petition, with the completed Notice of Hearing, should be sent to the petitioner and to the district attorney and sheriff in the county where the petitioner resides.***To the petitioner, to the district attorney for the prosecutorial district that includes the county named above, and to the sheriff of the county named above:** A hearing on the above petition will be held on the date and at the time and location shown below.

Date Of Hearing

Time Of Hearing

 AM PM

Location Of Hearing

Date

Name (type or print)

Signature

 Deputy CSC Asst. CSC
 Clerk Of Superior Court

(Over)

IV. STATE'S ATTORNEY PRESENT AT HEARING

The Office of the District Attorney was represented in this matter by (name) _____.

- District Attorney Assistant District Attorney Office of the Attorney General

V. FINDINGS OF FACT

After reviewing the petition, receiving any and all evidence presented by the parties at the hearing, and considering any arguments of the parties, the Court finds by the preponderance of the evidence that:

1. (check one)

- a. The petitioner was notified by the sheriff of the requirement to register as a sex offender under Part 2 of Article 27A of Chapter 14 of the General Statutes based on an out-of-state or federal conviction and the right to contest the requirement to register.
- b. The petitioner was notified by the NC Department of Public Safety of the right to contest the requirement to register as a sex offender under Part 2 of Article 27A of Chapter 14 of the General Statutes based on an out-of-state or federal conviction.

2. The petitioner filed this petition for judicial determination of the requirement to register within 30 days of the date petitioner received the notification.

3. The petitioner was was not represented by counsel at the hearing.

4. The petitioner was convicted of the following out-of-state or federal offense:

Offense	Statute/Code	Class	Date of Conviction	State Or U.S. District Court District Of Conviction	County (if applicable)

5. (check one)

- a. The petitioner's out-of-state or federal conviction set out above is substantially similar to (offense name) _____, under (G.S. number) _____, which is a North Carolina reportable conviction, as defined in G.S. 14-208.6(4)(a).
- b. The petitioner's out-of-state or federal conviction set out above is **NOT** substantially similar to a North Carolina reportable conviction, as defined in G.S. 14-208.6(4)(a).

6. Other: _____

VI. CONCLUSIONS OF LAW

After a hearing on this petition, and based on the foregoing findings, the Court concludes as follows: (check one)

- 1. The petitioner is required to register under Part 2 of Article 27A of Chapter 14 of the General Statutes based on the out-of-state or federal conviction listed above, which is substantially similar to a North Carolina reportable conviction, as defined in G.S. 14-208.6(4)(a).
- 2. The petitioner is **NOT** required to register under Part 2 of Article 27A of Chapter 14 of the General Statutes, based on the out-of-state or federal conviction listed above.

VII. ORDER

(check one)

- 1. The Court hereby Orders that the petitioner shall register as a sex offender under Part 2 of Article 27A of Chapter 14 of the General Statutes, for a period of 30 years, based on the out-of-state or federal conviction listed above. The Clerk shall forward certified copies of this Order to the district attorney and sheriff.
- 2. The Court hereby Orders that the petitioner is **NOT** required to register as a sex offender under Part 2 of Article 27A of Chapter 14 of the General Statutes, based on the out-of-state or federal conviction listed above. The Clerk shall forward certified copies of this Order to the district attorney and sheriff.

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

NOTE TO CLERK: Forward certified copies of this Order to the district attorney and sheriff.