

# STATE OF NORTH CAROLINA

File No.  
Co. Of Hearing

\_\_\_\_\_ County

In The General Court Of Justice  
 District     Superior Court Division

## STATE VERSUS

## JUDICIAL FINDINGS AND ORDER AS TO SATELLITE-BASED MONITORING WHEN THERE HAS BEEN NO PRIOR DETERMINATION

Name And Address Of Defendant

Race                      Sex                      Date Of Birth

G.S. 14-208.40A, 14-208.40B

**NOTE:** Use this form after a hearing scheduled pursuant to G.S. 14-208.40B for a defendant convicted of a reportable sex offense, but for whom there has been no determination by a court on whether the defendant should be required to enroll in satellite-based monitoring.

County Of Origin File No.(s)	Off.	Offense Description	Offense Date	G.S. No.

See Additional Offenses on Side Two.

## FINDINGS

The Court, following a hearing under G.S. 14-208.40B, finds that

- 1. The defendant was convicted of a reportable conviction as defined by G.S. 14-208.6(4), but the sentencing court made no determination on whether the defendant should be required to enroll in satellite-based monitoring (SBM) under Article 27A of Chapter 14 of the General Statutes.
- 2. The Division of Adult Correction and Juvenile Justice has made an initial determination and given notice to the defendant that *(check all that apply)*
  - i. the defendant is a reoffender, as defined in G.S. 14-208.6(3e).
  - ii. the defendant has been classified as a sexually violent predator pursuant to G.S. 14-208.20.
  - iii. the offense of which the defendant was convicted was an aggravated offense, as defined in G.S. 14-208.6(1a).
  - iv. the defendant was convicted of a violation of G.S. 14-27.23 or G.S. 14-27.28.
  - v. the offense(s) of conviction involved the physical, mental, or sexual abuse of a minor.
- 3. The Division of Adult Correction and Juvenile Justice (DACJJ) has conducted a risk assessment of the defendant and determined the defendant's risk level to be \_\_\_\_\_.
- 4. The District Attorney scheduled a hearing in the county named above, which is the county of the defendant's residence, the Division provided notice to the defendant as required by G.S. 14-208.40B, and the hearing was not held sooner than 15 days after the date the Division gave notice.
- 5. The defendant
  - a. falls into at least one of the categories requiring satellite-based monitoring under G.S. 14-208.40, in that *(check all that apply)*
    - i. the defendant is a reoffender, as defined in G.S. 14-208.6(3e).
    - ii. the defendant has been classified as a sexually violent predator pursuant to G.S. 14-208.20.
    - iii. the offense of which the defendant was convicted was an aggravated offense, as defined in G.S. 14-208.6(1a).
    - iv. the defendant was convicted of a violation of G.S. 14-27.23 or G.S. 14-27.28.
    - v. the offense(s) of conviction involved the physical, mental, or sexual abuse of a minor but was not an aggravated offense or a violation of G.S. 14-27.23 or G.S. 14-27.28, and the defendant is not a reoffender or sexually violent predator.
  - b. does not fall into any of the categories requiring satellite-based monitoring under G.S. 14-208.40. **(NOTE: Stop here; enter Order No. 2.)**
- 6. Based on the risk assessment by DACJJ, all relevant evidence, and the additional findings on the attached  AOC-CR-618
  - Other: \_\_\_\_\_, incorporated herein by reference, the Court finds: **(NOTE: Must find both in the affirmative to impose SBM.)**
    - a. the defendant  does  does not require the highest possible level of supervision and monitoring.
    - b. the imposition of SBM  does  does not constitute a reasonable search of the defendant in this case.

## ORDER

Based on the foregoing findings, the Court ORDERS that

- 1. The defendant shall enroll in satellite-based monitoring under Article 27A of Chapter 14 of the General Statutes for
  - a. *(if any of 5.a.i. - iv. found, and 6.a. and b. both found in the affirmative)* a period of ten (10) years,
  - b. *(if 5.a.v. found, 5.a.i. - iv. not found, and 6.a. and b. both found in the affirmative, specify a time period, not to exceed 10 years)* \_\_\_\_\_, unless monitoring is terminated or modified pursuant to G.S. 14-208.43. The defendant shall pay the fee prescribed by G.S. 14-208.45.
- 2. The defendant shall not be required to enroll in satellite-based monitoring, because: *(check all that apply)*
  - a. the defendant does not require the highest possible level of supervision and monitoring.
  - b. SBM would constitute an unreasonable search of the defendant in this case.
  - c. Other: \_\_\_\_\_.

## SIGNATURE OF JUDGE

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

(Over)

Original-File    Copy-Defendant's Attorney or Defendant    Copy-Sheriff    Copy-DACJJ Combined Records

**ADDITIONAL OFFENSES**

County Of Origin File No.(s)	Off.	Offense Description	Offense Date	G.S. No.