

**Determining the Defendant's
Registration Obligations
Under the Revised Sex Offender Laws**
October 2007

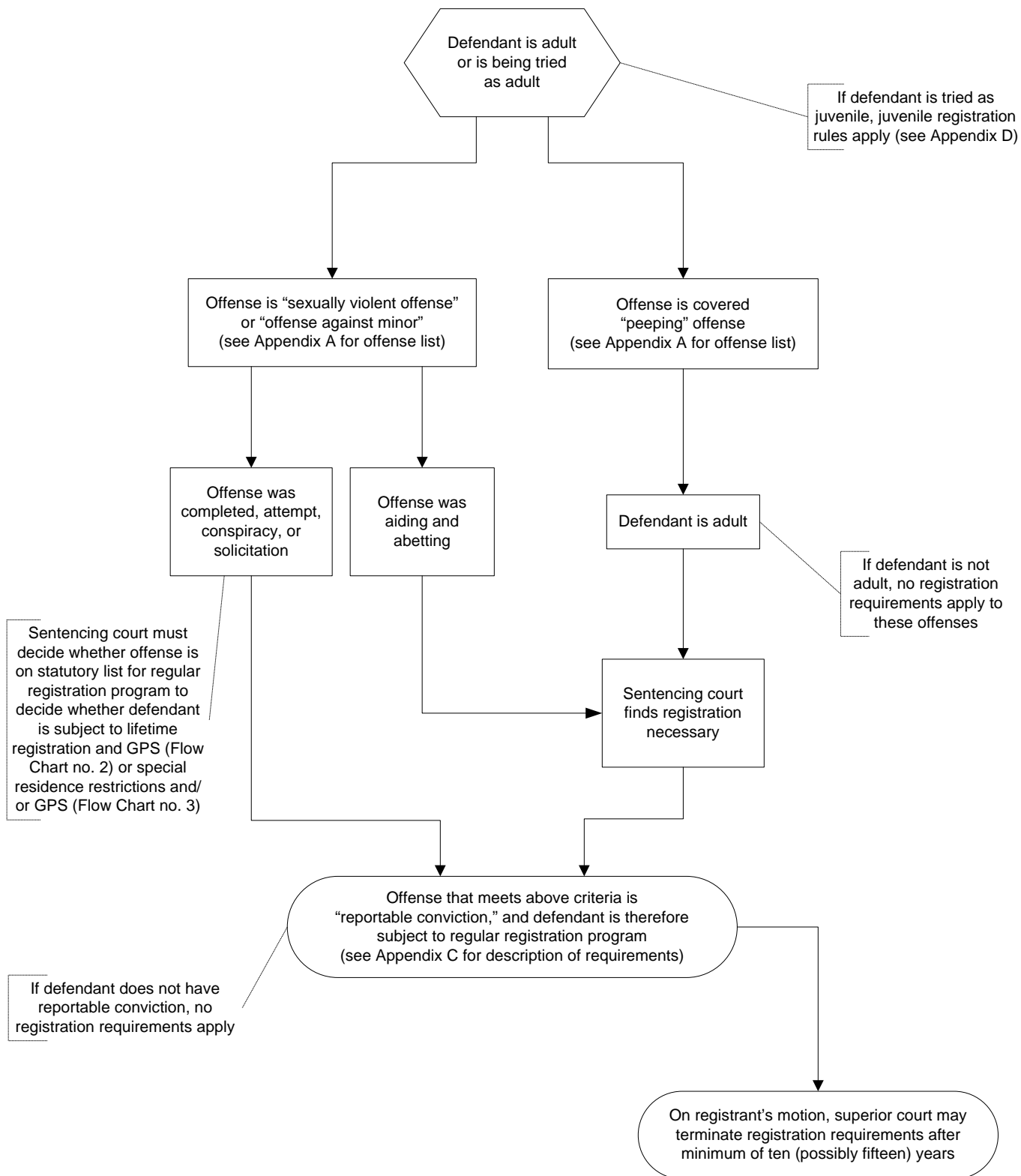
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Note about Flow Charts

The flow charts on the following three pages of this handout lay out a process for determining whether a defendant meets the prerequisites for sex offender registration and related requirements. The flow charts are designed for use in cases involving sentences imposed on or after December 1, 2007. For sentences imposed before December 1, 2007, the substance of those prerequisites was the same. For example, the defendant must have had a “reportable conviction” (as defined in Appendix A) to be subject to sex offender registration. The sentencing court’s role in determining those prerequisites was not as clear, however. In many instances the sheriff of the registering county made key determinations after sentencing, such as whether the defendant had been convicted of an “aggravated offense” (as defined in Appendix B) and was therefore subject to lifetime registration. The Department of Correction has also determined that certain offenders already serving sentences are subject to the new satellite monitoring requirements (which became effective August 16, 2006, as described in Appendix C) and has required that they submit to satellite monitoring. This handout does not address any legal issues involved in making such post-sentence determinations. If, however, the court is asked to review those determinations (or to make those determinations in the first instance) for cases sentenced before December 1, 2007, the flow charts and accompanying appendices may be used to determine whether the prerequisites for registration and related requirements have otherwise been met.

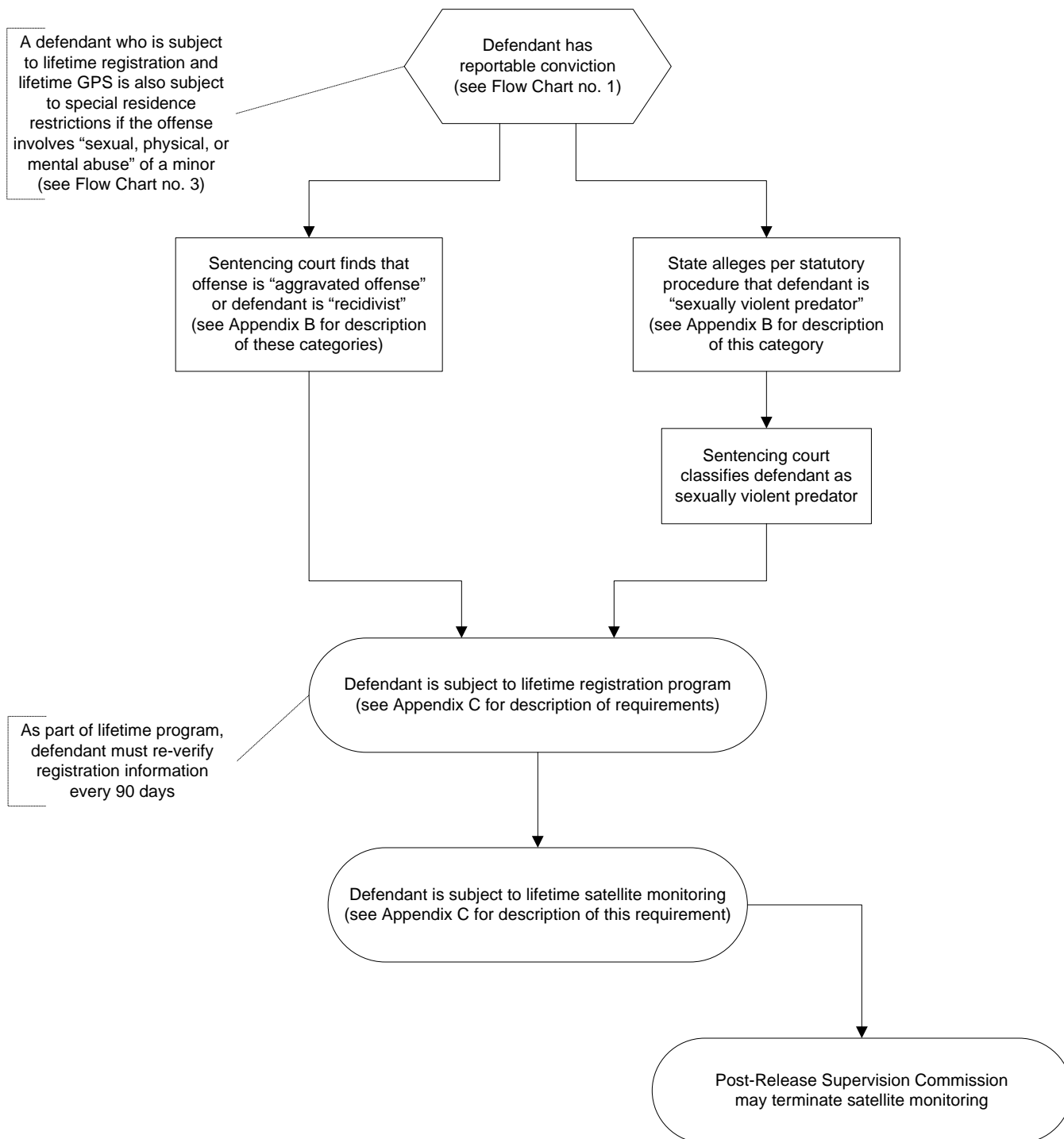
Flow Chart No. 1

Is the defendant subject to regular sex offender registration requirements?



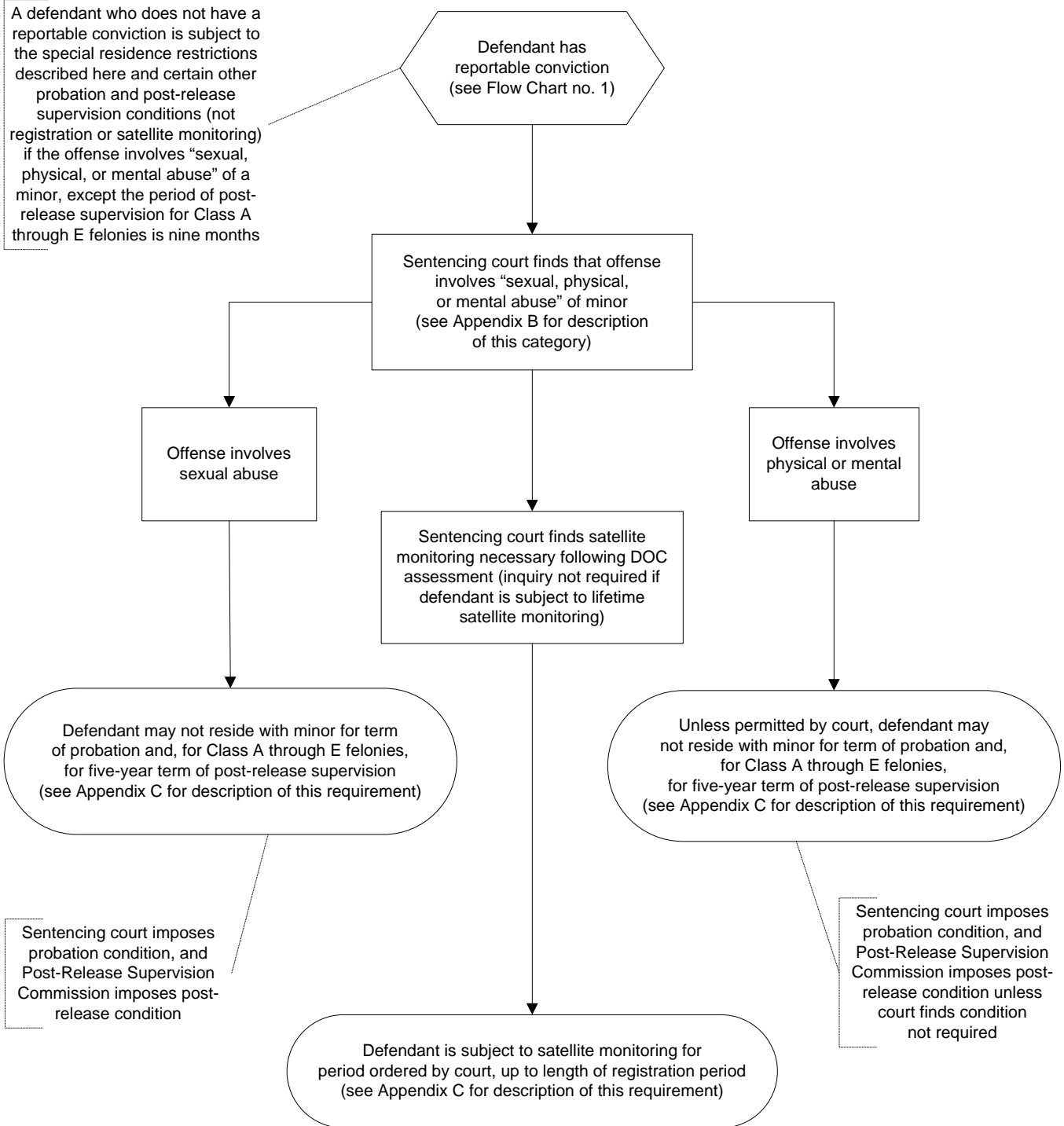
Flow Chart No. 2

Is the defendant subject to lifetime registration and lifetime GPS?



Flow Chart No. 3

Is the defendant subject to special residence restrictions and/or GPS, in addition to regular registration requirements?



Appendix A

Sexually Violent Offenses, Offenses against Minors, Peeping Offenses, and Selected Offenses NOT Subject to Sex Offender Requirements

“Sexually Violent Offenses” and Effective Dates

GS 14-208.6(5) lists the offenses that are “sexually violent offenses.” If listed in that statute, the offense is a “sexually violent offense” although it may or may not involve an act of violence. Likewise, if not a listed offense, it is NOT a “sexually violent offense” regardless of whether it involves an act of a sexual nature. The offense also must be within the effective date enacted by the General Assembly for that offense. The offenses and effective dates are listed below.

If an offense is a “sexually violent offense,” it is a “reportable conviction” under GS 14-208.6(4), except if the offense is aiding and abetting, which requires a finding by the sentencing court that registration furthers the purpose of the sex offender article. A defendant with a reportable conviction is subject to regular sex offender registration requirements, described in Appendix C.

Statute	Offense	Offense Class	Effective Date
14-27.2	First-degree rape (forcible or statutory)	Class B1 felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-27.3	Second-degree rape	Class C felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-27.4	First-degree sexual offense (forcible or statutory)	Class B1 felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-27.5	Second-degree sexual offense	Class C felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-27.5A	Sexual battery	Class A1 misdemeanor	Offenses committed on or after <u>Dec. 1, 2005</u>
14-27.6	Attempted rape or sexual offense (repealed 1994)		Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-27.7	Intercourse and sexual offense with certain victims	Violation of 14-27.7(a), Class E felony; violation of 14-27.7(b), Class G felony or Class A1 misdemeanor*	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>

*GS 14-27.7(a) deals with acts by a parental substitute or custodian and was in effect when the original sex offender legislation was enacted in 1995. A violation of that subsection is clearly subject to sex offender registration requirements. GS 14-27.7(b) deals with acts by school personnel and was added in 1999. A violation of that subsection may be subject to sex offender registration requirements. GS 14-208.6(5), which defines “sexually violent offense,” refers generally to “GS 14-27.7 (intercourse and sexual offense with certain victims).” That language, part of the original sex offender legislation in 1995, was not revised in 1999. Indecent liberties by school personnel with a student in violation of GS 14-202.4, also added in 1999, is not a reportable conviction.

Statute	Offense	Offense Class	Effective Date
14-27.7A(a)	Statutory rape or sexual offense of person who is 13, 14, or 15 years old where defendant is at least six years older	Class B1 felony	Offenses committed on or after <u>Dec. 1, 2006</u>
14-43.13	Sexual servitude	Class C or F felony	Offenses committed on or after <u>Dec. 1, 2006</u>
14-178	Incest between near relatives	Class B1, C, or F felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-190.6	Employing or permitting minor to assist in offenses against public morality and decency	Class I felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-190.9(a1)	Felony indecent exposure	Class H felony	Offenses committed on or after <u>Dec. 1, 2005</u>
14-190.16	First-degree sexual exploitation of minor	Class D felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-190.17	Second-degree sexual exploitation of minor	Class F felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-190.17A	Third-degree sexual exploitation of minor	Class I felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-190.18	Promoting prostitution of minor	Class D felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-190.19	Participating in prostitution of minor	Class F felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-202.1	Indecent liberties	Class F felony	Convicted or released from penal institution on or after <u>Jan. 1, 1996</u>
14-202.3	Solicitation of child by computer to commit unlawful sex act	Class H felony	Offenses committed on or after <u>Dec. 1, 2005</u>
Attempt	Attempt to commit offense listed above. GS 14-208.6(4)a.		Applies as set out above for completed offense, beginning <u>April 1, 1998</u> (not specified whether offense, conviction, or other triggering event must occur on or after that date)

Statute	Offense	Offense Class	Effective Date
Solicitation or conspiracy	Solicitation or conspiracy to commit offense listed above. GS 14-208.6(5).		Applies as set out above for completed offense, beginning with offenses committed on or after <u>Dec. 1, 1999</u>
Aiding and abetting	Aiding and abetting offense listed above if sentencing court finds that registration furthers purpose of sex offender article. GS 14-208.6(4)a.		Applies as set out above for completed offense, beginning with offenses committed on or after <u>Dec. 1, 1999</u>
Offense by juvenile transferred to superior court	Juvenile transferred to superior court and convicted of "sexually violent offense." GS 14-208.6B.		Applies as set out above for offense by adult, beginning <u>April 1, 1998</u> (not specified whether offense, conviction, or other triggering event must occur on or after that date)
Out-of-state conviction	(1) A final conviction in another state of an offense, which if committed in this state, is substantially similar to a "sexually violent offense"; (2) a final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state. GS 14-208.6(4)b.		(1) Applies as set out above for offense committed in NC; (2) applies to offenses committed or individuals who move into this state on or after <u>Dec. 1, 2006</u>
Federal conviction	A final conviction in a federal jurisdiction of an offense that is substantially similar to a "sexually violent offense." GS 14-208.6(4)c.		Applies as set out above for NC offense, beginning with persons convicted or released on or after <u>April 3, 1997</u> , except that for federal court martial, may apply to offenses committed on or after <u>Dec. 1, 2001</u>

“Offenses Against a Minor” and Effective Dates

An offense listed in GS 14-208.6(1i) is an “offense against a minor” if committed against a minor and the defendant was not the minor’s parent. (For offenses committed before Dec. 1, 1999, an “offense against a minor” did not include offenses committed by the minor’s parent or legal custodian.) The offense also must be within the effective date enacted by the General Assembly for that offense. The offenses and effective dates are listed below,

If an offense is an “offense against a minor,” it is a “reportable conviction” under GS 14-208.6(4), except if the offense is aiding and abetting, which requires a finding by the sentencing court that registration furthers the purpose of the sex offender article. A defendant with a reportable conviction is subject to regular sex offender registration requirements, described in Appendix C.

Statute	Offense	Offense Class	Effective Date
14-39	Kidnapping	Class C or E felony	<u>April 1, 1998</u> (not specified whether offense, conviction, or other triggering event must occur on or after that date)
14-41	Abduction of child	Class F felony	<u>April 1, 1998</u> (not specified whether offense, conviction, or other triggering event must occur on or after that date)
14-43.3	Felonious restraint	Class F felony	<u>April 1, 1998</u> (not specified whether offense, conviction, or other triggering event must occur on or after that date)
Attempt	Attempt to commit offense listed above. GS 14-208.6(4)a.		<u>April 1, 1998</u> (not specified whether offense, conviction, or other triggering event must occur on or after that date)
Solicitation or conspiracy	Solicitation or conspiracy to commit offense listed above. GS 14-208.6(1i).		Applies as set out above for completed offense, beginning with offenses committed on or after <u>Dec. 1, 1999</u>
Aiding and abetting	Aiding and abetting offense listed above if sentencing court finds that registration furthers purpose of sex offender article. GS 14-208.6(4)a.		Applies as set out above for completed offense, beginning with offenses committed on or after <u>Dec. 1, 1999</u>
Offense by juvenile transferred to superior court	Juvenile transferred to superior court and convicted of “offense against minor.” GS 14-208.6B.		<u>April 1, 1998</u> (not specified whether offense, conviction, or other triggering event must occur on or after that date)

Statute	Offense	Offense Class	Effective Date
Out-of-state conviction	(1) A final conviction in another state of an offense, which if committed in this state, is substantially similar to an "offense against a minor"; (2) a final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state. GS 14-208.6(4)b.		(1) Applies as set out above for offense committed in NC; (2) applies to offenses committed or individuals who move into this state on or after <u>Dec. 1, 2006</u>
Federal conviction	A final conviction in a federal jurisdiction of an offense that is substantially similar to an "offense against a minor." GS 14-208.6(4)c.		Applies as set out above for NC offense, except that for federal court martials, may apply to offenses committed on or after <u>Dec. 1, 2001</u>

"Peeping" Offenses and Effective Dates

A "peeping" offense in violation of one of the statutes listed in GS 14-208.6(4)d. is a "reportable conviction" if the sentencing court issues an order pursuant to GS 14-202(l) requiring the individual to register. The offense also must be within the effective date enacted by the General Assembly for that offense. A "peeping" offense that meets these requirements is a "reportable conviction," subject to regular sex offender registration requirements, described in Appendix C. The offenses and effective dates are listed below.

A "peeping" offense by a 13, 14, or 15 year-old transferred to superior court for trial as an adult is not subject to either adult or juvenile registration requirements. GS 14-208.6B. There are no provisions requiring registration for an attempt, solicitation, conspiracy, aiding and abetting offense, out-of-state conviction, or federal conviction involving "peeping."

Statute	Offense	Offense Class	Effective Date
14-202(d), (e), (f), (g), or (h)	Peeping offense in violation of indicated statutes if court orders registration	Class H or I felony	Offenses committed on or after <u>Dec. 1, 2003</u>
14-202(a), (a1), (c)	Second or subsequent peeping offense in violation of indicated statutes if court orders registration	Class A1 or 1 misdemeanor	Offenses in violation of 14-202(a) or (c) committed on or after <u>Dec. 1, 2003</u> ; offenses in violation of 14-202(a1) committed on or after <u>Dec. 1, 2004</u>

Selected Offenses NOT Subject to Sex Offender Registration Requirements

Because none of the offenses listed below constitute reportable convictions under GS 14-208.6(4), an attempt, conspiracy, or solicitation to commit these offenses, or aiding and abetting these offenses, does not constitute a reportable conviction.

Statute	Offense	Offense Class
14-27.7A(b)	Statutory rape or sexual offense of person who is 13, 14, or 15 years old where defendant is more than four but less than six years older than person	Class C felony
14-39	Kidnapping (other than kidnapping that is "offense against minor")	Class C or E felony
14-43.11	Human trafficking	Class C or F felony
14-43.12	Involuntary servitude	Class C or F felony
14-177	Crime against nature	Class I felony
14-190.9(a)	Misdemeanor indecent exposure	Class 2 misdemeanor
14-202.4	Indecent liberties by school personnel with student	Class I felony or Class A1 misdemeanor
14-204	Prostitution	Class 1 misdemeanor
14-204.1	Loitering for purpose of prostitution or committing crime against nature	Class 1 misdemeanor

Appendix B

“Aggravated Offenses,” “Recidivists,” “Sexually Violent Predators,” and Offenses Involving “Sexual, Physical, or Mental Abuse” of Minor

Aggravated Offenses

Definition

An “aggravated offense” is a criminal offense that includes either a sexual act involving (i) vaginal, anal, or oral penetration through force or the threat of serious violence or (ii) vaginal, anal, or oral penetration with a person less than 12 years old. GS 14-208.6(1a).

Effective date

The “aggravated offense” category applies to offenses committed on or after Oct. 1, 2001. The lifetime satellite monitoring requirement for “aggravated offenses,” enacted Aug 16, 2006, applies as described in Appendix C (aggravated consequences).

Recidivists

Definition

A “recidivist” is a person who has a prior conviction for an offense described in GS 14-208.6(4), the subsection describing reportable convictions. GS 14-208.6(2b). The definition does not include a person convicted at the same time of multiple offenses.

Effective date

The “recidivist” category applies to offenses committed on or after Oct. 1, 2001. Under this language, the second or subsequent offense must have been committed on or after Oct. 1, 2001, but the prior offense could have been committed before Oct. 1, 2001. It is unclear whether the prior offense must have been subject to sex offender registration requirements at that time. For example, if the defendant was convicted of indecent liberties in 1985 and completed his or her sentence in 1988 before the sex offender registration law took effect, it is unclear whether the defendant should be considered a recidivist if he or she received a reportable conviction for an offense committed on or after Oct. 1, 2001.

The lifetime satellite monitoring requirement for “recidivists,” enacted Aug 16, 2006, applies as described in Appendix C (aggravated consequences).

Sexually Violent Predators

Definition

A “sexually violent predator” is a person who meets the definition in GS 14-208.6(6) and who has been designated as a “sexually violent predator” in accordance with the procedures in GS 14-208.20. The procedure is rarely used.

Effective Date

The “sexually violent predator” category became effective April 1, 1998. No triggering date was specified, but at the least it applies to offenses committed on or after date. The lifetime satellite

monitoring requirement for “sexually violent predators,” enacted Aug 16, 2006, applies as described in Appendix C (aggravated consequences).

Offenses Involving Sexual, Physical, or Mental Abuse of Minor

Definition

There is no statutory definition of these terms.

Effective date

The category of offenses involving “sexual, physical, or mental abuse” of a minor became effective Dec. 1, 1996. No triggering date was specified, but at the least it applies to offenses committed on or after that date. The satellite monitoring provisions for this category, enacted Aug. 16, 2006, apply as described in Appendix C (aggravated consequences).

Appendix C

Regular and Aggravated Sex Offender Registration Consequences

Regular Consequences

Unless otherwise indicated, the following consequences apply to all defendants who have a reportable conviction.

- Minimum registration requirement of ten years, which may be terminated by superior court judge after minimum satisfied. GS 14-208.12A. Former law automatically terminated registration period after ten years.
 - Minimum applies to anyone whose registration period had not ended as of August 16, 2006. Thus, minimum covers both persons who are convicted after Aug. 16, 2006, AND persons who were convicted before Aug. 16, 2006, but who had not completed their required registration period before Aug. 16, 2006.
 - Minimum increases to fifteen years when federal standard requiring fifteen-year minimum becomes effective because GS 14-208.12A provides that superior court must comply with federal standards in terminating registration requirement. Higher minimum will apply to any person whose registration period has not ended when new minimum takes effect. See AOJ Bulletin 2007/03, p. 2 n.1 (Jan. 2007), at www.sog.unc.edu/pubs/electronicversions/pdfs/aojb0703.pdf.
- Address, photo, and offense publicly accessible on Internet at www.ncfindoffender.com. GS 14-208.14, 14-208.15.
- In-person re-verification of registration information with sheriff every six months. GS 14-208.9A.
- Various other registration obligations, such as requirement to give notice of address change and certain employment changes. GS 14-208.9.
- Class F felony for most violations of registration requirements. GS 14-208.11.
- Additional required conditions of probation, such as participating in treatment as ordered by the court and, effective for persons placed on probation on or after Dec. 1, 2007, submitting to warrantless searches. GS 15A-1343(b2).
- If reportable conviction is Class A through E felony, five years of post-release supervision (instead of nine months) with additional required conditions, such as participating in treatment as ordered by Post-Release Supervision and Parole Commission and, effective for persons placed on post-release supervision on or after Dec. 1, 2007, submitting to warrantless searches. GS 15A-1368.2(c), 15A-1368.4(b1).
- Certain conduct prohibited by virtue of having reportable conviction (unrelated to registration, probation, or post-release supervision obligations):
 - Class G felony to reside near school, subject to certain exceptions. GS 14-208.16 (no violation if ownership or use of nearby property changes after residence established); Sec. 11(c) of S.L. 2006-247 (H 1896) (no violation if residence established before Dec. 1, 2006).
 - Class F felony to work or volunteer at place where minor is present if registrant instructs, supervises, or cares for minors. GS 14-208.17(a).
 - Class F felony for any person, including presumably a registrant, to accept minor into care or custody from another knowing that a person who resides at that location is required to register. GS 14-208.17(b).
 - Class 1 misdemeanor for first offense, and Class H felony for subsequent offense, to provide certain babysitting services. GS 14-321.1.

Aggravated Consequences

Aggravated Offenses, Recidivists, and Sexually Violent Predators

In addition to regular registration consequences, the following consequences apply if the defendant is convicted of an offense that is a reportable conviction AND the offense is an aggravated offense, the defendant is a recidivist, or the defendant is classified as a sexually violent predator.

- Lifetime registration requirement, instead of ten-year minimum, terminated only if conviction reversed, vacated, or set aside, or unconditional pardon of innocence granted. GS 14-208.23, 14-208.6C.
- Lifetime satellite monitoring (may be terminated by Post-Release Supervision and Parole Commission). GS 14-208.40(a)(1), 14-208.40A(c), 14-208.40B(c), 14-208.43.
 - Satellite monitoring is also a required condition for term of probation and, if offense is Class A through E felony, for five-year period of post-release supervision. GS 15A-1343(b2)(7), 15A-1368.4(b1)(6).
 - Class F felony for not enrolling in program if required to do so, Class E felony for tampering with satellite monitoring equipment, and Class 1 misdemeanor (effective for offenses committed on or after Dec.1, 2007) for failing to provide necessary information to DOC or failing to cooperate with DOC's rules for program.
 - Satellite monitoring provisions apply to offenses committed on or after Aug. 16, 2006. They also apply to offenses committed before Aug. 16, 2006, if the defendant is sentenced on or after that date (except if the defendant is sentenced to community punishment, an option that is not available for most of these offenses). See effective-date language, reprinted below, for certain defendants sentenced before Aug. 16, 2006.
- In-person re-verification of registration information with sheriff every ninety days instead of every six months. GS 14-208.24.

Offenses Involving Sexual, Physical, or Mental Abuse of Minor

In addition to regular registration consequences, the following consequences apply if the defendant is convicted of an offense that is a reportable conviction AND the offense involves "sexual, physical, or mental abuse" of a minor. A defendant who has a reportable conviction and is subject to the aggravated consequences immediately above is also subject to the probation and post-release supervision restrictions below if the offense involves "sexual, physical, or mental abuse" of a minor.*

- Potential of satellite monitoring for period ordered by court, up to length of registration period. GS 14-208.40(a)(2), 14-208.40A(d),(e), 14-208.40B(c) (describing criteria for when monitoring may be ordered).
 - If imposed, satellite monitoring is also a condition for term of probation and, if offense is Class A through E felony, for five-year period of post-release supervision. GS 15A-1343(b2)(8), 15A-1368.4(b1)(7).
 - Class F felony for not enrolling in program if required to do so, Class E felony for tampering with satellite monitoring equipment, and Class 1 misdemeanor (effective for offenses committed on or after Dec.1, 2007) for failing to provide necessary

*A defendant who does not have a reportable conviction is subject to the indicated residence restrictions and certain other probation and post-release supervision conditions (not registration or satellite monitoring) if convicted of an offense involving sexual, physical, or mental abuse of a minor, except the period of post-release supervision for Class A through E felonies is nine months instead of five years. GS 15A-1343(b2), 15A-1368.2(c), 15A-1368.4(b1).

- information to DOC or failing to cooperate with DOC's rules for program.
- Satellite monitoring provisions apply to offenses committed on or after Aug. 16, 2006. They also apply to offenses committed before Aug. 16, 2006, if the defendant is sentenced on or after that date (except if the defendant is sentenced to community punishment, an option that is not available for most of these offenses). See effective-date language, reprinted below, for certain defendants sentenced before Aug. 16, 2006.
- Restrictions on residing with minor (including own child) as condition of probation and, if offense is Class A through E felony, as condition of post-release supervision, as follows:
 - For offenses involving sexual abuse of minor, mandatory condition of probation and post-release supervision that registrant not reside with minor. GS 15A-1343(b2)(4), 15A-1368.4(b1)(4).
 - For offenses involving physical or mental abuse of minor, condition of probation and post-release supervision that registrant not reside with minor unless court finds it permissible. GS 15A-1343(b2)(5), 15A-1368.4(b1)(5).

Effective date provision for satellite monitoring

Section 15(l) of SL 206-247 (H 1896) contains the effective-date provision for the satellite monitoring provisions. It states: "Unless otherwise provided in the section, this section is effective when it becomes law [Aug. 16, 2006] and applies to offenses committed on or after that date. This section also applies to any person sentenced to intermediate punishment on or after that date and to any person released from prison by parole or post-release supervision on or after that date. This section also applies to any person who completes his or her sentence on or after the effective date of this section who is not on post-release supervision or parole. However, the requirement to enroll in a satellite-based program is not mandatory until January 1, 2007, when the program is established."

Appendix D

Juvenile Sex Offender Registration Requirements

Applicability

GS 14-208.26 requires registration of a juvenile tried in juvenile court if all of the following conditions are present:

- The juvenile is adjudicated delinquent of:
 - a violation of GS 14-27.2 (first-degree rape), GS 14-27.3 (second-degree rape), GS 14-27.4 (first-degree sexual offense), GS 14-27.5 (second-degree sexual offense), or GS 14-27.6 (attempted rape or sexual offense, repealed in 1994)
 - attempt, conspiracy, or solicitation to commit these offenses; or
 - aiding and abetting these offenses;
- The juvenile was eleven years of age or older at time of offense; and
- The judge presiding at the dispositional hearing finds under the statutory standard that the juvenile should be required to register.

Requirements

- The juvenile court counselor is responsible for obtaining from the juvenile and providing to the sheriff the juvenile's current address.
- Registration information (juvenile's name, offense, address) is not public record and is not accessible via Internet. GS 14-208.29.
- Registration terminates when juvenile turns 18 years old or juvenile court jurisdiction terminates, whichever occurs first. GS 14-208.30.
- Division of Criminal Statistics retains information about juvenile. GS 14-208.31.
- Juvenile who is required to register may be subject to GS 14-208.16 and 14-208.17, which make it a crime for a registrant to reside near school or engage in certain activities involving minors. See Appendix C, Regular Consequences, above.

Effective date

The juvenile registration requirements took effect October 1, 1999, except that an attempt, conspiracy, solicitation, or aiding and abetting offense must have been committed on or after Dec. 1, 1999.

Problems in Determining Sex Offender Registration Requirements

1. A 22-year old defendant is convicted on December 1, 2007, of indecent liberties (under GS 14-202.1) with a 15-year old for consensual sexual acts. He has no prior record.

a. Is the offense a “reportable conviction”?

b. Is the offense an “aggravated offense,” making the defendant subject to lifetime registration and lifetime satellite monitoring?

c. Does the offense involve “sexual, physical, or mental abuse” of a minor, subjecting the defendant to restrictions on living with a minor as a condition of probation as well as the possibility of satellite monitoring?

d. Suppose the victim was 11 years old and the sexual act was fellatio. Would the indecent liberties conviction constitute an “aggravated offense”?

2. A 30-year old defendant is charged with second-degree forcible rape (under GS 14-27.3) of a 19 year-old woman. The defendant accepts a plea to and is convicted of attempted second-degree forcible rape on December 1, 2007. The defendant has no prior record.

a. Is the offense a “reportable conviction”?

b. Is the offense an “aggravated offense”?

3. The defendant is convicted on December 1, 2007, of crime against nature, a Class I felony (under GS 14-177), and sexual battery, a Class A1 misdemeanor (under GS 14-27.5A), for acts allegedly committed November 10, 2005. He has no prior record.

a. Are the offenses “reportable convictions”?

b. Suppose the offenses were committed December 10, 2005. Are the offenses “reportable convictions”?