

207.76 FAILURE TO COMPLY WITH SEX OFFENDER RESIDENTIAL RESTRICTIONS. FELONY.

*NOTE WELL: This language does not apply to any registrant who established his or her residence prior to August 16, 2006.*

The defendant has been charged with failing to comply with sex offender residential restrictions.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt.

First, that the defendant [was a resident] [had established a residence] in this State<sup>1</sup> by [[purchasing a residence] [entering into a specifically enforceable<sup>2</sup> contract to purchase a residence]] [entering into a written lease contract for a residence and for as long as the person is lawfully entitled to remain on the premises]] [residing with the defendant's [child] [sibling] [parent] who has [purchased a residence or entered into a specifically enforceable contract to purchase a residence] [entered into a written lease contract for a residence and for as long as the person is lawfully entitled to remain on the premises]].

Second, that on (*name date*), the defendant in (*name court*) was convicted of (*name crime*), a reportable offense for which the defendant must register.

And Third, that defendant knew said residency was [at a location which was within 1,000 feet of any property line of a property on which any public or nonpublic school<sup>3</sup> or child care center<sup>4</sup> was located] [within any structure, any portion of which was within 1,000 feet of any property line of a property on which any public or nonpublic school or child care center was located].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [was a resident] [had established residency] within the state, that the defendant had previously been convicted

of a reportable offense for which the defendant must register, and that the defendant knowingly resided [at a location which was within 1,000 feet of any property line of a property on which any public or nonpublic school or child care center was located] [within any structure, any portion of which was within 1,000 feet of any property line of a property on which any public or nonpublic school or child care center was located], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1. Changes in ownership of or use of property within 1,000 feet of a registrant's registered address that occur after the registrant establishes residency at the registered address shall not form the basis for finding that an offender is in violation of N.C. Gen. Stat. § 14-208.16.

2. To be enforceable, a contract for the purchase or lease of a residency must be in writing.

3. School does not include home schools which means a nonpublic school in which one or more children of not more than two families or households receive academic instruction from parents or legal guardians, or a member of either household, or institutions of higher education, and the term "child care center," which is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

4. For purposes of this section, the term "child care center" does include the permanent locations of organized clubs of Boys and Girls Clubs of America.