

**§ 14-208.40. Establishment of program; creation of guidelines; duties.**

(a) The Division of Community Supervision and Reentry of the Department of Adult Correction shall establish a sex offender monitoring program that uses a continuous satellite-based monitoring system and shall create guidelines to govern the program. The program shall be designed to monitor three categories of offenders as follows:

- (1) Any offender who is convicted of a reportable conviction as defined by G.S. 14-208.6(4) and who is required to register under Part 3 of Article 27A of Chapter 14 of the General Statutes because the defendant is classified as a sexually violent predator, is a reoffender, or was convicted of an aggravated offense as those terms are defined in G.S. 14-208.6 and requires the highest possible level of supervision and monitoring, as determined by a court.
- (2) Any offender who satisfies all of the following criteria: (i) is convicted of a reportable conviction as defined by G.S. 14-208.6(4), (ii) is required to register under Part 2 of Article 27A of Chapter 14 of the General Statutes, (iii) has committed an offense involving the physical, mental, or sexual abuse of a minor, and (iv) requires the highest possible level of supervision and monitoring, as determined by a court.
- (3) Any offender who is convicted of G.S. 14-27.23 or G.S. 14-27.28 and requires the highest possible level of supervision and monitoring, as determined by a court.

(b) In developing the guidelines for the program, the Division of Community Supervision and Reentry shall require that any offender who is enrolled in the satellite-based program submit to an active continuous satellite-based monitoring program, unless an active program will not work as provided by this section. If the Division of Community Supervision and Reentry determines that an active program will not work as provided by this section, then the Division of Community Supervision and Reentry shall require that the defendant submit to a passive continuous satellite-based program that works within the technological or geographical limitations.

(c) The satellite-based monitoring program shall use a system that provides all of the following:

- (1) Time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location tracking technology.
- (2) Reporting of subject's violations of prescriptive and proscriptive schedule or location requirements. Frequency of reporting may range from once a day (passive) to near real-time (active).

(d) The Division of Community Supervision and Reentry may contract with a single vendor for the hardware services needed to monitor subject offenders and correlate their movements to reported crime incidents. The contract may provide for services necessary to implement or facilitate any of the provisions of this Part. (2006-247, s. 15(a); 2007-213, s. 1; 2007-484, s. 42(b); 2008-117, s. 16; 2011-145, s. 19.1(h); 2015-181, s. 40; 2017-186, s. 2(t); 2021-138, s. 18(c); 2021-180, s. 19C.9(u); 2021-182, s. 2(a); 2022-74, s. 19A.1(a).)