

**§ 14-208.40B. Determination of satellite-based monitoring requirement in certain circumstances.**

(a) When an offender is convicted of a reportable conviction as defined by G.S. 14-208.6(4), and there has been no determination by a court on whether the offender shall be required to enroll in satellite-based monitoring, the Division of Prisons shall make an initial determination on whether the offender falls into one of the categories described in G.S. 14-208.40(a).

(b) If the Division of Prisons determines that the offender falls into one of the categories described in G.S. 14-208.40(a), the district attorney, representing the Division of Prisons, shall schedule a hearing in superior court for the county in which the offender resides. The Division of Prisons shall notify the offender of the Division of Prisons' determination and the date of the scheduled hearing by certified mail sent to the address provided by the offender pursuant to G.S. 14-208.7. The hearing shall be scheduled no sooner than 15 days from the date the notification is mailed. Receipt of notification shall be presumed to be the date indicated by the certified mail receipt. Upon the court's determination that the offender is indigent and entitled to counsel, the court shall assign counsel to represent the offender at the hearing pursuant to rules adopted by the Office of Indigent Defense Services.

(c) At the hearing, the court shall determine if the offender falls into one of the categories described in G.S. 14-208.40(a). The court shall hold the hearing and make findings of fact pursuant to G.S. 14-208.40A.

(c1) Repealed by Session Laws 2021-182, s. 2(c), effective December 1, 2021, and applicable to satellite-based monitoring determinations on or after that date. (2007-213, s. 3; 2007-484, s. 42(b); 2008-117, s. 16.2; 2009-387, s. 4; 2011-145, s. 19.1(h); 2015-181, ss. 42, 47; 2017-186, s. 2(v); 2021-138, s. 18(e); 2021-180, s. 19C.9(q); 2021-182, s. 2(c).)