



## SEX OFFENDER REGISTRATION AND NOTIFICATION ACT SUBSTANTIAL IMPLEMENTATION CHECKLIST—REVISED

This checklist is designed as a tool to assist registration jurisdictions as they seek to substantially implement SORNA. It is not a definitive guide to SORNA's full implementation requirements. Jurisdictions are advised to consult with the SMART Office throughout their implementation process to ensure that their laws, policies, procedures, and practices conform with the entirety of what SORNA requires.

This revised checklist streamlines and simplifies SORNA's basic requirements and makes two substantive changes to the previous version:

1. Sex Trafficking of Children by Force, Fraud, or Coercion (18 U.S.C. 1591) was INCORRECTLY listed as a Tier I Offense; it is a Tier II Offense.
2. The Kids Act of 2008 (42 U.S.C. § 16915a & b.) amended the SORNA provisions of the Adam Walsh Act by adding Internet identifiers as items that are NOT permitted to be displayed on sex offender public websites.

### I. IMMEDIATE TRANSFER OF INFORMATION

Whenever a sex offender initially registers or updates their registration information with a jurisdiction, that jurisdiction is required to immediately notify any other jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs. This includes notification to any relevant SORNA-registration jurisdiction, including states, territories, tribes, and the District of Columbia.

The jurisdiction is also required to immediately update the National Sex Offender Registry (NSOR) and their own public sex offender registry website.

- **Immediate:** 'Immediate' and 'immediately' are defined as 'within 3 business days'

\_\_\_\_\_ Any initial registration and/or updated information is:

\_\_\_\_\_ immediately sent to

\_\_\_\_\_ any required SORNA-registration jurisdiction, including:

\_\_\_\_\_ States

\_\_\_\_\_ D.C.

- \_\_\_\_\_ The five principal U.S. Territories; and
- \_\_\_\_\_ Any tribe operating as a SORNA registration jurisdiction
- \_\_\_\_\_ NSOR
- \_\_\_\_\_ The jurisdiction's public sex offender registry website

## II. TERMINOLOGY

The next issue to be addressed in determining substantial implementation is that of terminology. SORNA defines certain terms in very specific ways and a jurisdiction's registration scheme must meet, and may exceed, these minimum standards.

\_\_\_\_\_ **Jurisdiction** Refers to the 50 States, the District of Columbia, the five principal U.S. territories -- i.e., the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands -- and Indian tribes that elect to function as registration jurisdictions under 42 U.S.C. §16927.

Whenever SORNA or the Guidelines refer to a "jurisdiction", this is the definition that should be used.

\_\_\_\_\_ **Sex Offense** The term "sex offense" is not used to refer to any and all crimes of a sexual nature, but rather to those covered by the definition of "sex offense" appearing in 42 U.S.C. §16911(5).

## III. OFFENSES THAT MUST BE INCLUDED IN THE REGISTRY

A jurisdiction must include certain sex offenders in their registration schemes. As defined by SORNA, **sex offenders** are individuals **convicted** of certain **sex offenses**.

\_\_\_\_\_ **Convicted**

\_\_\_\_\_ An adult sex offender is **convicted** for SORNA purposes if her or she has been subject to penal consequences based on the conviction, however it may be styled.

\_\_\_\_\_ The following two classes of convictions are also included in the SORNA definition of **convicted**, and must be included in the jurisdiction's registry:

\_\_\_\_\_ convictions of juveniles who are prosecuted as adults

\_\_\_\_\_ persons adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the

offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in 18 U.S.C. § 2241), or was an attempt or conspiracy to commit such an offense. (See SORNA's Juvenile Fact Sheet for additional important information:

[http://www.ojp.usdoj.gov/smart/pdfs/factsheet\\_sorna\\_juvenile.pdf](http://www.ojp.usdoj.gov/smart/pdfs/factsheet_sorna_juvenile.pdf))

SORNA specifies the sex offenses which, if they already exist in a jurisdiction, must be included in any jurisdiction's registration scheme, as well as those convictions from other jurisdictions (including the federal government and foreign countries) which must be included. Jurisdictions are not required to enact any new substantive sex offense crimes in order to substantially implement SORNA.

Jurisdictions must register any sex offender **convicted** of any of the following offenses:

\_\_\_\_\_ **Attempts and Conspiracies** Any attempt or conspiracy to commit any sex offense

\_\_\_\_\_ **Federal Offenses** Convictions under the following federal statutes (including any offenses prosecuted under the Assimilative Crimes Act (18 U.S.C. §1152 or §1153)):

_____ 18 U.S.C. §1591	(Sex Trafficking of Children)
_____ 18 U.S.C. §1801	(Video Voyeurism of a Minor)
_____ 18 U.S.C. §2241	(Aggravated Sexual Abuse)
_____ 18 U.S.C. §2242	(Sexual Abuse)
_____ 18 U.S.C. §2243	(Sexual Abuse of a Minor or Ward)
_____ 18 U.S.C. §2244	(Abusive Sexual Contact)
_____ 18 U.S.C. §2245	(Offenses Resulting in Death)
_____ 18 U.S.C. §2251	(Sexual Exploitation of Children)
_____ 18 U.S.C. §2251A	(Selling or Buying of Children)
_____ 18 U.S.C. §2252	(Material Involving the Sexual Exploitation of Minors)
_____ 18 U.S.C. §2252A	(Material Containing Child Pornography)
_____ 18 U.S.C. §2252B	(Misleading Domain Names on the Internet)
_____ 18 U.S.C. §2252C	(Misleading Words or Digital Images on the Internet)
_____ 18 U.S.C. §2260	(Production of Sexually Explicit Depictions of a Minor for Import in to the United States)
_____ 18 U.S.C. §2421	(Transportation of a Minor for Illegal Sexual Activity)
_____ 18 U.S.C. §2422	(Coercion and Enticement of a Minor for Illegal Sexual Activity)
_____ 18 U.S.C. §2423	(Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places)
_____ 18 U.S.C. §2424	(Failure to File Factual Statement about an Alien Individual)
_____ 18 U.S.C. §2425	(Transmitting Information about a Minor to further

## Criminal Sexual Conduct)

\_\_\_\_\_ **Foreign Offenses** Jurisdictions must also register certain sex offenders convicted of foreign sex offenses when such offenders are convicted either:

\_\_\_\_\_ Under the laws of Canada, United Kingdom, Australia, and New Zealand; or

\_\_\_\_\_ In any foreign country where the U.S. State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally (or vigorously) enforced the right to a fair trial in that country during the year in which the conviction occurred. These annual reports can be found at <http://www.state.gov/g/drl/rls/hrrpt/>.

\_\_\_\_\_ **Military Offenses** Jurisdictions must register anyone convicted of a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. §951 note). Jurisdictions are encouraged to review Department of Defense Instruction (DoDI) 1325.7 and the current 10 U.S.C. §920 *et. seq.* to determine which UCMJ convictions will be appropriate for inclusion. The current version of DoDI 1325.7 can be found here: <http://www.dtic.mil/whs/directives/corres/pdf/132507p.pdf>.

## \_\_\_\_\_ **State, Tribal, Territory and Foreign Offenses**

Jurisdictions are required to register any person who has been convicted of a criminal offense in any state, tribe, territory, or the District of Columbia, and any foreign country (subject to the limitations described above) that involves:

\_\_\_\_\_ Any conduct that by its nature is a sex offense against a minor

\_\_\_\_\_ Any conduct similar to that prohibited by the following Federal Offenses:

- |                          |   |
|--------------------------|---|
| _____ 18 U.S.C. §1591    | (Sex Trafficking by Force, Fraud, or Coercion)      |
| _____ 18 U.S.C. §1801    | (Video Voyeurism of a Minor)                        |
| _____ 18 U.S.C. §2241    | (Aggravated Sexual Abuse)                           |
| _____ 18 U.S.C. §2242    | (Sexual Abuse)                                      |
| _____ 18 U.S.C. §2244    | (Abusive Sexual Contact)                            |
| _____ 18 U.S.C. §2422(b) | (Coercing a Minor to Engage in Prostitution)        |
| _____ 18 U.S.C. §2423(a) | (Transporting a Minor to Engage in Illicit Conduct) |

\_\_\_\_\_ Any type or degree of genital, oral, or anal penetration

\_\_\_\_\_ Any sexual touching of or contact with a person's body, either directly or through the clothing

- \_\_\_\_\_ Criminal sexual conduct involving a minor (where the elements of the offense involve physical contact with the victim), or the use of the internet to facilitate or attempt such conduct
- \_\_\_\_\_ Including offenses whose elements involve using other persons in prostitution -- such as provisions defining crimes of “pandering,” “procuring,” or “pimping” in cases where the victim was below 18 at the time of the offense
- \_\_\_\_\_ False imprisonment of a minor
- \_\_\_\_\_ Kidnapping of a minor
- \_\_\_\_\_ Possession, production, or distribution of child pornography
- \_\_\_\_\_ Solicitation of a minor to practice prostitution
- \_\_\_\_\_ Solicitation to engage a minor in sexual conduct (this should be understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct)
- \_\_\_\_\_ Use of a minor in a sexual performance

#### IV. TIERING OF OFFENSES

Once a jurisdiction determines which sex offenses will require registration, it will have to decide at what ‘level’ of registration those convicted of each particular offense must register. SORNA establishes a baseline or minimum standard by way of a 3-tier classification system.

For the purposes of tiering sex offenses:

- **Minor** is defined as an individual under the age of 18
- **Sexual contact** means offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing
- **Sexual act** means offenses involving
  - Any direct touching of the genitals of a person under 16; or
  - Oral, anal, or vaginal penetration of any kind which occurs:
    - when the victim is under 13
    - by force
    - by way of threat or intimidation

- when the victim has been rendered unconscious
- when the victim is incapable of appraising the nature of their conduct;
- when the victim is physically incapable of communicating non-consent;
- when a drug or intoxicant has been administered which substantially impairs the ability of the other person to appraise or control their conduct

### Tier I Offenses

\_\_\_\_\_ Convictions that have an element involving a **sexual act** or **sexual contact** with another, that are not included in either Tier II or Tier III

\_\_\_\_\_ Convictions that involve:

\_\_\_\_\_ False Imprisonment of a **Minor**

\_\_\_\_\_ Video Voyeurism of a **Minor**

\_\_\_\_\_ Possession or Receipt of Child Pornography

\_\_\_\_\_ The following Federal Offenses:

- |                          |   |
|--------------------------|---|
| _____ 18 U.S.C. §1801    | (Video Voyeurism of a Minor)  |
| _____ 18 U.S.C. §2252    | (Receipt or Possession of Child Pornography)                                |
| _____ 18 U.S.C. §2252A   | (Receipt or Possession of Child Pornography)                                |
| _____ 18 U.S.C. §2252B   | (Misleading Domain Name)  |
| _____ 18 U.S.C. §2252C   | (Misleading Words or Digital Images)  |
| _____ 18 U.S.C. §2422(a) | (Coercion to Engage in Prostitution)  |
| _____ 18 U.S.C. §2423(b) | (Travel with the Intent to Engage in Illicit Conduct)                       |
| _____ 18 U.S.C. §2423(c) | (Engaging in Illicit Conduct in Foreign Places)                             |
| _____ 18 U.S.C. §2424    | (Filing Factual Statement about Alien Individual)                           |
| _____ 18 U.S.C. §2425    | (Transmitting Information about a Minor to further Criminal Sexual Conduct) |

\_\_\_\_\_ Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. §951 note)

### Tier II Offenses

\_\_\_\_\_ **Recidivist Offender** A person previously convicted of a tier I offense whose current sex offense conviction is punishable by more than one year imprisonment

\_\_\_\_\_ Convictions that involve:

\_\_\_\_\_ The use of **minors** in prostitution (to include solicitations)

- \_\_\_\_\_ Enticing a **minor** to engage in criminal sexual activity
- \_\_\_\_\_ A non-forcible **Sexual Act** with a **minor** 16 or 17 years old
- \_\_\_\_\_ **Sexual contact** with a **minor** 13 or older
- \_\_\_\_\_ The use of a **minor** in a sexual performance
- \_\_\_\_\_ The production or distribution of child pornography

\_\_\_\_\_ The following Federal Offenses:

- \_\_\_\_\_ 18 U.S.C. §1591 (Sex Trafficking by Force, Fraud, or Coercion)
- \_\_\_\_\_ 18 U.S.C. §2243 (Sexual Abuse of a Minor)
- \_\_\_\_\_ 18 U.S.C. §2244 (Abusive Sexual Contact, Victim 13 or Older)
- \_\_\_\_\_ 18 U.S.C. §2251 (Sexual Exploitation of Children)
- \_\_\_\_\_ 18 U.S.C. §2251A (Selling or Buying of Children)
- \_\_\_\_\_ 18 U.S.C. §2252 (Sale or Distribution of Child Pornography)
- \_\_\_\_\_ 18 U.S.C. §2252A (Sale or Distribution of Child Pornography)
- \_\_\_\_\_ 18 U.S.C. §2260 (Producing Child Pornography for Import)
- \_\_\_\_\_ 18 U.S.C. §2421 (Transportation for Prostitution)
- \_\_\_\_\_ 18 U.S.C. §2422(b) (Coercing a Minor to Engage in Prostitution)
- \_\_\_\_\_ 18 U.S.C. §2423(a) (Transporting a Minor to Engage in Illicit Conduct)

\_\_\_\_\_ Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. §951 note)

### Tier III Offenses

\_\_\_\_\_ **Recidivist Offender** A person previously convicted of a tier II offense whose current sex offense conviction is punishable by more than one year imprisonment

\_\_\_\_\_ Convictions by that involve:

- \_\_\_\_\_ Non-parental kidnapping of a **minor**
- \_\_\_\_\_ Any **Sexual Act** with another (as defined on page 5)
- \_\_\_\_\_ **Sexual contact** with a minor under 13

\_\_\_\_\_ The following Federal Offenses:

- \_\_\_\_\_ 18 U.S.C. §2241 (Aggravated Sexual Abuse)
- \_\_\_\_\_ 18 U.S.C. §2242 (Sexual Abuse)
- \_\_\_\_\_ 18 U.S.C. §2244 (Abusive Sexual Contact, victim under 13)

\_\_\_\_\_ Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. §951 note)

## V. REQUIRED REGISTRATION INFORMATION

Once a jurisdiction determines which sex offense convictions will require what level of registration, the question turns to what information they are required to collect for their sex offender registry. These requirements are *different from* the more limited list of items that are required to be displayed via a jurisdiction's public sex offender registry website.

\_\_\_\_\_ **Digitized** All information is to be available in digitized format. Jurisdictions will need to maintain all required registration information in a digitized form that will enable it to be immediately accessed by or transmitted to various entities. The jurisdiction's registry must be an electronic database, and descriptions of the required types of information should consistently be understood as referring to digitizable information rather than hard copies or physical objects.

However, when items and/or data might be stored in separate databases (such as DNA profiles in CODIS, fingerprints in IAFIS, or professional licensing information with a separate board or committee), it is sufficient if a jurisdiction provides an identification number or some other indicator of precisely where such registration information might be found, and in what database.

As specified below, the information required to be included on a jurisdiction's registry fall into 20 primary headings:

1. Criminal History
2. Date of Birth
3. DNA Sample
4. Driver's License or Identification Card
5. Employment Information
6. Fingerprints
7. Internet Identifiers
8. Name
9. Palm Prints
10. Passport and Immigration Documents
11. Phone Numbers
12. Photograph
13. Physical Description
14. Professional Licensing Information
15. Resident Address
16. School Information
17. Social Security Number
18. Temporary Lodging Information
19. Text of Registration Offense
20. Vehicle Information

SORNA minimum standards require jurisdictions to include the following specific information in their registry:

\_\_\_\_\_ **Criminal history**

- \_\_\_\_\_ Date of all arrests
- \_\_\_\_\_ Date of all convictions
- \_\_\_\_\_ Status of parole, probation, or supervised release
- \_\_\_\_\_ Registration status
- \_\_\_\_\_ Outstanding arrest warrants

\_\_\_\_\_ **Date of Birth**

- \_\_\_\_\_ Actual date of birth
- \_\_\_\_\_ Purported date of birth

\_\_\_\_\_ **DNA sample**

- \_\_\_\_\_ A DNA sample must be taken, or must have been taken, from the sex offender for purposes of analysis and entry of the resulting DNA profile into the Combined DNA Index System (CODIS)
- \_\_\_\_\_ Samples are being analyzed and submitted for entry to CODIS

\_\_\_\_\_ **Driver's License or ID Card**

- \_\_\_\_\_ A photocopy of a valid driver's license or identification card (to include a tribal identification card) issued to the sex offender by a jurisdiction

\_\_\_\_\_ **Employment Information**

- \_\_\_\_\_ Employer Name (Business Name)
- \_\_\_\_\_ Employer Address
- \_\_\_\_\_ Transient/day labor employment information collected

\_\_\_\_\_ **Fingerprints**

- \_\_\_\_\_ Fingerprints taken and submitted to IAFIS

\_\_\_\_\_ **Internet Identifiers**

- \_\_\_\_\_ Email addresses
- \_\_\_\_\_ Instant Message addresses/identifiers
- \_\_\_\_\_ Any other designations or monikers used for self-identification in Internet communications or postings

\_\_\_\_\_ All designations used by sex offenders for purposes of routing or self- identification in Internet communications or postings

\_\_\_\_\_ **Name**

\_\_\_\_\_ Primary, given name

\_\_\_\_\_ Nicknames, aliases, pseudonyms generally, regardless of context in which it is used

\_\_\_\_\_ Ethnic or Tribal names by which they are commonly known

\_\_\_\_\_ **Palm Prints**

\_\_\_\_\_ Palm Prints taken and submitted to the FBI Central Database (Next Generation Identification Program)

\_\_\_\_\_ **Passports and Immigration Documents**

\_\_\_\_\_ Digitized copies of passports

\_\_\_\_\_ Digitized copies of immigration documents

\_\_\_\_\_ **Phone Numbers**

\_\_\_\_\_ Telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications

\_\_\_\_\_ Land line telephone numbers

\_\_\_\_\_ Cell phone telephone numbers

\_\_\_\_\_ **Photograph**

\_\_\_\_\_ Updated digitized photograph collected unless appearance has not changed significantly, on the following schedule:

\_\_\_\_\_ Tier I Offender: Once every Year

\_\_\_\_\_ Tier II Offender: Once every 6 Months

\_\_\_\_\_ Tier III Offender: Once every 90 Days

\_\_\_\_\_ **Physical Description**

\_\_\_\_\_ Physical description of the sex offender

\_\_\_\_\_ General description of physical appearance or characteristics

\_\_\_\_\_ Any identifying marks, such as scars or tattoos, etc.

\_\_\_\_\_ **Professional Licensing Information**

\_\_\_\_\_ Concerning all licensing of the registrant that authorizes the registrant to engage in an occupation or carry out a trade or business

\_\_\_\_\_ **Resident Address**

- \_\_\_\_\_ Address of each residence at which the sex offender resides or will reside  
\_\_\_\_\_ If no permanent residence, location or description that identifies where the sex offender “habitually lives”

\_\_\_\_\_ **School Address**

- \_\_\_\_\_ School Name  
\_\_\_\_\_ School Address

\_\_\_\_\_ **Social Security Number**

- \_\_\_\_\_ Valid social security number  
\_\_\_\_\_ Purported social security number(s)

\_\_\_\_\_ **Temporary lodging information**

- when an offender will be absent from his or her residence for 7 days or more

- \_\_\_\_\_ Identifying information (location) of temporary location(s)  
\_\_\_\_\_ Dates of travel

\_\_\_\_\_ **Text of Registration Offense**

- \_\_\_\_\_ The text of the provision of law defining the offense for which the sex offender is registered

\_\_\_\_\_ **Vehicle Information**

- \_\_\_\_\_ License plate number; and  
\_\_\_\_\_ Registration number or identifier  
\_\_\_\_\_ Of all of the following vehicles owned or operated by the offender, whether for:

- \_\_\_\_\_ Work or  
\_\_\_\_\_ Personal use

Including:

- \_\_\_\_\_ Land Vehicles  
\_\_\_\_\_ Aircraft  
\_\_\_\_\_ Watercraft

- \_\_\_\_\_ Description of all vehicles identified above  
\_\_\_\_\_ Permanent or frequent location where all vehicles are kept

## VI. WHERE REGISTRATION IS REQUIRED

\_\_\_\_\_ **Jurisdiction of Conviction** Initial registration is required in the jurisdiction where the sex offender was convicted even if the sex offender will not be residing there

\_\_\_\_\_ **Jurisdiction of Incarceration** Initial registration is required in the jurisdiction where a sex offender is incarcerated when completing their sentence, regardless if it is the jurisdiction of conviction or will be the jurisdiction of residence, employment, or school attendance

\_\_\_\_\_ **Jurisdiction of Residence** All sex offenders who **reside** in the jurisdiction are required to register

\_\_\_\_\_ **Jurisdiction of Employment** All sex offenders who are **employees** in the jurisdiction are required to register

- **Employee:** Includes an individual who is self-employed or works for any other entity, whether compensated or not

\_\_\_\_\_ **Jurisdiction of School Attendance** All sex offenders who are **students** in the jurisdiction are required to register

- **Student** An individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education

## VII. INITIAL REGISTRATION: GENERALLY

### Timing of Initial Registration

A sex offender is required to register at particular times, depending on whether he or she is incarcerated within the jurisdiction, sentenced within the jurisdiction, or arriving from another jurisdiction.

\_\_\_\_\_ **When a sex offender is incarcerated within the jurisdiction**

\_\_\_\_\_ Registration must occur before release from “imprisonment” for the registration offense

- **Imprisonment** Refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly rather than in a narrow

technical sense, to include for example confinement in a state “prison” as well as in a local “jail”.

\_\_\_\_\_ **When a sex offender is sentenced within the jurisdiction, but not incarcerated**

\_\_\_\_\_ Registration must occur within three business days of sentencing for the registration offense

\_\_\_\_\_ **When a sex offender relocates from another jurisdiction** *i.e.*, when an offender is convicted and/or sentenced in another state, territory, tribe, or country, or in a federal or military court, and chooses to reside, work, or attend school in a jurisdiction.

\_\_\_\_\_ Registration must occur within three business days of the sex offender establishing residence, employment, or school attendance within the jurisdiction

**Duties of a Jurisdiction When an Offender Initially Registers**

\_\_\_\_\_ Inform the sex offender of his or her duties under SORNA

\_\_\_\_\_ Explain the SORNA duties to sex offender

\_\_\_\_\_ Require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement

\_\_\_\_\_ Ensure that the sex offender is registered

**VIII. INITIAL REGISTRATION: RETROACTIVE CLASSES OF OFFENDERS**

SORNA, by its terms, applies to all sex offenders, regardless of when they were convicted. Jurisdictions are required to **recapture** (*i.e.*, appropriately classify and register) certain offenders, including those who previously may have not been required to register, but who would be required to register under the jurisdiction’s new SORNA-implementing legislation.

\_\_\_\_\_ There must be a procedure in place to **recapture** three categories of sex offenders, which are those sex offenders who are:

\_\_\_\_\_ Currently incarcerated or under supervision, either for the predicate sex offense or for some other crime;

\_\_\_\_\_ Already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction’s law; and those sex offenders who

\_\_\_\_\_ Reenter the jurisdiction’s criminal justice system because of a conviction for some other crime (whether or not it is a sex offense)

The initial registration of these **recaptured** offenders must take place within a certain amount of time, depending on the tier classification of the sex offender:

\_\_\_\_\_ Timing of Recapture (from date of implementation of SORNA in the jurisdiction)

\_\_\_\_\_ Tier I Offenders:      Within One Year  
\_\_\_\_\_ Tier II Offenders:      Within 6 Months  
\_\_\_\_\_ Tier III Offenders:      Within 3 Months

## **IX.      KEEPING THE REGISTRATION CURRENT**

The duties of a sex offender to a registration jurisdiction will depend on whether the jurisdiction is the:

- Residence Jurisdiction (the jurisdiction in which the offender resides), the
- Employment Jurisdiction (the jurisdiction in which the offender is an employee), or the
- School Jurisdiction (the jurisdiction in which the offender is a student)

This section addresses the duties of a sex offender to each of the preceding types of jurisdictions regarding the sex offender's duty to keep their registration current.

### **Residence Jurisdiction**

When a sex offender **resides** in a jurisdiction, that sex offender must do the following to keep their registration current, in addition to making the required verification appearances described in part X, below:

\_\_\_\_\_ Immediately appear **in-person** to update any of the following information:

\_\_\_\_\_ Name  
\_\_\_\_\_ Residence  
\_\_\_\_\_ Employment  
\_\_\_\_\_ School Attendance  
\_\_\_\_\_ Termination of residence

\_\_\_\_\_ Immediately update any changes to the following information (an in-person appearance is not required):

\_\_\_\_\_ Email addresses  
\_\_\_\_\_ Instant Message addresses  
\_\_\_\_\_ Any other designations used in internet communications, postings, or telephone communications  
\_\_\_\_\_ Vehicle Information  
\_\_\_\_\_ Temporary Lodging Information  
\_\_\_\_\_ Upon receipt of this information, the jurisdiction must immediately notify the jurisdiction in which the offender will be temporarily staying

### **Duties of the Residence Jurisdiction When An Offender Intends to Relocate to Another Country**

If the residence jurisdiction is notified that the offender intends to commence residence, school, or employment outside of the United States, in addition to any other community notification requirements, it must also:

- \_\_\_\_\_ Immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information
- \_\_\_\_\_ Immediately notify the U.S. Marshals Service
- \_\_\_\_\_ Immediately update NSOR Information

### **Employer Jurisdiction**

When an offender is employed in a jurisdiction, but neither resides nor attends school there, that offender must do the following:

- \_\_\_\_\_ Immediately appear **in-person** to update any of the following information:
  - \_\_\_\_\_ Employment-related information in that jurisdiction
  - \_\_\_\_\_ Termination of employment in that jurisdiction

### **School Jurisdiction**

When an offender attends school in a jurisdiction, but neither resides nor works there, that offender must do the following:

- \_\_\_\_\_ Immediately appear **in-person** to update any of the following information:
  - \_\_\_\_\_ School-related information in that jurisdiction
  - \_\_\_\_\_ Termination of school in that jurisdiction

## **X. VERIFICATION/APPEARANCE REQUIREMENTS**

Sex offenders must register for a duration of time, and make in-person appearances at a frequency, that is driven by the tier of their sex offense.

### **\_\_\_\_\_ Tier I Offenders**

- \_\_\_\_\_ Once a year
- \_\_\_\_\_ For 15 years

### **\_\_\_\_\_ Tier II Offenders**

- \_\_\_\_\_ Every 6 Months
- \_\_\_\_\_ For 25 years

\_\_\_\_\_ **Tier III Offenders**

- \_\_\_\_\_ Every 3 Months
- \_\_\_\_\_ For life

**Requirements for In-Person Regular Appearances**

At the sex offender's regularly-scheduled in-person appearance, there are two things which must occur:

- \_\_\_\_\_ A current photograph must be allowed to be taken; and
- \_\_\_\_\_ The sex offender must review the existing registration information for accuracy

**Reduction of Registration Periods**

There are only two classes of sex offenders that SORNA permits to have a reduced registration period, provided certain requirements are met. The first is any Tier I offender, and the second is any Tier III offender who is required to register because of a juvenile adjudication.

**Tier I Offender:** An offender's registration and notification requirement may be terminated if the following conditions are met:

- \_\_\_\_\_ The sex offender has had ten years with a "clean record":
  - \_\_\_\_\_ Not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
  - \_\_\_\_\_ Not being convicted of any sex offense;
  - \_\_\_\_\_ Successful (without revocation) completion of any periods of supervised release, probation, and parole;
- and**
- \_\_\_\_\_ Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General. (42 USC §16915(b)(1))

**Tier III Offender:** An offender's registration and notification requirement may be terminated if the following conditions are met:

- \_\_\_\_\_ The sex offender is required to register based on a delinquency adjudication for an offense which required Tier III registration
- \_\_\_\_\_ The sex offender has had twenty-five years with a "clean record":

- \_\_\_\_\_ Not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
- \_\_\_\_\_ Not being convicted of any sex offense;
- \_\_\_\_\_ Successful (without revocation) completion of any of supervised release, probation, and parole;
- and**
- \_\_\_\_\_ Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General. (42 USC §16915(b)(1))

## XI. REGISTRY WEBSITE REQUIREMENTS

Every jurisdiction will need to maintain a public sex offender registry website, as specified below.

- \_\_\_\_\_ The jurisdiction must maintain a public sex offender registry website. This website must contain the information detailed below on each sex offender in the registry.

- *Exception:* Information about a tier I sex offender convicted of an offense other than a “specified offense against a minor” as defined in 42 U.S.C. §16911(7) may be excluded from a jurisdiction’s public sex offender registry website.

- \_\_\_\_\_ The jurisdiction’s public sex offender registry website must contain the following basic functions and materials:

- \_\_\_\_\_ The jurisdiction must participate fully in the National Sex Offender Public Website, including taking the necessary steps to enable all field search capabilities required by NSOPW, including but not limited to:

- \_\_\_\_\_ Name;
    - \_\_\_\_\_ County, City or Town;
    - \_\_\_\_\_ Zip Code; and
    - \_\_\_\_\_ Geographic Radius

- \_\_\_\_\_ Links to sex offender safety and education resources

- \_\_\_\_\_ Instructions on how to seek correction of information that an individual contends is erroneous.

- \_\_\_\_\_ A warning that information on the site “should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address...and that any such action could result in civil or criminal penalties.”

\_\_\_\_\_ Search-field capability:

- \_\_\_\_\_ Name.
- \_\_\_\_\_ County, City and/or Town
- \_\_\_\_\_ Zip Code
- \_\_\_\_\_ Geographic Radius

### **Ten Core Required Items on Public Registry Websites**

\_\_\_\_\_ **1. Absconder**

- when the offender is in violation or cannot be located, the website must note this fact

\_\_\_\_\_ **2. Criminal History**

- any other sex offense for which the sex offender has been convicted

\_\_\_\_\_ **3. Current Offense**

- the sex offense for which the offender is registered

\_\_\_\_\_ **4. Employer address**

\_\_\_\_\_ **5. Name**

- including all aliases

\_\_\_\_\_ **6. Photograph:**

- a current photograph of the offender

\_\_\_\_\_ **7. Physical description**

\_\_\_\_\_ **8. Resident Address**

- including any information about where the offender “habitually lives”

\_\_\_\_\_ **9. School address**

\_\_\_\_\_ **10. Vehicle(s) information, including:**

\_\_\_\_\_ license plate number(s); and

\_\_\_\_\_ vehicle description(s)

**Information That Is NOT Permitted to be Displayed on Public Websites**

- \_\_\_\_\_ **Criminal History:** any arrests not resulting in conviction
- \_\_\_\_\_ **Social Security Number**
- \_\_\_\_\_ **Travel and Immigration Document Numbers**
- \_\_\_\_\_ **Victim Identity**
- \_\_\_\_\_ **Internet Identifiers**

**Special Issue: Witness Protection**

- \_\_\_\_\_ Jurisdictions are permitted and encouraged to make provision in their laws and procedures to accommodate consideration of the security of such individuals and to honor requests from the United States Marshals Service and other agencies responsible for witness protection in order to ensure that their original identities are not compromised.

**XII. COMMUNITY NOTIFICATION**

Community Notification is a distinct requirement of SORNA, apart from the maintenance of a sex offender registry and a public sex offender registry website. In certain cases, jurisdictions will be required to disseminate information about sex offenders to agencies and individuals in the community, as indicated below.

**Law Enforcement Community Notification**

- \_\_\_\_\_ Whenever a sex offender:

- \_\_\_\_\_ initially registers in a jurisdiction, or
- \_\_\_\_\_ updates their registration information in a jurisdiction,

The following actions are required to be taken by a jurisdiction:

- \_\_\_\_\_ The jurisdiction must immediately notify the following agencies of the initial registration or the changes to an offender's registration information, and make the updated information available to the following agencies:

\_\_\_\_\_ NSOR

- \_\_\_\_\_ Each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

\_\_\_\_\_ Law Enforcement and Supervision Agencies:

- \_\_\_\_\_ Police Departments
- \_\_\_\_\_ Sheriffs' Offices
- \_\_\_\_\_ Prosecutor's Offices
- \_\_\_\_\_ Probation Agencies
- \_\_\_\_\_ Any other agencies with criminal investigation, prosecution, or sex offender supervision functions

\_\_\_\_\_ National Child Protection Act agencies:

- \_\_\_\_\_ Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a)

### **General Community Notification**

Whenever a sex offender:

- \_\_\_\_\_ initially registers in a jurisdiction, or
- \_\_\_\_\_ updates their registration information in a jurisdiction,

And a jurisdiction follows the procedures outlined below, it will be sufficient to comply with the general community notification portion of SORNA:

\_\_\_\_\_ An automated notification system is adopted by the jurisdiction that incorporates the following features:

- \_\_\_\_\_ Any initial registration, and any changes in a sex offender's registration information, are posted to the jurisdiction's public registry website within three business days

\_\_\_\_\_ An email notification (including a sex offender's identity) is made available to the general public whenever a sex offender commences

- \_\_\_\_\_ residence,
- \_\_\_\_\_ employment, or
- \_\_\_\_\_ school attendance
- \_\_\_\_\_ within a certain zip code or geographic radius

- Jurisdictions are not required to adopt an automated notification system in order to implement this general community notification portion of SORNA. If a jurisdiction chooses not to do so, however, it will still be held to SORNA's baseline requirements. Please contact the SMART office for assistance in determining which alternate procedures would substantially implement this

portion of SORNA.

### **XIII. FAILURE TO REGISTER AS A SEX OFFENDER: STATE PENALTY**

\_\_\_\_\_ Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of their registration and notification requirements in a jurisdiction.

### **XIV. WHEN SEX OFFENDER FAILS TO APPEAR FOR REGISTRATION**

When a jurisdiction is notified that a sex offender intends to reside, be employed, or attend school in their jurisdiction, and that offender fails to appear for registration as required, the jurisdiction receiving that notice must do the following:

\_\_\_\_\_ Inform the jurisdiction that provided the notification (that the offender was to commence employment, residence, and/or school in the new jurisdiction) that the sex offender failed to appear for registration

### **XV. WHEN A JURISDICTION HAS INFORMATION THAT A SEX OFFENDER MAY HAVE ABSCONDED**

When a jurisdiction has information that a sex offender may have absconded, certain actions must be taken.

\_\_\_\_\_ An effort must be made to determine whether the sex offender has actually absconded

\_\_\_\_\_ If no determination can be made, then a law enforcement agency with jurisdiction to investigate the matter must be notified

\_\_\_\_\_ If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, the authorities that provided the notification must be informed that the sex offender has failed to appear and register

\_\_\_\_\_ If an absconded sex offender cannot be located, then the jurisdiction must take the following steps:

\_\_\_\_\_ The information in the registry must be revised to reflect that the sex offender is an absconder or unlocatable

\_\_\_\_\_ A warrant must be sought for the sex offender's arrest, if the legal requirements for doing so are satisfied

- \_\_\_\_\_ The United States Marshals Service, which is the lead federal agency for investigating sex offender registration violations, must be notified
- \_\_\_\_\_ The jurisdiction must update NSOR to reflect the sex offender's status as an absconder or unlocatable
- \_\_\_\_\_ The jurisdiction must enter the sex offender into the National Crime Information Center Wanted Person File (assuming issuance of a warrant meeting the requirement for entry into that file)