



Sex Offender Registration and Notification Act Substantial Implementation Checklist

Important Note: As jurisdictions complete this checklist, they are asked to indicate in the “check-mark spaces” next to each individual item the *specific* location (page number) where that item will be found in their submission to the SMART Office. **The gray boxes to the side of the checklist are reserved for the use of the SMART Office staff; please do not make any marks in them.**

I. Terminology

The first issue to be addressed in determining substantial compliance 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:

- Convicted.** An adult sex offender is “convicted” for SORNA purposes if the sex offender has been subject to penal consequences based on the conviction, however it may be styled.
 _____ includes convictions of juveniles who are prosecuted as adults.
- Employee.** Includes an individual who is self-employed or works for any other entity, whether compensated or not.
- Immediate.** Immediate and immediately is defined as within three business days.
- 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”.
- 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 SORNA § 127.
- 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 SORNA § 111(5).
- Sex Offender.** A person who was “convicted” of a sex offense.
- 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.

II. 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”. SORNA specifies the “sex offenses” which, if in existence in a jurisdiction, must be included in any jurisdiction’s registration scheme:

- _____ **Attempts and Conspiracies.** An attempt or conspiracy to commit any sex offenses.
- _____ **Federal Offenses.** Convictions under the following federal offenses:
 - _____ 18 U.S.C. §1591 (Sex Trafficking of Children)
 - _____ 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. §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**

_____ Under the laws of Canada, United Kingdom, Australia, and New Zealand

_____ 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.

_____ **Military Offenses.** 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).

_____ **Juvenile Adjudications:** The term "convicted" or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that 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 section 2241 of title 18, United States Code [18 USCS § 2241]), or was an attempt or conspiracy to commit such an offense.

_____ **State, Local, and Tribal Offenses:** that involve:

_____ Any type of degree of genital, oral, or anal penetration.

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

_____ Kidnapping of a minor.

_____ False imprisonment or a minor.

_____ Solicitation to engage a minor in sexual conduct (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.

_____ Solicitation of a minor to practice prostitution.

_____ Video voyeurism of a minor as described in 18 U.S.C. § 1801.

_____ Possession, production, or distribution of child pornography.

_____ Criminal sexual conduct (sexual offenses whose elements involve physical contact with the victim) involving a minor, or the use of the internet to facilitate or attempt such conduct.

_____ Includes 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.

_____ Any conduct that by its nature is a sex offense against a minor.



- _____ Any offenses similar to 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)

III. Tiering of Offenses

Once a jurisdiction determines the sex offenses that 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.

Tier I Offenses



- _____ Convictions that have an element involving a sexual act or sexual contact with another, that is not included in either Tier II or Tier III, by:
 - _____ State,
 - _____ Local,
 - _____ Foreign, and/or
 - _____ Tribal jurisdictions
- _____ Convictions by:
 - _____ State,
 - _____ Local,
 - _____ Foreign, and/or
 - _____ Tribal jurisdictions

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. §1591 (Sex Trafficking by Force, Fraud, or Coercion)
- _____ 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 of 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

_____ Recidivist, prior tier I sex offender and current sex offense punishable by more than one year imprisonment.

_____ Convictions by:

- _____ State,
- _____ Local,
- _____ Foreign, and/or

_____ Tribal jurisdictions

that involve:

_____ the use of minors in prostitution (to include solicitations)

_____ enticing a minor to engage in criminal sexual activity

_____ ‘sexual contact’ with a minor 13-18

- ‘Sexual Contact’ means offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing

_____ the use of a minor in a sexual performance

_____ the production or distribution of child pornography

_____ The following Federal Offenses:

_____ 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 (Production or Distribution of Child Pornography)

_____ 18 U.S.C. §2252A (Production 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

- ___ ___ Recidivist, prior tier II sex offender and current offense punishable by more than one year imprisonment.
- ___ ___ Convictions by:
 - ___ ___ State,
 - ___ ___ Local,
 - ___ ___ Foreign, and/or
 - ___ ___ Tribal jurisdictions
- ___ ___ that involve:
 - ___ ___ non-parental kidnapping of a minor
 - ___ ___ a sexual act with another by force or threat
 - ___ ___ a sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate
 - ___ ___ ‘sexual contact’ with a minor under 13
 - ‘Sexual Contact’ means offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing
- ___ ___ 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).

IV. 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 own sex offender registry. These requirements are different from the requirement of display of sex offender registry information on a public website, public dissemination or community notification.

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

_____ **Electronic Databases.** Jurisdictions will need to maintain their registries in the form of electronic databases

_____ Information included can be electronically transmitted to or accessed by other jurisdictions and entities

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** of the sex offender.

_____ Date of all arrests

_____ Date of all convictions

_____ Status of parole, probation, or supervised release

_____ Registration status

_____ Outstanding arrest warrants

- ___ All Information Digitized
- ___ **Date of Birth.**
- ___ Actual date of birth
- ___ Purported date of birth
- ___ All Information Digitized
- ___ **DNA sample** of the sex offender:
- ___ 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 submitted for entry to CODIS
- ___ All Information Digitized
- ___ **Driver's License or ID Card.**
- ___ A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction
- ___ All Information Digitized
- ___ **Employment Information.**
- ___ Name
- ___ Address
- ___ Of any place where the sex offender is an employee or will be an employee, including as a volunteer or unpaid intern
- ___ Transient/day labor employment information collected
- ___ All Information Digitized
- ___ **Fingerprints** of the sex offender.
- ___ All Information Digitized

- _____ **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
- _____ All Information Digitized
- _____ **Name** of the sex offender.
- _____ Primary, given name
- _____ Nicknames, aliases, pseudonyms generally, regardless of context in which used
- _____ Ethnic or Tribal names by which they are commonly known
- _____ All Information Digitized
- _____ **Palm Prints** of the sex offender.
- _____ All Information Digitized
- _____ **Passports and Immigration Documents.**
- _____ Digitized copies of passports
- _____ Digitized copies of immigration documents
- _____ All Information Digitized
- _____ **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
- _____ All Information Digitized

- ___ ___ **Photograph.** A current photograph of the sex offender.
 - ___ Updated digitized photograph collected unless appearance has not changed significantly:
 - ___ Tier III: quarterly
 - ___ Tier II: Bi-annually
 - ___ Tier I: Annually
 - ___ All Information Digitized
- ___ ___ **Physical Description.** A physical description of the sex offender.
 - ___ Physical description of the sex offender
 - ___ General description of physical appearance or characteristics
 - ___ Any identifying marks, such as scars or tattoos, etc.
 - ___ All Information Digitized
- ___ ___ **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
 - ___ All Information Digitized
- ___ ___ **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”
 - ___ All Information Digitized
- ___ ___ **School Address.**
 - ___ Name
 - ___ Address
 - ___ Of any place where the sex offender:
 - ___ Is a student
 - ___ Will be a student

- ___ All Information Digitized
- ___ **Social Security Number.** The Social Security number of the sex offender.
 - ___ Valid social security number
 - ___ Purported social security number(s)
 - ___ All Information Digitized
- ___ **Temporary lodging information** (when absent from residence for 7 days or more)
 - ___ Identifying information (location) of temporary location(s)
 - ___ Dates of temporary lodging(s)
 - ___ All Information Digitized
- ___ **Text of Registration Offense.** The text of the provision of law defining the criminal offense for which the sex offender is registered
 - ___ ****Will be provided via the SORNA Database once fully populated****
 - ___ Link to SORNA Database
- ___ **Vehicle Information.** The license plate number and a description of any vehicle owned or operated by the sex offender
 - ___ License plate number,
 - ___ 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

V. 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.

_____ Initial registration is required in incarceration jurisdiction. (The jurisdiction where a sex offender is incarcerated when completing their sentence, regardless if this is the jurisdiction of conviction or the jurisdiction of residence).

_____ **Jurisdiction of Residence.** All sex offenders who “reside” in the jurisdiction are required to register. (See section I).

_____ **Jurisdiction of Employment.** All sex offenders who are “employees” in the jurisdiction are required to register. (See section I).

_____ **Jurisdiction of School Attendance.** All sex offenders who are “students” in the jurisdiction are required to register. (See section I).

VI. Initial Registration: Generally

_____ **“Immediate”.** For purposes of SORNA, if an action is directed to be done “immediately”, it must be done within 3 business days.

Timing of Initial Registration

When Incarcerated.

_____ Before release from “imprisonment” for the registration offense. (See section I)

When not Incarcerated.

_____ Within three business days of sentencing for the registration offense.

Foreign, Federal and Military Convicted Offenders.

_____ In person appearance required within 3 business days of establishing residence after release from incarceration or sentencing (if not incarcerated).

_____ Foreign

_____ Federal

_____ Military

Duties of Initial Registration Jurisdiction

- _____ Inform the sex offender of his or her duties under SORNA.
- _____ Explain 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.
 - _____ Read
 - _____ Sign
 - _____ Acknowledgement of understanding of requirements
- _____ Ensure that the sex offender is registered.
- _____ Immediately Forward Information. Upon entry of the sex offender's information on to the registry, immediately forward the registration information to all other jurisdictions in which the sex offender is required to register.
 - _____ Residency jurisdiction
 - _____ Employment jurisdiction
 - _____ Student Jurisdiction

VII. Initial Registration: Retroactive Classes of Offenders

- _____ Procedure in place to recapture the following three categories of sex offenders: Those who are:
 - _____ 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.
 - _____ Reentering the jurisdiction's justice system because of conviction for some other crime (whether or not a sex offense).
- _____ Timing of Recapture (from date of implementation of SORNA in the jurisdiction)
 - _____ Tier I: One Year
 - _____ Tier II: 6 Months
 - _____ Tier III: 3 Months
- _____ Sex offender is subject to Regular Initial Registration Procedure upon notification of duty to register. (See section VI).

VIII. Keeping the Registration Current

The duties of jurisdictions will vary depending on whether they are 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 type of jurisdiction with regards to keeping their registry information up-to-date.

Residence Jurisdiction:

_____ Immediate **in-person** appearance required to update the following information:

_____ Name

_____ Residence

_____ Employment

_____ School Attendance

_____ Termination of residence

_____ Immediate updates required for any changes to the following information:

_____ Vehicle Information

_____ Temporary Lodging Information

_____ Immediate notification to the jurisdiction in which the offender will be temporarily staying

_____ Immediate updates required for changes or additions to:

_____ Email addresses

_____ Instant Message addresses

_____ Any other designations used in internet communications, postings, or telephone communications

Duties of the Residence Jurisdiction When Updated Information is Received:

_____ Immediate notification provided to all jurisdiction where the offender intends to reside, work, or attend school.

_____ Immediate notification of any changes to any other jurisdiction where the sex offender is either registered, or is required to register.

- Foreign relocation special procedure. If the jurisdiction is notified that the offender intends to commence residence, school, or employment outside of the United States:
- Immediate notification of any changes to any other jurisdiction where the sex offender is either registered, or is required to register.
- Notify the U.S. Marshals Service
- Update NSOR Information

Employer Jurisdiction:

- Immediate in-person appearance required to update the following information:
 - Employment
 - Termination of employment

School Jurisdiction:

- Immediate in-person appearance required to update the following information:
 - School
 - Termination of school

Duties of the Employer Jurisdiction When Updated Information is Received:

- Immediate notification of any changes to all jurisdiction where the sex offender is either required to register, or was required to register prior to the updated information being given.

Duties of the School Jurisdiction When Updated Information is Received:

- Immediate notification of any changes to all jurisdiction where the sex offender is either registered, or is required to register.

X. Verification/Appearance Requirements

Frequency and Duration of In-Person Regular Appearances

- 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

_____ A current photograph must be allowed to be taken.

_____ The sex offender reviews the existing information for accuracy.

_____ If any new information or changes are secured, it must be immediately communicated to all other registration jurisdictions.

Reduction of Registration Periods

_____ Tier I Offender:

_____ Reduction is 5 years.

_____ After 10 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)).

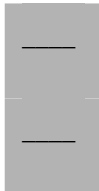
_____ Tier III Offender:

_____ Adjudicated delinquent of an offense as a juvenile which required Tier III registration.

_____ After 25 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)).

XI. Registry Website Requirements

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



- _____ Public Sex Offender Registry Website.
- _____ 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 and/or Geographic Radius

Ten Core Required Items on Public Registry Websites

- _____ **Absconder:** when the offender is in violation or cannot be located, the website must note this fact.
- _____ **Criminal History:** any other sex offense for which the sex offender has been convicted.
- _____ **Current Offense:** the sex offense for which the offender is registered.
- _____ **Employer address.**
- _____ **Name** of the sex offender, including all aliases.
- _____ **Photograph:** a current photograph of the offender.
- _____ **Physical description** of the sex offender.
- _____ **Resident Address** of the sex offender.
 - _____ including any information about where the offender “habitually lives”.

- _____ **School address.**
- _____ **Vehicle(s) information:**
- _____ license plate number.
- _____ vehicle description.

Information That Is NOT Permitted to be Displayed on Public Websites

- _____ **Criminal History:** Arrests not resulting in conviction
- _____ **Social Security Number**
- _____ **Travel and Immigration Document Numbers**
- _____ **Victim Identity**

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, 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: Four Special Cases

- _____ Whenever a sex offender:
 - _____ registers their information in a jurisdiction, or
 - _____ updates their information in a jurisdiction,
 the following actions are required:
 - _____ **Immediate Notification to specified entities and individuals upon registration or update of registration:** within three business days, to:
 - _____ FBI/NSOR
 - _____ 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
- ___ Other Registration Jurisdictions:
 - ___ Resident
 - ___ School
 - ___ Employed
- ___ 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)."

Community Notification: General

Whenever a sex offender:

- ___ registers their information in a jurisdiction, or
- ___ updates their information in a jurisdiction, the following actions are required in order to comply with the community notification portions of SORNA:
 - ___ Adopt an automated notification system that incorporates substantially the following features:
 - ___ Changes to Public Registry Website are posted within three business days.
 - ___ Email notice available for when a sex offender commences
 - ___ residence,
 - ___ employment, or
 - ___ school attendance
 - ___ within a zip code.
 - ___ Email notice available for when a sex offender commences
 - ___ residence,

- _____ employment, or
- _____ school attendance
- _____ within a geographic radius.
- _____ Email notice includes the sex offender’s identity

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 this title. (42 USC §16913(e)).

XIV. When Sex Offender Fails to Appear for Registration

_____ Inform the jurisdiction that provided the notification (that the offender was to commence

- _____ residence,
- _____ employment, 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

_____ 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.

_____ Also, 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 the National Sex Offender Registry 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).
- _____ A jurisdiction's policies must require appropriate follow-up measures when information is received indicating violation of the requirement to register in jurisdictions of
 - _____ employment or
 - _____ school attendance, whether or not a violation of the requirement to register in jurisdictions of residence is implicated.
- _____ In such cases, an effort must be made to determine whether the sex offender is actually
 - _____ employed or
 - _____ attending school in the jurisdiction but has failed to register. If (non-law enforcement) registration personnel cannot determine this, then a law enforcement agency with jurisdiction to investigate the matter must be notified.