

Kansas Bureau of Investigation

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Director

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Before the
House Committee on Judiciary
Neutral Testimony regarding HB 2173
Bob Stuart, Executive Officer
Kansas Bureau of Investigation
February 6, 2025

Chairwoman Humphries and Members of the Committee:

The Kansas Bureau of Investigation (KBI) thanks the Committee for the opportunity to present testimony regarding HB 2173, an Act concerning the Kansas offender registration act.

The KBI is troubled by the proposed amendment to K.S.A. 22-4908. As drafted, any offender (defined in K.S.A. 22-4902(a) (which includes sex offenders, violent offenders and general offenders) may file for relief of registration requirements after 10 years. As this will materially change Kansas law there are potential negative effects of which this Committee should be aware.

Changes in Kansas law will likely affect Sex Offender Registration and Notification Act (SORNA) compliance. SORNA refers to the Sex Offender Registration and Notification Act which is <u>Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248)</u>. SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States. SORNA aims to close potential gaps and loopholes that existed under prior law and generally strengthens the nationwide network of sex offender registration and notification programs. Additionally, SORNA —

- Extends the jurisdictions in which registration is required beyond the 50 states, the District of Columbia, and the principal U.S. territories, to include also federally recognized Indian tribes.
- Incorporates a more comprehensive group of sex offenders and sex offenses for which registration is required.
- Requires registered sex offenders to register and keep their registration current in each jurisdiction in which they reside, work, or go to school.
- Requires sex offenders to provide more extensive registration information.
- Requires sex offenders to make periodic in-person appearances to verify and update their registration information.

- Expands the amount of information available to the public regarding registered sex offenders.
- Makes changes in the required minimum duration of registration for sex offenders.

Every year the KBI, in cooperation with the Office of the Governor, certifies that Kansas continues to substantially implement the provisions of SORNA, and has made no changes to its registration and notification system or state statute that would affect the status of our compliance.

If Kansas does not comply with SORNA, it can face a penalty of losing a portion of its federal justice assistance grant funds due to non-compliance with the national sex offender registry standards set by SORNA. Meaning, the state could forfeit federal funding if it does not implement the required sex offender registration procedures in the act.

Forfeited funding potentially includes some or all of any future Federal Edward Byrne Justice Assistance Grant Money (JAG) Grant Program awards. This is a significant program that funds public safety efforts across Kansas. On December 19, 2024 Governor Kelly announced that in 2025 \$1,924,842 in Byrne/JAG money will be distributed to 26 agencies across the state.¹

In order to ensure SORNA compliance, the U.S. Department of Justice Office of Sexual Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) provides a checklist² that the KBI consults during the annual certification process. For the Committee's reference, Section VIII of the attached checklist specifically deals with duration of registration, reduction of registration periods and clean record requirements which HB 2173 may materially affect.

Additionally, this year the KBI anticipates applying for funding under the Adam Walsh Act Implementation Grant Program. SMART adjudicates this grant program to fund projects that assist jurisdictions in implementing SORNA. The program works to improve sex offender registry systems to support and maintain implementation of SORNA's standards. This grant program offers up to \$600,000 over a 36 month period starting October 1, 2025. If awarded, the KBI will use this grant funding to develop and enhance registration software solutions, collection, and submission of biometric data, as well law enforcement training and support across all jurisdictions. We are concerned that the proposed change in Kansas law may negatively impact the KBI's opportunity to qualify for this grant.

We note that receiving this grant would be a significant federal addition to the current FY 2026 KBI enhancement request of \$500,000 for replacement of the Kansas Offender Registration Tool (KsORT) used by Kansas Sheriffs to track offender registrations. That enhancement request has been adopted by Governor Kelly in her budget recommendations and has also been included in the House Appropriations Committee recommendations.

¹ <u>Governor Kelly Announces More than \$1.9M to Improve Public Safety | Press Releases | Kansas Office of the Governor</u>



Finally, the KBI has submitted a fiscal note indicating we would need two FTE's at an estimated cost of \$159,266 of SGF funds to properly handle the increased workload passage of HB 2173 would create. There are currently 25,409 sex, drug, and violent offenders on the registry. Of those, there are over 5500 sex offenders that were convicted of an offense that, prior to July 1, 2011, would have required 10 years of registration and would be eligible to petition for relief under HB 2173. There are approximately 1500 violent offenders that were convicted of an offense that, prior to July 1, 2011, would have required 10 years of registration and would be eligible to petition for relief with the passage of this bill.

Drug offenders already have the ability to apply for relief within 5 years, so there would not be any additional impact to those offenders.

It is unknown how many of those will apply for the relief from registration and be approved; however, it takes 75 minutes per offender to end their registration. If all 7,000 offenders applied and were approved immediately after the bill becomes law, it would take 4 Administrative Officers working full time for approximately 55 weeks to remove those offenders from the registry. As we would anticipate that requests would not occur all at once, we believe 2 additional Administrative Officers will be able to handle the increased workload. The cost per Administrative Officer is \$79,633 for salaries and benefits.

Thank you for the opportunity to provide information to the Committee as you begin to work HB 2173. The KBI is always available to provide additional or clarifying information should the Committee require.

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Press Releases

Governor Kelly Announces More than \$1.9M to Improve Public Safety

Post Date:

12/19/2024

TOPEKA – Governor Laura Kelly, on behalf of the Kansas Criminal Justice Coordinating Council (KCJCC), announced on Thursday the 2025 grant awards for the Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The JAG funds are provided to criminal justice system partners to address crime and improve public safety across Kansas. Specifically, the JAG awards made to local and state agencies fund programs designed to reduce and prevent crime, assist with equipment and technology needs and provide crime victim services.

The JAG program represents a collaborative partnership among federal, state and local governments to create safer communities and improve criminal justice systems. It provides critical funding to support a range of program areas such as law enforcement, corrections, drug treatment and enforcement, technology improvement, prevention activities, crime victim services, and mental health programs.

The KCJCC oversees the criminal justice federal funding made available to Kansas through the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. The KCJCC membership is representative of the Governor, Chief Justice of the Supreme Court, the Attorney General, the Secretary of Corrections, the Superintendent of the Kansas Highway Patrol, and the Director of the Kansas Bureau of Investigation.

A total of \$1,924,842 was awarded to 26 agencies.

2025 Justice Assistance Grant Awards

County Organization Name

Grant Award

∵ Er ∌wn ∃	Hiawatha Police Department	\$15,853
Coffey	Coffey County Sheriff's Office	\$71,000
Crawford	Community Health Center of Southeast Kansas	\$148,000
Ellis	Northwest Kansas Community Corrections	\$79,236
Jackson	Jackson County Sheriff's Office	\$83,840
Johnson	Gardner Police Department	\$31,093
Johnson	Johnson County Crime Lab	\$30,819
Johnson	Merriam Police Department	\$85,002
Johnson	Sunflower House	\$29,304
Kingman	Kingman County Sheriff's Office	\$167,766
Leavenwor	thBrothers In Blue Reentry	\$98,628
Lyon	5th Judicial District Community Corrections	\$40,000
Marshall	Marysville Police Department	\$40,000
Meade	Meade County Sheriff's Office	\$40,000
Montgomer	y Coffeyville Police Department	\$40,000
Morris	Morris County Sheriff's Office	\$83,840
Pratt	Pratt Police Department	\$10,495
Scott	Scott City Police Department	\$45,492
Shawnee	Kansas Highway Patrol	\$105,678
Shawnee	Kansas Judicial Branch	\$83,545
Shawnee	National Alliance on Mental Illness Kansas	\$95,713
Shawnee	Shawnee County Department of Corrections	\$71,000
Sumner	Wellington Police Department	\$154,966
Wyandotte	Avenue of Life	\$63,425

Wyandotte Unified Gov't. of Wyandotte Co./Kansas City, KS – Police Dept. \$68,334

Wyandotte Unified Gov't. of Wyandotte Co./Kansas City, KS – Sheriff's Off. \$141,813

TOTAL \$1,924,842

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<u>Return to full list >></u>



SEX OFFENDER REGISTRATION AND NOTIFICATION ACT SUBSTANTIAL IMPLEMENTATION CHECKLIST — REVISED (2020)

This tool was designed to assist registration jurisdictions working toward substantially implementing Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). It is not, however, a definitive guide to SORNA's full implementation requirements. Jurisdictions are advised to consult with the SMART Office throughout the implementation process to ensure that their laws, policies, procedures and practices conform to SORNA's requirements.

The SORNA Substantial Implementation Checklist is organized into 11 sections that include SORNA's requirements and follows the SMART Office's substantial implementation review process. Each section contains a table listing the SORNA requirement with space to answer whether the jurisdiction meets that requirement (yes/no), the relevant statute citation and/or the relevant administrative policy or procedure page number. When submitting a completed checklist, please attach all relevant statutes, codes, administrative policies and procedures, along with documentation of database/data-sharing systems and the jurisdiction's public sex offender website.

This updated checklist includes information from the 2016 Supplemental Guidelines for Juvenile Registration Under the Sex Offender Registration and Notification Act,² which allows the SMART Office to consider the following:

- Policies and practices to prosecute as adults juveniles who commit serious sex offenses.
- Policies and practices to register juveniles adjudicated delinquent for serious sex offenses.
- Policies and practices to identify, track, monitor or manage juveniles adjudicated delinquent for serious sex offenses who are in the community and to ensure that the records of their identities and sex offenses are available for public safety purposes.

Additional information on state, tribal or territorial substantial implementation can be found at smart.gov. Please direct any questions regarding the SORNA Substantial Implementation Checklist to AskSMART@usdoj.gov or 202-514-4689.

 $^{^{1}\}underline{www.govinfo.gov/content/pkg/USCODE-2018-title34/html/USCODE-2018-title34-subtitleII-chap209.htm}$

² <u>www.federalregister.gov/documents/2016/08/01/2016-18106/office-of-the-attorney-general-supplemental-guidelines-for-juvenile-registration-under-the-sex</u>

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Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)



I. Immediate Notification and Exchange of Information

Whenever a sex offender initially registers or updates their registration information with a jurisdiction, that jurisdiction is required to immediately notify 1) any other jurisdiction where the sex offender resides, is an employee or is a student, and 2) 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, tribes, territories and the District of Columbia.

The jurisdiction is also required to immediately update the National Crime Information Center, National Sex Offender Registry (NCIC/NSOR) and its own public sex offender registry website (see Section IX).

	· · · · · ·		
SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Upon initial registration and/or update to re	gistrati	on information, immediately n	otify 1) each
Jurisdiction where the sex offender resides, i	is an en	iplovee or is a student, and 2)	each jurisdiction from
of to which a change of residence, employm	ent or s	tudent status occurs. Jurisdict	ion's submission
should address the SORNA-required issues b	elow.		
Definitions			
"Immediate" and "immediately" defined			A CONTRACTOR OF THE CONTRACTOR
as "within 3 business days"			
"Other jurisdictions" defined as —			
States			
District of Columbia			
The five principal U.S. territories			
(American Samoa, Commonwealth of			
the Northern Mariana Islands, Guam,			
Puerto Rico and U.S. Virgin Islands)			
Any tribe operating as a SORNA			
registration jurisdiction			
Jurisdiction immediately notifies of, shares or	rsubmi	ts any initial registration and/c	or updated
information to			
NCIC/NSOR			
 Police departments 			
 Sheriff's offices 			
 Prosecutor's offices 			
 Probation agencies 			
Any other agencies with criminal			
investigation, prosecution or sex			
offender supervision functions			
Any agency responsible for conducting		·	
employment-related background			
checks under § 3 of the National Child			
Protection Act of 1993 (34 U.S.C. §			
40102)		,	
Monitor or use the SORNA Exchange			
Portal for interjurisdictional change of			
residence, employment or student status			

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II. Offenses That Must Be Included in the Registry

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

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
An adult sex offender is convicted for		-	
SORNA purposes if he or she has been			
subject to penal consequences based on			
the conviction, however it may be styled. ³			*
The following two classes of convictions are be included in the jurisdiction's registry:4	also in	cluded in SORNA's definition	n of convicted and must
 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(a) or (b)) or was an attempt or			
conspiracy to commit such an offense			
Does the state use a discretionary approach	to regi	stration of juveniles? If yes,	then provide information
on 1) policies and practices to prosecute as			
and practices to register juveniles adjudicate			
practices to identify, track, monitor or mana		-	nt for serious sex offenses
who are in the community and 4) other rela	ted pol	icies and practices here:	

SORNA specifies the sex offenses that, 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) that must be included. Jurisdictions are not required to enact any new substantive sex offense crimes in order to substantially implement SORNA.

³ If there are procedures for deferred sentences/convictions for sex offenses, please include those citations here.

⁴ See the SMART Office's "Juvenile Sex Offender Registration Under SORNA" for additional information: https://smart.oip.gov/SORNA-juvenile-registration.

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If a jurisdiction relies on an "equivalency" statute for the inclusion of federal offenses, military offenses, international offenses or other extrajurisdictional offenses within the jurisdiction's registration scheme, please provide a reference to the relevant statute and describe the process the jurisdiction uses to compare extrajurisdictional convictions to in-state convictions.

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

SORNA Requirement	Y/N	Statute Citation or	Notes	
Convictions under the following fodoral state	1	Regulation Page #		
Convictions under the following federal stat Assimilative Crimes Act (18 U.S.C. §§ 1152 o	.utes (in	icluding any offenses prose	cuted under the	
• 18 U.S.C. § 1591 (sex trafficking of	1133))-		
children, or 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. § 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 (receipt or possession				
of child pornography or production or				
distribution of child pornography)				
18 U.S.C. § 2252A (receipt or				
possession of child pornography or				
production or distribution of 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 (producing child				
pornography for import)				
18 U.S.C. § 2421 (transportation of a				
minor for illegal sexual activity)				
18 U.S.C. § 2422 (coercion and				
enticement to engage in prostitution)				

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SORNA Requirement		Statute Citation or Regulation Page #	Notes
18 U.S.C. § 2423 (transportat minors for illegal sexual activ with the intent to engage in i sexual conduct with a minor, in illicit sexual conduct in fore places)	ity, travel llicit engaging		
18 U.S.C. § 2424 (failure to fil statement about an alien ind			
18 U.S.C. § 2425 (use of inter facilities to transmit informat a minor) Jurisdictions must also register ce	ion about	are convicted of foreign so	y offences when they are
convicted either:	rtain sex onend	ers convicted of foreign se.	A offenses when they are
In Canada, United Kingdom, A and New Zealand	Australia	,	
 In any foreign country where State Department, in its Cour Reports on Human Rights Pra has concluded that an indepe judiciary generally (or vigorou enforced the right to a fair tri country during the year in wh conviction occurred⁵ 	etry ectices, endent usly) al in that		
Jurisdictions must register anyon convicted of a military offense sp the Secretary of Defense under § 115(a)(8)(C)(i) of Public Law 109 U.S.C. § 951 note). Jurisdictions a encouraged to review Department Defense Instruction 1325.07 and current 10 U.S.C. § 920 et. seq. to determine which Uniform Code of Justice convictions will be approprinclusion. 6	ecified by 5-119 (10 re nt of the of Military oriate for		
Jurisdictions must register anyon convicted of any attempt or cons commit a sex offense.			

⁵ These annual reports can be found at www.state.gov/g/drl/rls/hrrpt/.

 $^{^6}$ The current version of DoD Instruction 1325.07 can be found at $\underline{www.esd.whs.mil/Directives/issuances/dodi/}$ or at $\underline{www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132507p.pdf?ver=2020-08-20-082115-117}$.

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Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)



SORNA Requirement		Y/N	Statute Citation or	Notes
Ju	risdictions are required to register any per	son wh	Regulation Page #	
st	ate, tribe, territory or the District of Colum	hia and	any foreign country (subject	ninal offense in any
de	escribed above) that involves:	.o.u um	any roreign country (subject	to the limitations
•	Any conduct that by its nature is a sex			
	offense against a minor			
•	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			
•	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		The state of the s	
•	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			
Juri	sdictions are required to register any person	on who	has been convicted of condu	t similar to that
pro	hibited by the following federal offenses:	J.1. W.110	mas been convicted of condu	Le Similar to triat
•	18 U.S.C. § 1591 (sex trafficking of			
	children, or by force, fraud or			
_	coercion)			
	18 U.S.C. § 1801 (video voyeurism of a			, , , , , , , , , , , , , , , , , , , ,
	minor)			
D	18 U.S.C. § 2241 (aggravated sexual			
	abuse)			

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Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)

SORNA Requirement		Statute Citation or Regulation Page #	Notes	
• 18 U.S.C. § 2242 (sexual abuse)				
 18 U.S.C. § 2244 (abusive sexual contact) 				
 18 U.S.C. § 2422(b) (coercion and enticement of a minor to engage in prostitution) 				
 18 U.S.C. § 2423(a) (transportation of a minor with intent to engage in criminal sexual activity) 				

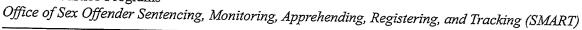
III. Required Registration Information

SORNA requires jurisdictions to collect certain types of sex offender registration information. The requirements in this section are specific to the collection of information for registration and law enforcement purposes. These requirements are different from the more limited list of required information that must be posted on the public sex offender website (covered in section IX, Public Registry Website and Community Notification Requirements).

All information must be available in digitized format that can immediately be accessed by or transmitted to various entities. The jurisdiction's registry must be an electronic database, and descriptions of the required types of information refers to digitized information rather than hard copies or physical objects. However, when items and/or data are stored in separate databases (such as DNA profiles in the Combined DNA Index System (CODIS), fingerprints in the FBI's Next Generation Identification (NGI) system 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 can be found, and in which database.

SORNA Requirement	Digitized	Y/N	Statute Citation or Regulation Page #	Notes
Criminal history information			·	
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				

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S	ORNA Requirement	Digitized	Y/N	Statute Citation or	Notes
D	NA ⁷		<u> </u>	Regulation Page #	
•	A DNA sample must be taken, or must have been taken, from the sex offender for purposes of analysis and submitted for entry into CODIS				
D	river's license or ID card	4			
•	A photocopy of a valid driver's license or identification card (including a tribal identification card) issued to the sex offender by a jurisdiction			·	
Er	nployment information			<u></u>	
•	Employer name (business name)				
•	Employer address				
•	Transient/day labor employment information				
Fir	ngerprints				
•	Taken and submitted to the FBI's NGI system				
Int	ternet identifiers				
•	Email addresses				
•	Instant message addresses/identifiers				
•	Any other designations or monikers used for self-identification in internet communications or postings				
• Na	All designations used by sex offender for purposes of routing or self-identification in internet communications or postings me				
ING					
-	Primary, given name				
	Nicknames, aliases, pseudonyms, regardless of context in which it is used				
•	Ethnic or tribal names by which the offender is commonly known				

⁷ If DNA is taken by an agency that is not the registering agency, please note the agency that takes the DNA and the process used to confirm that a DNA sample is already on file.

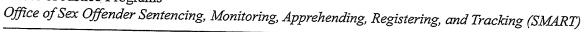
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SORNA Requirement	Digitized	Y/N	Statute Citation or Regulation Page #	Notes
Palm prints	· • · · · · · · · · · · · · · · · · · ·			
Palm prints taken and submitted				
to the FBI's NGI system				
Passports and immigration document	:s		,	
Copies of passports				
Copies of immigration				
documents				
Phone numbers				
Phone numbers and any other				
designations used by sex				
offender for purposes of routing				
or self-identification in phone				
communications				
Land line phone numbers		ļ		
Cellphone numbers				
Photograph collected unless appeara	nce has not o	hange	d significantly, on the f	ollowing schedule
Tier I offender: once every year		ļ		
Tier II offender: once every 6				
months				
Tier III offender: once every 3				
months				
Physical description				
Physical description of the sex				
offender	<u> </u>			
Any identifying marks, such as				
scars, tattoos, etc.		<u> </u>		
Professional licensing information				
 All licensing information, 				
including licensing number,				
licensing agency and any other				
identifying information about a				
professional license issued to the				
sex offender that authorizes the				
sex offender to engage in an				
occupation or carry out a trade				
or business				
Registration forms		1		
Forms signed by the sex offender				
acknowledging that the offender				
was advised of his or her		1		
registration obligations		1		

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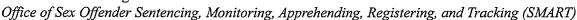


SORNA Requirement	Digitized	V/N	Statute Citation or	
	Digitized	Y/N	Regulation Page #	Notes
Resident address, including				
 Address of each residence where 				
the sex offender resides or will				
reside				
If no permanent residence,				
location or description that				
identifies where the sex offender				
"habitually lives"				
School name and address				
Social Security number		·		
Valid Social Security number				
Purported Social Security				
number(s)				
Temporary lodging information				
 Name and address of temporary 				
location(s)				
 Dates of temporary stay 				
Text of registration offense				
 The text of the provision of law 				
defining the offense for which				
the sex offender is registered				
Vehicle information of all vehicles own	ed or operat	ed by c	offender (whether for v	work or personal use)
 License plate number 			·	
 Aircraft 			7	
 Land vehicles 				
Watercraft				
Registration number or identifier				
of all vehicles identified above				
Description of all vehicles				
identified above				
Permanent or frequent location				
where all vehicles identified			,	
above are kept				

IV. Where Registration Is Required

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
All sex offenders convicted in the jurisdiction are required to initially register.		·	

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SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
All sex offenders who complete their sentence of incarceration in the jurisdiction are required to initially register. ⁸			
All sex offenders who reside in the jurisdiction are required to register.			
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.			
All sex offenders who are students in the jurisdiction are required to register. "Student" is an individual who enrolls in or attends an educational institution (public or private), including secondary schools, trade or professional schools, and institutions of higher education.			
Additional notes (if necessary):		1	

V. Initial Registration: Generally

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

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
When a sex offender is incarcerated in 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.			

⁸ Please also describe in the "additional notes" area any other actions that the releasing authority takes, such as notifying offenders of their duty to register, notifying local registries of offenders' plans to relocate, updating NSOR, etc.

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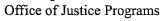


SORNA Demission		Statute Citation or	
SORNA Requirement	Y/N	Regulation Page #	Notes
When a sex offender is sentenced, but not		negatation rage #	
incarcerated, in the jurisdiction,			
registration must occur within 3 business			
days of sentencing for the registration			
offense.			
When an offender is convicted and/or			
sentenced in another state, territory,	i		
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 3 business			
days of the sex offender establishing			
residence, employment, or school			
attendance within the jurisdiction.			
Duties of a jurisdiction when an offender ini-	tially re	egisters	
 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			

VI. Initial Registration: Retroactive Classes of Offenders

SORNA applies to all sex offenders regardless of the date of conviction. Jurisdictions are required to apply sex offender registration laws to (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 current sex offender registration and notification laws, including any updates or amendments.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Procedures must be in place to register thre	e categ	ories of sex offenders, inc	luding those —
Currently incarcerated or under			
supervision, either for the predicate			
sex offense or for some other crime			





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SORN	NA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
e re	Already registered or subject to a pre- existing sex offender registration equirement under the jurisdiction's naw			
ju fo	Who reenter the jurisdiction's criminal ustice system because of a conviction or some other felony crime (whether or not it is a sex offense)			

If the jurisdiction has taken additional steps to ensure registration of all sex offenders requiring registration or has changed its approach to ensuring that all sex offenders requiring registration have been registered, explain here:

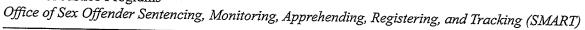
VII. Keeping the Registration Current

SORNA specifies a sex offender's duties to keep their registration information current, depending on if the jurisdiction is the offender's —

- Residence jurisdiction (where the offender lives),
- Employment jurisdiction (where the offender works), or
- School jurisdiction (where the offender goes to school).

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Residence jurisdiction — immediately appe	ear in-pe	erson to update any of the	following information
Name			
Residence			
Employment			
School attendance			
Termination of residence			
Immediately update any changes to the fol	lowing i	nformation (an in-person a	appearance is not required)
 Email addresses 			
Instant message addresses			
Any other designations used in			
internet communications, postings or			
phone communications			
Vehicle information			
 Temporary lodging information 			
 Upon receipt of this information, 			
the jurisdiction must immediately			
notify the jurisdiction where the			
offender will be staying			

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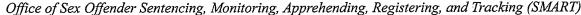
SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Duties of the residence jurisdiction when an	offend	er intends to relocate to anot	her country
 Immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information Immediately notify the U.S. Marshals 			incir country
Service Immediately update NCIC/NSOR Information			
Employment jurisdiction — when an offender school there, that offender must immediately information:	er work y appea	s in a jurisdiction, but neither ar in-person to update any of t	lives nor goes to the following
 Employment-related information in that jurisdiction 			
 Termination of employment in that jurisdiction 			
School jurisdiction — when an offender goes there, that offender must immediately appea	to sch r in-pe	ool in a jurisdiction, but neitherson to update any of the follo	er lives nor works owing information:
School-related information in that jurisdiction			

International Travel

Sex offenders who intend to travel outside of the United States must inform their residence jurisdiction 21 days in advance; jurisdictions that receive this information must notify the U.S. Marshals Service and update the sex offender's registration information in NCIC/NSOR of such travel.

SORNA Requi	rement	Y/N	Statute Citation or Regulation Page #	Notes
Duties of the	residence jurisdiction regarding	g interr	national travel of sex offen	ders
 Jurisdiction 	n requires sex offenders ernational travel 21 days			
jurisdictio either reg	ely notify any other n where the sex offender is istered, or is required to f that updated information			
 Immediate Service 	ely notify the U.S. Marshals	•		
 Immediate Information 	ely update NCIC/NSOR on			

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VIII. Offense Tiering and Verification/Appearance Requirements

Once a jurisdiction determines which sex offenses will require registration, it must 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 three-tier classification system.

For sex offense tiering purposes —

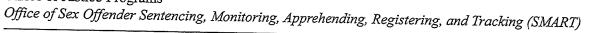
- "Minor" is defined as an individual under 18.
- "Sexual contact" means offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
- "Sexual act" means offenses involving
 - o Any direct touching of the genitals of a person under 16; or
 - o Oral, anal or vaginal penetration of any kind that 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 the conduct,
 - When the victim is physically incapable of communicating non-consent, or
 - When a drug or intoxicant has been administered that substantially impairs the ability of the other person to appraise or control their conduct.

A. Offense Tiering

The following table outlines the tiers for offenses according to SORNA.

SORNA Requirement Y	/N Statute Citation	Notes					
Tier I offenses							
Convictions that have an element involving a	sexual act or sexual conta	act with another, that are not					
included in either tier II or tier III, including —	-						
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 names on the internet)							
18 U.S.C. § 2252C (misleading words)							
or digital images on the internet)							

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SORNA Requirement	Y/N	Statute Citation	Notes
• 18 U.S.C. § 2422(a) (coercion and			
enticement to engage in			
prostitution)			
 18 U.S.C. § 2423(b) (travel with the 			
intent to engage in illicit sexual			
conduct)			
• 18 U.S.C. § 2423(c) (engaging in illicit			
sexual conduct in foreign places)			
 18 U.S.C. § 2423(d) (arranging, 			
inducing, procuring or facilitating			
the travel in interstate commerce of			
an adult for the purpose of engaging			
in illicit conduct for financial gain)			
18 U.S.C. § 2424 (failure to file			
factual statement about alien			
individual)			
• 18 U.S.C. § 2425 (use of interstate			
facilities to transmit information			
about a minor)			
Any comparable military offense			
specified by the Secretary of Defense			
under § 115(a)(8)(C)(i) of Public Law			
105-119 (10 U.S.C. § 951 note)			
Tier II offenses			
Convictions that involve —			
A person previously convicted of a		•	
tier I offense whose current sex			
offense conviction is punishable by			
more than one year imprisonment			
Using a minor in prostitution (to			
include solicitation)			
Enticing a minor to engage in			
criminal sexual activity			
A nonforcible sexual act with a			
minor 16 or 17			
Sexual contact with a minor 13 or			
older			·
Using a minor in a sexual			
performance			
Producing or distributing child			
pornography			
The following federal offenses			
18 U.S.C. § 1591 (sex trafficking of		T	
children)			
- marcin			

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SORNA Requirement	Y/N	Statute Citation	Notes
• 18 U.S.C. § 2244 (abusive sexual			
contact, where the 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 of a			
minor for illegal sexual activity)			
• 18 U.S.C. § 2422(b) (coercion and			
enticement a minor to engage in			
prostitution)			
• 18 U.S.C. § 2423(a) (transportation a			
minor with intent to engage in			
criminal sexual activity)			
• 18 U.S.C. § 2423(d) (arranging,			
inducing, procuring or facilitating the			
travel in interstate commerce of a			
minor for the purpose of engaging in			
illicit conduct for financial gain)	-		
Any comparable military offense			
specified by the Secretary of Defense			
under § 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. § 951 note)			
Tier III offenses	<u> </u>		
Convictions that involve —			
A person previously convicted of a			
tier II offense whose current sex			
offense conviction is punishable by			
more than one year imprisonment			
Nonparental kidnapping of a minor			
Any forcible sexual act with another			
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)			

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SO	RNA Requirement	Y/N	Statute Citation	Notes
•	18 U.S.C. § 2243 (sexual abuse of a			
	minor or ward)			
•	18 U.S.C. § 2244 (abusive sexual			
	contact, where the victim is 12 or			
	younger)			
An	y comparable military offense	1		
spe	ecified by the Secretary of Defense			
und	der § 115(a)(8)(C)(i) of Public Law			
105	5-119 (10 U.S.C. § 951 note)			

Jurisdiction Offense Tiering

State Tier

Please list the jurisdiction's offenses, along with statutory citations and any notes necessary for interpretation. Tribal jurisdictions are only required to tier tribal offenses if the tribe has implemented enhanced sentencing protocols. Be sure to indicate how the jurisdiction tiers offenders from other states, territories or tribes.9

If SORNA's three-tier system is not used, please describe the jurisdiction's approach, including a list of all registerable offenses, the sex offender registration duration and frequency of verification for each, and explain how individual registration duration and verification requirements are determined.

State Tier	Statute Citation	Notes
Tier I Offenses		
Ti U Off	1	
Tier II Offenses		

⁹ Please note that a sex offender convicted of a registerable offense in a tribal jurisdiction implementing enhanced sentencing protocols may need to be assigned to tier II or III depending on the severity of their conviction.

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State Tier	Statute Citation	Notes
Tier III Offenses	e de la companya de l	

B. Duration of Registration

SORNA requires that offenders register for a duration of time based on the tier of the offense of conviction.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Tier I offenders must register for 15 years	- (4		
Tier II offenders must register for 25 years			
Tier III offenders must register for life			

C. Frequency of Registration

SORNA requires offenders make in-person appearances at the registering agency based on the tier of the offense of conviction.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Tier I offenders must register once a year			
Tier II offenders must register every 6	1		
months			
Tier III offenders must register every 3			1
months			

D. Reduction of Registration Periods

SORNA permits two classes of sex offenders to petition for reduced registration periods, provided certain clean record requirements are met:

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Tier I offender — registration and r	notification requ	irement may be terminat	ed after 10 years if —
• The sex offender has had a "cle	an		
record" for 10 years.			

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SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Tier III offender — registration and notificat	ion req	uirement may be terminat	ed after 25 years if —
 The sex offender is required to register 			
based on a juvenile delinquency			
adjudication for an offense that			
required tier III registration, and			
The sex offender has had a "clean			
record" for 25 years.			
If the jurisdiction's registration reduction red here:	quireme	ents differ from the classes	described above, explain

E. Clean Record Requirements

Under SORNA, a registered sex offender has a clean record if they have satisfied certain requirements.

	DRNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes			
Ti	Tier I offender — an offender's registration and notification requirement may be terminated after 10						
ye	years if the following "clean record requirements" are met:						
•	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 completion (without						
	revocation) of any periods of						
	supervised release, probation and						
	parole						
•	Successful completion of an						
	appropriate sex offender treatment						
	program certified by a jurisdiction or						
	by the Attorney General (34 U.S.C. §						
	20915(b)(1))						
Tie	r III offender — an offender required to re	egister	based on a juvenile delinquen	cy adjudication for an			
off	ense which required tier III registration an	d notifi	cation may be terminated after	er 25 years if the			
fol	lowing "clean record requirements" are me	et:		•			
•	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 completion (without						
	revocation) of any of supervised		[
	release, probation and parole		1				

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so	DRNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
•	Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General (34 U.S.C. § 20915(b)(1))			

If the jurisdiction's clean record requirements differ from the classes described above, explain here:

IX. Public Registry Website and Community Notification Requirements

Every jurisdiction is required to maintain a public sex offender registry website, which must contain the information detailed below on each sex offender in the registry. Information about a tier I sex offender convicted of an offense other than a "specified offense against a minor" as defined in 34 U.S.C. § 20911(7) may be excluded from a jurisdiction's public sex offender registry website.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Public registry website			
Full participation in the National Sex Offender Public Website (NSOPW.gov), including enabling all search field capabilities required by NSOPW and sharing geocoded addresses of registered offenders			
Publication of initial and updated sex offender registration information on the jurisdiction's public registry website within 3 business days of registering agency collecting it	,		
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 such action could result in civil or criminal penalties			

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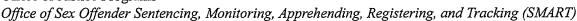




S	ORNA Requirement	14/21	Statute Citation or	
		Y/N	Regulation Page #	Notes
W	ebsite search field capability			
•	Name			
•	County and city/town			
•	ZIP code			
•	Geographic radius			
lte	ems that must be displayed on public regis	try web	osite:	
•	Absconder: when the offender is in			
	violation or 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, including all aliases		1	
•	Photograph (current)			
•	Physical description			
•	Resident address, including any			
	information about where the offender			
	"habitually lives"			
•	School address			
Vel	nicle(s) information			
•	License plate number(s)			
•	Vehicle description(s)			
Info	ormation that is NOT permitted to be disp	layed	on public registry website	
•	Victim identity			
•	Criminal history: any arrests not			
	resulting in conviction			
•	Social Security number			
•	Travel and immigration document			
	numbers			
•	Internet identifiers			

In addition to the maintenance of a sex offender registry and a public sex offender registry website, SORNA requires community notification. When a sex offender initially registers in a jurisdiction, or updates registration information, the jurisdiction must notify the community. The following sets out general community notification standards that meet SORNA's requirements.

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SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Community notification			
An email notification (including a sex offende whenever a sex offender commences —	er's ide	ntity) is made available to	the general public
Residence in the jurisdiction			
Employment in the jurisdiction			
School attendance in the jurisdiction	·		
 Residence, employment or school attendance within a certain ZIP code or geographic radius 			
An automated notification system ¹⁰ that			
publishes initial registrations and updates			
on the jurisdiction's public registry website			
within 3 business days			

Special Issue: Witness Protection

Jurisdictions are permitted and encouraged to make provisions in laws and procedures to accommodate requests of the U.S. Marshals Service and other agencies responsible for witness protection in order to secure sex offender original identities.

X. Enforcement of Registration Requirements

SORNA requires that jurisdictions take measures to enforce registration requirements, including penalties for registration violations, and engage in practical procedures for investigating and dealing with such violations.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
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 jurisdiction's registration requirements.			

¹⁰ 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.

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When a jurisdiction is notified that a sex offender intends to reside, be employed or attend school in the jurisdiction ("new jurisdiction") by another jurisdiction ("notifying jurisdiction"), and that offender fails to appear for registration as required, the new jurisdiction must take the following actions.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes	
Inform the notifying jurisdiction that the offender who was to commence residence, employment or school in the new jurisdiction failed to appear for registration				

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

	Charles Cit 1:			
Y/N		Notes		
	Regulation Page #			
 				
	,			
If an absconded sex offender cannot be located, the jurisdiction must take the following steps:				
		· · · · · · · · · · · · · · · · · · ·		
		Regulation Page #		

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XI. Tribal Considerations (applicable for state jurisdictions only)

States and tribes complement each other's sex offender registration efforts in a number of ways, including assisting with SORNA requirements, sharing information beyond SORNA's requirements and cross-deputation agreements. These agreements vary from state to state and often from tribe to tribe within a single state.

Please use the following section to describe the state's working relationship with the tribes contained within it (relating to sex offender registration).

Consideration	Y/N	Notes
Are there any federally recognized tribes		
in the state?		
Who is the state's primary point of contact		
working with tribes on sex offender		
registration issues? Please include name,		•
job title and contact information.		
Does the state have any memoranda of		
understanding with the federally		
recognized tribes that have elected to		
implement SORNA's requirements? If yes,		
please list the tribe(s) and attach a copy of		
the MOU(s).		
Does the state have tribes that have opted		
out of SORNA implementation or have had		
SORNA duties delegated to the state? If		
yes, please list.		
Please describe other significant issues		
related to the state's relationship with		
tribes regarding sex offender registration		
(i.e., P.L. 280).		