Implications for the States of Compliance w/ Adam Walsh Act

Texas State Representative Jerry Madden—House Dist. 67
Vice Chairman, Corrections Committee of the Texas House
Chairman of NCSL Law and Criminal Justice Committee
Public Sector Chair of ALEC Corrections and Reentry Subcommittee
Council of State Governments Justice Center Board Member
State Concerns with SORNA

- Juvenile registration
- Unfunded mandate to state & local govts.
- Tiering based on offense rather than empirical risk assessment
- **State and local technology requirements, including:**
  - Implementation of new software and IT.
  - Mandatory sentencing for failure to register.
  - Palm print technology.
- Retroactivity
Groups w/ Serious Concerns About AWA

Substantially Compliant

- **States**: Delaware, Florida, and Ohio
- Confederated Tribes of the Umatilla
- Confederated Tribes and Bands of the Yakama Nation
Not Substantially Compliant

• 47 states, territories, and 210 federally recognized tribes that are eligible to make the AWA election (i.e. each tribe may elect to retain the authority over the sex offender registry functions within the tribal territory unless the tribe is subject to the criminal jurisdiction of a State).
ADAM WALSH ACT
Areas Of Impact on Local Law Enforcement

• In-person Appearances
• Addition of Offenses
• Increased Length of Registration Period
• Hardware and Software Costs
### AWA Impact – Austin PD

**Total In Person Appearances Per Day (Est.)**

<table>
<thead>
<tr>
<th>Year</th>
<th>2006-2008</th>
<th>AWA (Estimate)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Offender Appearances</strong></td>
<td>1,781</td>
<td>5,371</td>
</tr>
<tr>
<td><strong>Avg. /Day (5-day wk)</strong></td>
<td>7.04</td>
<td>21.4</td>
</tr>
<tr>
<td><strong>250 workdays/yr</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## ADAM WALSH ACT

### Increase Length of Registration Period

<table>
<thead>
<tr>
<th>AWA TIER</th>
<th>Post-10 Reclass</th>
<th>Per year Increase</th>
<th>Lifetime Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>29</td>
<td>29</td>
<td>145</td>
</tr>
<tr>
<td>II</td>
<td>64</td>
<td>128</td>
<td>1,920</td>
</tr>
<tr>
<td>III*</td>
<td>31</td>
<td>124</td>
<td>3,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>124</td>
<td>281</td>
<td>5,165</td>
</tr>
</tbody>
</table>

*-assumes conviction (or Adoption of AWA) at age 35 and death at age 70.
SOMC Guiding Principles

1. The primary mission of sex offender management is the prevention of future sexual victimization.
2. Sex offender management strategies should be based on available research and be continuously evaluated for effectiveness.
3. A continuum of sex offender management strategies should be available as no one strategy can effectively manage all sexual offenders.
4. The level and intensity of sex offender management strategies should be commensurate with each sexual offender’s risk and offense characteristics, not on the charge for which a sexual offender has been convicted.
5. Necessary resources must be made available to effectively implement sex offender management strategies but should be used judiciously given the finite nature of such resources.
6. Juveniles who commit sexual offenses are fundamentally different from adult sex offenders and require sex offender management strategies that account for these differences.
7. Sex offender management strategies should include rehabilitative resources for sex offenders provided community safety and victim protection are not compromised.
8. Cooperative working relationships with tribes are critical in ensuring sex offender management is successful state-wide. Such collaborative and on-going relationships must be developed on a government-to-government basis with a recognition that each tribe is independent and what works with regard to one tribe may not work with regard to another. Thus polices should be tailored and flexible to account for the cultural needs and variations between tribes.