

# Implications for the States of Compliance w/ Adam Walsh Act

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# 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

- National Conference of State Legislatures, Council of State Governments, National Congress of American Indians, National Criminal Justice Association, National Sheriffs' Association, Coalition For Juvenile Justice, International Community Corrections Association, National Troopers Coalition, Jacob Wetterling Resource Center, Council of Juvenile Correctional Administrators, National Juvenile Defender Center, National Youth Advocate Program, National Center for Youth Law, National Alliance to End Sexual Violence, Association for the Treatment of Sexual Abusers, The ALLY Foundation, Maine Coalition Against Sexual Assault, Vermont Network Against Domestic and Sexual Violence, California Coalition On Sexual Offending, Idaho Department of Juvenile Corrections, California Sex Offender Management Board, Maine Coalition Against Sexual Assault, Florida Council Against Sexual Violence, Connecticut Sexual Assault Crisis Services, Juvenile Justice Project of Louisiana, Colorado Coalition Against Sexual Assault, New Mexico Sex Offender Management Board, New Mexico Coalition of Sexual Assault Programs, New Jersey Office of the Public Defender, New Jersey Coalition Against Sexual Assault, Arizona Sexual Assault Network, Virginia Sexual and Domestic Violence Action Alliance, Texas Association Against Sexual Assault, Montana Sex Offender Treatment Association, Washington State Sex Offender Policy Board, Wisconsin Council on Children and Families, North Carolina Behavioral Health Services, Hawaii Association for the Treatment of Sexual Abusers, Tennessee Commission on Children and Youth, Washington Coalition of Sexual Assault Programs, Iowa Coalition Against Sexual Assault, Office of the Ohio Public Defender, and Ohio Justice & Policy Center.

# 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.)

Year	2006- 2008	AWA (Estimate)
Total Offender Appearances	1,781	5,371
Avg. /Day (5-day wk) 250 workdays/yr	7.04	21.4

# ADAM WALSH ACT

## Increase Length of Registration Period

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

\*-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 policies should be tailored and flexible to account for the cultural needs and variations between tribes.