



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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Background Summary of SORNA

The 115th Congress will mark up an Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act) reauthorization bill H.R. 1188, on Wednesday March 21st, 2017. The Sex Offender Registration and Notification Act (SORNA), passed as part of the Adam Walsh Act, created standards for sex offender registration and notification programs in states, tribes, and territories. SORNA requires sex offenders to register regularly and in-person, usually at their local law enforcement agency, and notify the authorities if they travel or move. Also, juvenile offenders convicted of certain violent sex offenses must be registered and placed on a law enforcement registry for 25 years. SORNA also established the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking ([SMART Office](#)), the agency within the Department of Justice charged with developing guidelines for state implementation of the Adam Walsh Act.

Provisions of H.R. 1188 the Adam Walsh Reauthorization Act of 2017

Sec. 1. Short Title

Sec. 2. Sex Offender Management Assistance (SOMA) Program Reauthorization

- Appropriates \$20,000,000 for each fiscal year starting 2018 through 2022 for the Sex Offender Management Assistance (SOMA) program.

Sec. 3. Reauthorization of Federal Assistance with Respect to Violations of Registration

Requirements

- Provides \$66,300,000 for each fiscal year starting 2018 through 2022 to the U.S. Marshals Service to be used for violations of registration requirements.

Sec. 4. Duration of Sex Offender Registration Requirements for Certain Juveniles

- Lowers the mandatory duration of sex offender registration requirements for certain juveniles from 25 years to 15 years.

Sec. 5. Public Access to Juvenile Sex Offender Information

- Allows a state to exempt from disclosure any information about a sex offender who is required to register on the national database if the offender was adjudicated as a delinquent.

Sec. 6. Protection of Local Governments From State Noncompliance Penalty Under SORNA

- Exempts local governments from state noncompliance penalty under SORNA by applying the reduction penalty for state funds after local government allocations have been calculated and made available.

Sec. 7. Additional Information to be Included in an Annual Report on Enforcement of Registration Requirements

- Adds information that must be included in annual reports on enforcement of registration requirements by:
 - Changing the due date of the report from July 1st to January 1st;
 - Requiring an analysis of any common reasons for compliance with the act;
 - Adding the number of sex offenders registered in the National Sexy Offender Registry separated by:
 - Adults,
 - Juveniles,
 - Adults that committed the offense as a juvenile,
 - Juveniles convicted of statutory rape,
 - Juveniles adjudicated as a delinquent, and
 - Juveniles prosecuted as adults.

Sec. 8. Ensuring Supervision of Released Sexually Dangerous Persons

- Includes 18 U.S.C. 4248.

Sec. 9. Civil Remedy for Survivors of Child Sexual Exploitation and Human Trafficking

- Increases the statute of limitations of a civil case against a sexual assailant from 3 years to 10 years after the victims' disability.

Sec. 10. Tribal Access Program

- Authorizes the Attorney General to provide technical assistance, including equipment to tribal governments to access, and enter information into and obtain information from the federal criminal information database.

Sec. 11. Alternative Mechanisms for In-Person Verification

- Allows sex offender verification via video conference or another similar method. Requires in-person verification at least one time per year. The Attorney General must approve an alternative verification method prior to its implementation by a jurisdiction.

Adam Walsh Requirements Affected by Reauthorization

Penalty for Non-Compliance

Under the original Adam Walsh Act, states and territories which had not “substantially implemented” SORNA were required to forfeit 10 percent of their Byrne Justice Assistance

Grant (Byrne JAG) award annually. H.R. 1188 would only assess the Byrne/Jag penalty against the state. It would require the state to give the local government share to the local jurisdictions first, and thus the state portion of Byrne/Jag would take the 10 percent hit. A tribe which fails to implement within a “reasonable” time will be forced to transfer operations of its sex offender registry to the state in which the tribe resides.

Requirements for Certain Juveniles

Lowers the mandatory duration of sex offender registration requirements for certain juveniles from 25 years to 15 years. It also allows states to exempt juveniles from the national database.

Alternative Mechanisms for In-Person Verification

Allows sex offender verification via video conference or another similar method. Requires in-person verification at least once per year. The Attorney General must approve an alternative verification method prior to its implementation by a jurisdiction.

Current Implementation Status

- **17 states:** Alabama, Colorado, Florida, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, and Wyoming;
- **108 tribes,**
- **3 territories:** Guam, the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands.

Remaining Barriers to Implementation

States have encountered difficulties in compliance in the following areas:

- The frequency with which offenders must register in-person with local law enforcement,
- The length of time juvenile offenders must remain on the registry,
- The SORNA tiering requirements for criminal offenses,
- The offender information which must be disclosed to the public,
- Retroactive application of the law, and
- The lack of flexibility for judges to rule on a case-by-case basis.

Tribal Issues

SORNA merges state-tribal law enforcement responsibilities in a manner that could breach tribal sovereignty and shift the cost of tribal compliance to the states. The statute should clarify that:

- States may not be penalized for lack of tribal cooperation or compliance, and
- Tribes in PL 280 states have the option of becoming registration and notification jurisdictions,

Amendments to the Adam Walsh Reauthorization Act of 2017

Rep. Sensenbrenner, Manager's Amendment

Passed by voice vote

- Reduces the U.S. Marshals Service appropriations amount by \$6.3 Million,
- Removes juveniles convicted of statutory rape from inclusion in an annual report on enforcement of registration requirements,
- Allows the Department of Justice Working Capitol Fund to be reimbursed by technical assistance administered to tribal nations,
- Removes video conference as an alternative verification method and changes the language to read "alternative verification method approved by the Attorney General".

Rep. Chaffetz, Amendment

Passed by Voice Vote

- Expands the definition of convicted juvenile adjudications to include anyone who renders another person unconscious or through threat of force, force or without the knowledge or permission of another person, drugs the person and engages in a sexual act with that person. (amends 42 U.S.C. 16911(8) to include 18 U.S.C. 2241(b)).

Rep. Jackson Lee, Amendment

Passed by Voice Vote

- Requires the National Institute of Justice to submit a report to congress on the public safety impact, recidivism, and collateral consequences of long-term registration of juvenile sex offenders.

Rep. Conyers, Amendment

Failed (11-15)

- Would have amended the juvenile adjudication conviction section 42 U.S.C. 16911(8) to say "may include, at the discretion of each jurisdiction".
- Would have allowed states discretion on juvenile adjudication postings onto SORNA

Rep. Jackson Lee, Amendment

Failed (11-15)

- Would have provided judicial discretion on juvenile delinquency proceedings to find that registration is necessary to protect the public safety. The Judicial officer would have to make an inquiry that includes consideration of
 1. The results of a valid risk assessment on the offender, and
 2. The age of the offender at the time of the offense

For more information on the Adam Walsh Act, please contact [Susan Frederick](#) or [Danielle Dean](#). For information on NCSL's database on sex offender laws, please contact [Sarah Brown](#) or visit the [Sex Offender Enactments Database](#).