

# SORNA: Sex Offender Registration Notification Act

Shaunis Mercer

Office of the Juvenile Defender

# What is SORNA

- SORNA refers to the Sex Offender Registration and Notification Act which is Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248).
- SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States.

Additionally, SORNA:

- **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.

# History of Sex Offender Notification Requirements

- Registration requirements began in the 1940s and revived in the late 1980s and early 1990s.
- In 1994, Congress passed the Jacob Wetterling Act.
- In 1996, President Clinton signed Megan's Law, an amendment to the Act, requiring community notification standards by the States.
- In 1996, The Pam Lychner Sex Offender Tracking and Identification Act of 1996 was passed which started the National Sex Offender Registry (NSOR), expanded in 1998.

# What Juveniles Are Impacted by SORNA?

- Adjudicated juvenile is age 14 or older at the time of the offense
- The offense adjudicated was **comparable or more severe than the aggravated sexual abuse.**
- Sexual acts for juvenile registration only include genital or anal penetration or any oral-genital/anal contact.
- Sex acts with complainants below the age of 12 are considered a registerable offense, even where there is no overt violence or coercion involved. There is an exception for “sex play”, where the delinquent is a youth and is not far in age from the alleged victim do not implicate SORNA’s public safety objectives.

# What Juveniles Must Register Under the Act?

- Juveniles meeting the requirements are subject to full registration and notification after adjudication.
- Failure to register is a federal criminal offense.
- Registration is offense-based, eliminating judicial discretion and risk assessment.
- Registration under the Act does apply retroactively.
- Requirements of registration and community notification are broad.

# Juvenile Registration Under the Act

The following information must be made public:

- Name;
- address;
- employer's address;
- school address;
- license plate number;
- physical description and current photograph;
- text of the sex offense charged.

# Who Will Find Out?

The following **may** be notified under the community notification requirements:

- Where the juvenile resides, works, and goes to school
- Notification to local law enforcement and probation
- Public housing
- Neighboring schools
- Agencies that conduct background checks
- Child welfare agencies
- Any organization or individual who requests such information

**Registered offenders are now searchable with the creation of a national online registry.**

# How Long Must a Juvenile Register?

- There are three tiers of registration:
- **Tier III** (sexual act with another by force or threat OR unconscious or unable to give consent, engaging in a sexual act with a child under the age of 12; sexual touching of or contact with the intimate parts of the body, either directly or through the clothing, where the victim is under 13; or kidnapping of a minor (unless committed by a parent or guardian)
  - Juveniles under Tier III (the most serious sex offenders) face lifetime registration and notification
  - **NOTE:** Juveniles may petition to reduce registration after having a clean record for 25 years.
- Tier II (causing prostitution and pornography)
  - Registration is required for 25 years.
- Tier I (everything else)
  - Registration is required for 15 years, but may be reduced by 5 years if registrant has a clean record for 10 years.



# What States Are Actually Doing

- Only 18 states are in “substantial compliance” with SORNA.

**BUT...**

- Currently, 22 states subject juvenile sex offenders to community notification.
- 40 states require juveniles adjudicated delinquent of certain offenses to register on a sex offender registry.
- In 16 states, information pertaining to juveniles is not disclosed to the public.
- Six states require lifetime registration for certain juvenile offenders.

# Comparison of Requirements

## **States with Substantial SORNA compliance**

- Alabama
- Colorado
- Delaware
- Florida
- Kansas
- Louisiana
- Maryland
- Michigan
- Mississippi
- Missouri
- Nevada
- Ohio
- Pennsylvania
- South Carolina
- South Dakota
- Tennessee
- Wyoming

## **No Registration Requirement for Adjudicated Youth**

- Alaska
- Connecticut
- District of Columbia
- Georgia
- Hawaii
- Maine
- Nebraska
- New York
- Vermont
- West Virginia

# Practice Pointers

- Find out if your client lives out of state or intends to move out of state. Find out the specific requirements of that state.
- In ALL cases, discuss collateral consequences with your client, including registration.
- When considering plea negotiations, be mindful of SORNA definitions of registerable offenses and tiers.
- Ask judge to include findings that the adjudication does not contain a registerable act.
- TRY YOUR CASE!