



SMART

Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

Juvenile Sex Offender Registration Under SORNA

SORNA Standards

The Sex Offender Registration and Notification Act (SORNA) requires that jurisdictions include in their registries certain juveniles who have been adjudicated delinquent of a sex offense.¹ Specifically, SORNA requires the registration of juveniles who 1) were 14 or older at the time of the offense and 2) were adjudicated delinquent of an offense equivalent to or more severe than aggravated sexual abuse (as described in 18 U.S.C. § 2241).

Attorney General Guidelines

The National Guidelines for Sex Offender Registration and Notification (2008) specified that jurisdictions are only required to register juveniles adjudicated delinquent of offenses that are equivalent to 18 U.S.C. § 2241(a) or (b), which generally involve forcible penetration.^{2, 3}

In 2011, the Supplemental Guidelines for Sex Offender Registration and Notification specifically granted jurisdictions discretion as to whether juveniles adjudicated delinquent of a sex offense should be posted on the jurisdiction's public sex offender registry website.⁴ Per the Supplemental Guidelines, jurisdictions are not required to post such information publicly in order to substantially implement SORNA, but may do so if they so choose.

In 2016 a third set of guidelines was issued, the Supplemental Guidelines for Juvenile Registration Under the Sex Offender Registration and Notification Act (Juvenile Supplemental Guidelines), which allowed the SMART Office to consider a jurisdiction's comprehensive approach to managing juvenile sex offenders when determining substantial implementation of SORNA.⁵

1 34 U.S.C. § 20911(8).

2 National Guidelines for Sex Offender Registration and Notification, 73 Fed. Reg. 38,030, 38,040 (July 2, 2008).

3 A federal conviction for 18 U.S.C. § 2241(c) remains registerable under SORNA.

4 Supplemental Guidelines for Sex Offender Registration and Notification, 76 Fed. Reg. 1,630, 1,636-37 (Jan. 11, 2011).

5 81 Fed. Reg. 50,552 (Aug. 1, 2016).

SMART

Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

2016 Juvenile Supplemental Guidelines

In the event that a jurisdiction does not exactly conform with the juvenile registration requirements under SORNA, the Juvenile Supplemental Guidelines permit the SMART Office to expand its inquiry as to whether a jurisdiction has substantially implemented SORNA's juvenile registration provisions. Specifically, the Juvenile Supplemental Guidelines allow the SMART Office to review the following:

1. Policies and practices to prosecute as adults juveniles who commit serious sex offenses;
2. Policies and practices to register juveniles adjudicated delinquent for serious sex offenses; and
3. Other 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 as needed for public safety purposes.

The SMART Office will determine that a jurisdiction relying on these factors has substantially implemented SORNA's juvenile registration requirement only if it concludes that these factors, in conjunction with that jurisdiction's other policies and practices, have resulted or will result in the registration, identification, tracking, monitoring or management of juveniles who commit serious sex offenses, and in the availability of the identities and sex offenses of such juveniles as needed for public safety purposes, in a manner that does not substantially disserve SORNA's objectives.

Examples of the efforts jurisdictions have implemented, in addition to registration and notification procedures, follow:

- Sentencing procedures
- Waiver provisions
- Specialized probation officers
- Specifically designed detention facilities
- Ongoing dynamic assessments of risk
- Dedicated efforts to respond to juvenile risk factors
- Long-term community supervision
- Restrictions on employment
- Information sharing with relevant community entities
- Submission of information to the relevant FBI databases