

U.S. Department of Justice
Office of Justice Programs
*Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking*



Guide to SORNA

– *Sex Offender Registration and Notification Act* –

Implementation in Indian Country

Second Edition
2020

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

**U.S. Department of Justice
Office of Justice Programs**

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

www.smart.gov

Guide to SORNA Implementation in Indian Country

Second Edition

Published August 2020

This guide is dedicated to the memory of
SORNA Officers Elmer Lamson and Michael Lee,
who served the White Mountain Apache Tribe Police Department
and the Navajo Nation Police Department, respectively.
Their tireless efforts to implement SORNA in Indian Country
demonstrated their deep commitment to public safety.

*The SMART Office protects the public by supporting the national implementation
of a comprehensive sex offender registration and notification system.*

The Office of Justice Programs provides federal leadership, grants, training, technical assistance and other resources to improve the nation's capacity to prevent and reduce crime, assist victims and enhance the rule of law by strengthening the criminal and juvenile justice systems. Its six program offices support state and local crime-fighting efforts, fund thousands of victim service programs, help communities manage sex offenders, address the needs of youth in the system and children in danger, and provide vital research and data. OJP's six program offices are the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office of Juvenile Justice and Delinquency Prevention; the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking; and the Office for Victims of Crime.

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Introduction

The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) developed this guide to provide sex offender registration personnel in Indian Country with useful information to assist in efforts toward implementing and maintaining implementation of the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006. This guide also contains links to helpful templates and guidance documents designed to help tribes with the implementation process. Additionally, SMART Senior Policy Advisors are available to answer any questions or address any concerns.

Sex offender registration and community notification are vital components of a nationwide commitment to improving the safety of our communities. We look forward to assisting you as your tribal jurisdiction works toward becoming an essential component of the seamless web of public sex offender databases and law enforcement information-sharing systems that SORNA envisions.

The Adam Walsh Act established the SMART Office within the Department of Justice, Office of Justice Programs, to administer the federal standards for sex offender registration and notification, administer the grant programs authorized by the Adam Walsh Act and coordinate related training and technical assistance. The SMART Office assists jurisdictions in implementing SORNA and provides guidance and solutions for related sex offender management issues.

The SMART Office

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DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE

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SEARCH NSOPW

Search sex offender registries for all 50 states, The District of Columbia, U.S. Territories, and Indian Country.

[Advanced Search](#)

SEARCH BY NAME

First Name *

Last Name *

Name Search

SEARCH BY LOCATION

Address *

City/Town *

Alabama

1 Mile

Location Search



TTSORS

Test Tribe

[Help and Training](#) [My Profile](#) [Log Out](#)

- [Home](#)
- [Offenders](#)
- [My Jurisdiction](#)
- [Users](#)

TTSORS
TRIBE AND TERRITORY
SEX OFFENDER REGISTRY SYSTEM

First Name

Last Name

Offenders

Search



Add Offender



Overdue Offenders



Next Scheduled Appearances

[Customize your Quick Tasks](#)

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. SORNA aims to close potential gaps and loopholes that existed under prior law and strengthens the nationwide network of sex offender registration and notification programs. Specifically, SORNA does the following:

- Extends the jurisdictions in which registration is required beyond the 50 states, the District of Columbia and the principal U.S. territories, to also include certain federally recognized Indian tribes.
- Incorporates a comprehensive group of sex offenders and sex offenses for which registration is required.
- Requires sex offenders to register and keep their registration current in each jurisdiction where they live, work and go to school.
- Requires sex offenders to provide more extensive registration information.
- Establishes a three-tier framework for classifying sex offenders.
- Requires sex offenders to make periodic in-person appearances to verify and update their registration information.
- Expands what information is publicly available on registered sex offenders.
- Changes the required minimum duration of registration for sex offenders.
- Creates a new federal offense for failure to register.

Duties of a SORNA Officer

Because SORNA implementation is complex and involves a variety of different requirements, many tribal jurisdictions find it helpful to designate a point person – often referred to as a SORNA Officer or SORNA Compliance Specialist – to oversee all required tasks. The exact title and duties of a SORNA Officer will vary from tribe to tribe. Some SORNA Officers are also law enforcement officers for the tribe, in which case the SORNA Officer may be able to personally complete the law enforcement duties required under SORNA, such as fingerprinting offenders. Other SORNA Officers are civilians who carry out all of the non-law-enforcement functions, such as posting offender information to the public registry website, and work collaboratively with a law enforcement agency to carry out law enforcement tasks. Regardless of whether the SORNA Officer collects the information directly or has another agency perform the task, the SORNA Officer should serve as a coordinator and ensure that all the information has been collected and entered into the tribe’s registry and the required federal databases.

SORNA In-Person Registration Requirements

SORNA requires that a registered sex offender periodically appear in person to verify and update certain registration information according to the following duration and frequency requirements:

- Tier I offenders must appear once a year for 15 years.
- Tier II offenders must appear once every 6 months for 25 years.
- Tier III offenders must appear once every 3 months for life.

Sex offenders must initially register in person in each jurisdiction where they live, work or go to school. Further, SORNA requires an in-person appearance by the offender when updating certain registration information, such as residence address.

When Must Initial Registration Occur?

Incarcerated sex offenders must be registered before their release from imprisonment, while non-incarcerated sex offenders must be registered within 3 business days of sentencing for the registration offense. If convicted, sentenced or incarcerated in another jurisdiction, registration must take place within 3 business days of the sex offender establishing a residence, employment or school attendance in your jurisdiction.

Who Must Register With a Tribal Jurisdiction?

All adult sex offenders convicted of a registerable sex offense must register, regardless of whether the offender is a native, non-native or tribal member. There must be a conviction, not just an arrest or accusation. Juveniles convicted as adults must also register, as well as certain juveniles adjudicated delinquent of particular sex offenses. *See "Juvenile Offenders and SORNA," page 19.*

Offenses Involving Consensual Sexual Conduct: "Romeo & Juliet" Exception

An offense involving consensual sexual conduct is **not** a sex offense for purposes of SORNA and therefore does not require registration if the victim is at least 13 years old and the offender is not more than 4 years older than the victim or if the victim is an adult (unless the adult is under the custodial authority of the offender at the time of the offense).

Where To Register: Registration Jurisdictional Issues

SORNA requires that sex offenders initially register in the jurisdiction of conviction. Thereafter, they must register in any jurisdiction where they –

- live,
- work, and
- go to school.

It is possible that a sex offender will have to register in multiple registration jurisdictions. For example, a sex offender who lives in New Mexico, works in Arizona and goes to school in Colorado is required to register in all three states and keep their registration current in each. Similarly, a sex offender who works on the Navajo Nation Indian Reservation and lives in Gallup, New Mexico, is required to register with both the Navajo Nation and the state of New Mexico. If the sex offender moves to Flagstaff, Arizona, and continues working on the Navajo Nation Indian Reservation, they must notify the appropriate registration agency in New Mexico of their change in residence, notify the Navajo Nation that they now live in Arizona, and register with Arizona.

A sex offender may also live, work and go to school exclusively in a tribal jurisdiction. If so, the offender is required to register only with the tribal jurisdiction. *See “State Dual Registration” box at right for additional state requirements.*

Tribal and State Lands

Some tribal lands are arranged in a patchwork around state or county land. In such instances, a tribe is responsible for registration functions on lands subject to its law enforcement jurisdiction, and a state is responsible for registration functions on lands subject to its law enforcement jurisdiction.

State Dual Registration

Some states go beyond SORNA's requirements and require all sex offenders living within state boundaries to register with the state, even if they live, work or go to school exclusively on tribal land.

Previously Registered Offenders

If an offender moves out of your jurisdiction and is no longer required to register with your tribe, you may still retain that offender's information in your administrative database or public registry website.

A sex offender may have to register in multiple registration jurisdictions.

Tiering

SORNA classifies sex offense convictions into three tiers based on the nature and seriousness of the offense, the victim's age and the offender's prior sex offense conviction(s). Tier I offenses generally include only misdemeanor offenses punishable by no more than 1 year in jail; tier II and tier III offenses are more serious felony offenses punishable by more than 1 year in jail. Tribes must ensure that sex offense convictions are tiered correctly. The SORNA Officer or tribal prosecutor is typically responsible for assessing sex offense convictions and determining the appropriate tier.

Tribal offenses: Tribes that have enhanced sentencing under the Tribal Law and Order Act must tier tribal offenses similarly to federal or state offenses. Otherwise, tribes can opt to tier all tribal sex offenses as tier I offenses regardless of the nature of the offense.

State offenses: State offenses should be tiered similarly to federal offenses. This includes offenses from Washington, D.C., and the principal U.S. territories.

Military offenses: Military offenses under § 115(a)(8)(C)(i) of Public Law 105-119 should be tiered similarly to federal or state offenses. For assistance with military convictions and obtaining supporting documentation, contact the military fellows at the U.S. Marshals Service's National Sex Offender Targeting Center at IOD.NSOTC@usdoj.gov.

Foreign offenses: Foreign offenses should be tiered similarly to federal or state offenses.

TIER I OFFENSES

Tribal Offenses: Any tribal offenses where maximum punishment was limited to 1 year in jail

Federal Offenses

- 18 U.S.C. § 1801 (video voyeurism of a minor)
- 18 U.S.C. § 2252 (receipt or possession of child pornography)
- 18 U.S.C. § 2252A (receipt or possession of child pornography)
- 18 U.S.C. § 2252B (misleading domain names on the internet)
- 18 U.S.C. § 2252C (misleading words or digital images on the internet)
- 18 U.S.C. § 2422(a) (coercion and enticement of an adult to engage in prostitution)
- 18 U.S.C. § 2423(b) (travel with intent to engage in illicit sexual conduct)
- 18 U.S.C. § 2423(c) (engaging in illicit sexual conduct in foreign places)
- 18 U.S.C. § 2423(d) (ancillary offenses where the victim is 18 or older)
- 18 U.S.C. § 2424 (failure to file factual statement about an alien individual)
- 18 U.S.C. § 2425 (use of interstate facilities to transmit information about a minor)
- *Any other offense defined as a tier I offense under 34 U.S.C. § 20911(2), as may be amended*

State Offenses

General

- Sex offenses not constituting a tier II or III offense

Offenses involving minors

- False imprisonment
- Video voyeurism
- Possession or receipt of child sexual abuse material (child pornography)

TIER II OFFENSES

Federal Offenses

- 18 U.S.C. § 1591 (sex trafficking of children, or by force, fraud or coercion)
- 18 U.S.C. § 2244 (abusive sexual contact, where the victim is 13 or older)
- 18 U.S.C. § 2251 (sexual exploitation of children)
- 18 U.S.C. § 2251A (selling or buying of children)
- 18 U.S.C. § 2252 (production or distribution of child pornography)
- 18 U.S.C. § 2252A (production or distribution of child pornography)
- 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into U.S.)
- 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity)
- 18 U.S.C. § 2422(b) (coercion and enticement of a minor to engage in prostitution)
- 18 U.S.C. § 2423(a) (transportation of minor with intent to engage in criminal sexual activity)
- 18 U.S.C. § 2423(d) (ancillary offenses where the victim is under 18)
- *Any other offense defined as a tier II offense under 34 U.S.C. § 20911(3), as may be amended*

State Offenses

Offenses involving minors

- Use of minors in prostitution
- Sex trafficking of minors
- Enticing a minor to engage in criminal sexual activity
- Nonforcible sexual act with a minor 16 or 17 years old
- Sexual contact with a minor 13 years old or older

- Use of a minor in a sexual performance
- Production or distribution of child sexual abuse material (child pornography)

Recidivism and felonies

- Any sex offense that is not a first sex offense and that is punishable by more than 1 year in jail

TIER III OFFENSES

Federal Offenses

- 18 U.S.C. § 2241 (aggravated sexual abuse)
- 18 U.S.C. § 2242 (sexual abuse)
- 18 U.S.C. § 2243 (sexual abuse of a minor or ward)
- 18 U.S.C. § 2244 (abusive sexual contact, where the victim is 12 or younger)
- *Any other offense defined as a tier III offense under 34 U.S.C. § 20911(4), as may be amended*

State Offenses

General

- A sexual act with another by force or threat
- A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate

Offenses involving minors

- Nonparental kidnapping of a minor
- Sexual contact with a minor 12 years old or younger
- A sexual act with a minor under age 16 (Note "Romeo & Juliet" exception, page 4)

Recidivism and felonies

- Any sex offense punishable by more than 1 year in jail where the offender has at least one prior tier II offense

Required Registration Information

During registration, the SORNA Officer or other designated official must obtain the following information from sex offenders required to register with the tribe:

- **Name**
 - Full primary given name
 - All aliases, nicknames and pseudonyms
 - All ethnic or tribal names by which the sex offender is commonly known (does not include any religious or sacred names not otherwise commonly known)
- **Date of Birth**
 - Actual date of birth and any other date of birth used by the sex offender
- **Social Security Number**
 - Includes purported Social Security numbers
- **Phone Number(s)**
- **Picture**
 - Photograph the sex offender at every scheduled appearance (unless the offender's appearance has not changed significantly).
 - Every 3 months for tier III offenders
 - Every 6 months for tier II offenders
 - Every year for tier I offenders
- **Physical Description**
 - Note an accurate physical description of the offender, including distinct characteristics like identifying marks, scars, tattoos, etc.
 - Photograph any distinct markings.
- **Driver's Licenses, Identification Cards, Passports and Immigration Documents**
 - Photocopy or scan all of the sex offender's valid driver's licenses issued by any jurisdiction, tribal enrollment card(s), passport(s) and all immigration documents used by the sex offender.

Digitization and Electronic Database Requirement

All required registration information must be, at a minimum, maintained in a digitized format and in an electronic database.

- **Residence Address**

- Includes any location or description that identifies where the sex offender habitually resides, regardless of whether it is a permanent residence or whether it has a street address

- **School Information**

- Name and address of each school where the sex offender is or will be a student

- **Employment Information**

- Obtain the name and address of employer, including where the offender reports to work if it differs from employer's main address.
- Includes all paid, volunteer and unpaid positions

- **Criminal History**

- Date of all arrests
- Date of all convictions
- Status of parole, probation or supervised release
- Registration status
- Outstanding arrest warrants

- **Fingerprints and Palm Prints** See *"Fingerprints and Palm Prints," page 14.*

- Submit fingerprints and palm prints to the FBI Next Generation Identification (NGI) system.

- **DNA Sample** See *"DNA Collection and Submission," page 16.*

- Submit all DNA samples to the Combined DNA Index System (CODIS). To check if the sex offender's DNA is already in CODIS, contact the state DNA laboratory (if tribal DNA submissions are sent through the state) or contact the FBI's Federal DNA Database Unit for direct submissions.

- **Internet Identifiers**

- All email addresses used by the sex offender
- All instant message addresses and identifiers used by the sex offender
- All other designations or monikers used for self-identification in internet communications or postings used by the sex offender, including social network identifications such as Twitter accounts

Offense Information

In addition to information obtained from the sex offender, the SORNA Officer must obtain the text of the criminal offense for which the sex offender is registered. The historical statutes database, which provides the text of federal, military and state sex offenses, is available on the SORNA Exchange Portal. The Tribe and Territory Sex Offender Registry System can also automatically populate the text of these offenses. See *"Tribe and Territory Sex Offender Registry System," page 12,* and *"SORNA Exchange Portal," page 17.*

- **Professional Licensing Information**

- All licensing information that authorizes the sex offender to engage in an occupation or carry out a trade or business (e.g., electrician or state bar license)

- **Vehicle Information**

- Includes work and personal use vehicles – including land vehicles, aircraft and watercraft. The sex offender does not need to be the vehicle owner.
 - License plate numbers
 - Vehicle identification numbers
 - Description of the vehicle (i.e., color, make, model, year)
 - Permanent or frequent location where the vehicle is kept

- **Temporary Lodging (Domestic)**

- Whenever a registered sex offender will be absent from their residence temporarily (7 days or more), collect the following information:
 - Identifying information of the temporary lodging locations, including addresses and names (e.g., hotel name)
 - Dates the sex offender will be staying at each temporary lodging location
- Consult your tribe’s code to determine how far in advance of travel the offender is required to provide this information and whether it must be in person.

- **International Travel**

- Offenders who intend to travel internationally must provide 21 days’ advance notice to all registration jurisdictions. *See “International Travel Notice Information,” page 20.*

“Immediate” Transfer of Information

The initial or updated registration information must be immediately sent to other jurisdictions where the offender is required to register, as well as to the national crime databases and the tribe’s public sex offender registry website. SORNA defines “immediately” as within 3 business days of entry or update.

National and Tribal Databases

After the required registration information is collected, it must be entered into the appropriate databases to fulfill SORNA's information-sharing requirements.

Enter and maintain offender registration information in tribe's registry system; display required information on public registry website (which will also display on NSOPW.gov)

TTSORS
(Tribal Registry)

NGI
(Next Generation Index)

Submit fingerprints, palm prints and photos to NGI

Submit DNA to CODIS

CODIS
(Combined DNA Index System)

NSOR
(National Sex Offender Registry)

Submit offender registration information to NCIC/NSOR

The Importance of Submitting to All Databases

It is important to ensure that registration information is submitted to *all* required databases. Failing to submit registration information to even one of the above databases can result in the appropriate public and/or law enforcement notifications not being made. If registration information is not entered into an electronic registry database such as TTSORS and not displayed on a public registry website, the offender will not appear in a search of NSOPW.gov. If fingerprints are not submitted to

NGI, a fingerprint-based criminal history record check will not display a notice that the offender is a registered sex offender. If biographical information is not submitted to NSOR, a name-based criminal history record check will not display a notice that the offender is a registered sex offender. Finally, if DNA is not submitted to CODIS, the offender's DNA profile is unknown and will not be linked to any unsolved crimes the offender may have committed.

Tribe and Territory Sex Offender Registry System

The Tribe and Territory Sex Offender Registry System (TTSORS) is provided by the SMART Office to assist tribes and territories in implementing SORNA registry system requirements. TTSORS functions as both the administrative registry system and the public sex offender registry website, and allows offender records to be submitted directly to the FBI's National Sex Offender Registry (NSOR) file.

Only tribal and territorial agencies that manage and register sex offenders can enter and update information in TTSORS.

The SMART Office provides TTSORS free of charge so that tribal jurisdictions do not need to develop or purchase any special information technology systems to have a SORNA-compliant registry system. TTSORS is hosted and managed for tribal jurisdictions, and ongoing professional assistance is available by phone, email or chat. All that is needed to use TTSORS is a computer with internet access.

SORNA requirements are already included in TTSORS, so when a tribe participates in TTSORS, the tribe is automatically able to participate in NSOPW.gov and with the SORNA Exchange Portal. By using TTSORS, a tribe's registry system will be able to –

- Provide community notifications,
- Collect all offender information required by SORNA, and
- Share information with other SORNA jurisdictions.

Tribes can customize the look of the public website to be unique to the jurisdiction. There are also custom offender information fields that can be tailored to collect additional information as needed.

Getting Started With TTSORS

To get your tribe or territory started with TTSORS, send a request to the Institute for Intergovernmental Research (IIR) at registrysupport@nsopw.gov or call 850-385-0600, ext. 222.

NSOPW.gov

The Dru Sjodin National Sex Offender Public Website (NSOPW.gov) is the only government system to link state, territory and tribal public sex offender registries from a national search site. Make sure your tribe's public website is linked to [NSOPW.gov](https://www.nsopw.gov). Contact IIR for assistance (registrysupport@nsopw.gov).

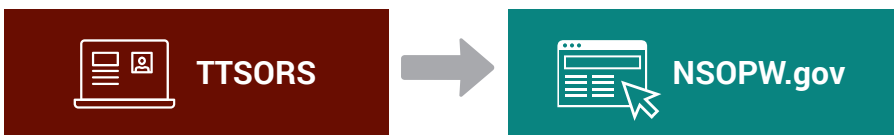
Over 90% of tribes implementing SORNA use TTSORS as their registry system and public website.

Public Registry Website

The SORNA Officer is typically responsible for maintaining the tribe’s public sex offender registry website and should ensure that the tribe’s public website is immediately updated with the required registration information. *If your tribe uses TTSORS, see “Tribe and Territory Sex Offender Registry System,” page 12.* When posting registration information, make certain that prohibited information is not publicly posted. If a tribe has a memorandum of understanding with a state or other entity to use its public website, the SORNA Officer should check that the state is actually posting the required information.

Minimum Required Information	Prohibited Information
<ul style="list-style-type: none"> ✓ Name of offender ✓ Physical description of offender ✓ Current photo ✓ Residence address ✓ Employment address ✓ School address ✓ Vehicle information ✓ All sex offenses for which the offender has been convicted ✓ Sex offense(s) for which the sex offender is registered, including the text of the statute(s) ✓ Notice that the offender is not in compliance or has absconded (if applicable) 	<ul style="list-style-type: none"> ✗ Any arrest information that did not result in a conviction ✗ Social Security number ✗ Identity of the victim ✗ Travel and immigration documents ✗ Internet identifiers

NSOPW.gov automatically displays sex offender information from a tribe’s public registry website



Fingerprints and Palm Prints

SORNA requires that jurisdictions include in their registries a set of fingerprints and palm prints from each sex offender. Jurisdictions must maintain fingerprints and palm prints in digital format in order to facilitate immediate access and transmittal of information to various entities. Additionally, SORNA requires jurisdictions to submit finger and palm prints to the FBI's NGI system.

Although SORNA requires jurisdictions to maintain fingerprints and palm prints in digital format, jurisdictions are not required to use digital print-taking devices (live scan) to obtain registered sex offenders' prints. To meet the digital format requirement, jurisdictions can either –

- Use digital print-taking devices to obtain registered sex offenders' fingerprints and palm prints, or
- Take rolled, inked prints; scan and upload to the registry; and then mail the fingerprint cards to the FBI's Criminal Justice Information Services (CJIS).

Note that digital print-taking devices alert the user as to whether the prints are of sufficient quality for the NGI system to accept; rolled, inked prints that are subsequently scanned do not.

Tribes participating in the Tribal Access Program (TAP) that have received a TAP workstation have the capability to collect digital fingerprints and palm prints and submit them directly to NGI. *See "Tribal Access Program," page 15.* Other tribal jurisdictions using digital print-taking devices should, if possible, work with the state registry agency and select a device that interfaces with the state's system, to enable electronic submission of prints to NGI through the state system.

Ordering FBI Fingerprint Cards

Tribes that plan to mail digitally scanned or rolled, inked prints directly to CJIS may order fingerprint cards free of charge. To obtain fingerprint cards, you must have an Originating Agency Identifier (ORI) number. If you do not have an ORI number, contact the FBI's CJIS Division at ori@leo.gov or at 304-625-4543 to request one. Once you have an ORI number, complete the CJIS Fingerprinting Supply Requisition Form 1-178, at www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/ordering-fingerprint-cards-and-training-aids. If you have questions, contact the CJIS Fingerprint Supply Center at 304-625-3983.

How To Prepare Fingerprint Cards and Capture Palm Prints

For guidance on how to prepare fingerprint cards, visit www.fbi.gov/file-repository/guidelines-for-preparation-of-fingerprint-cards-and-association-criminal-history-information.pdf/view.

For guidance on how to capture palm prints and supplementals, visit www.fbi.gov/file-repository/guidelines-for-capturing-palm-prints-and-supplementals.pdf/view.

Submitting Offender Information Into NCIC/NSOR

SORNA requires that when an offender initially registers or updates their information in a jurisdiction, that the initial registration information or updated information be immediately submitted to the National Sex Offender Registry (NSOR), which is one of the 14 person files in the National Crime Information Center (NCIC). The FBI's CJIS Division operates and maintains NCIC/NSOR.

Many tribal jurisdictions have agreements in place, such as memoranda of understanding, with various state and local law enforcement agencies in order to access and submit offender information into NCIC/NSOR. Some tribal jurisdictions have their own access and can submit directly. Be aware that having read-only access to NCIC/NSOR is insufficient: A tribal jurisdiction must be able to submit and update offender information.

If the SORNA Officer is uncertain of whether the tribe has full access to NCIC/NSOR, contact the tribe's designated law enforcement agency. Even if there is an agreement in place with another entity to provide NCIC access, review the agreement to be certain that it includes submitting registered sex offender information into NSOR. An agreement for NCIC access may have been executed prior to a tribe implementing a SORNA program and therefore may not cover submitting registration information. If this is the case, consider working with the tribe's legal counsel to amend the agreement.

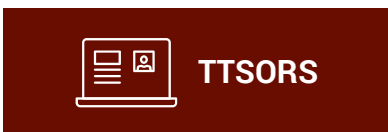
Tribal Access Program

The U.S. Department of Justice launched the Tribal Access Program (TAP) to provide tribal jurisdictions with direct access to federal databases, including NCIC/NSOR. The SMART Office is a key partner and funder of TAP. For more information on TAP, contact TribalAccess@usdoj.gov.

TTSORS-NSOR Interconnection

Tribal jurisdictions using TTSORS and participating in TAP have access to the TTSORS-NSOR Interconnection, an enhanced feature in TTSORS that enables registration information entered into an offender's TTSORS record to be electronically submitted into NCIC/NSOR. This feature reduces dual entry and assists in ensuring timeliness, accuracy and completeness of an offender's NSOR record. For more information, contact IIR at registrysupport@nsopw.gov.

For tribes participating in TAP, TTSORS users can directly submit sex offender information into NSOR



DNA Collection and Submission

SORNA requires DNA samples to be taken from sex offenders during the registration process for analysis and entry into the FBI's CODIS database – if DNA has not been taken and submitted previously. Some states work with SORNA tribal jurisdictions to take, preserve and submit DNA samples from sex offenders for entry into CODIS and to complete the requisite follow-through needed on a match between an offender and a forensic profile (known as a “cold hit”).

Where such cooperation and coordination exists, SORNA tribal jurisdictions should include memoranda of understanding or cooperative agreements regarding DNA submissions as part of their substantial implementation submission to the SMART Office. *See “Establishing a SORNA Program,” page 22.* Tribes are encouraged to work with states to establish procedures for this SORNA DNA requirement. Note that contracting with a private laboratory is not sufficient for DNA submission for sex offender registration purposes because most private laboratories cannot submit their DNA profiles to CODIS.

Eligible tribal jurisdictions may submit DNA samples directly to the FBI's Federal DNA Database Unit (FDDU), and the FBI provides DNA sample kits to SORNA tribal registration jurisdictions for free. Once tribes have taken and submitted the DNA sample for analysis, it can be discarded. There is no need to retain it.

Keep in mind that a sex offender DNA submission could result in a cold hit, and cooperation with other agencies – including the FBI, U.S. Marshals Service, state and local law enforcement, and tribal police – may be necessary.

How To Check if a DNA Sample Has Been Submitted to the FBI

Checking an offender's DNA status first can reduce duplicate testing and submissions, saving time and resources. To find out if a DNA sample for a particular offender was submitted to the FDDU, submit a status request form at <https://forms.fbi.gov/fddu-fco-sample-status>.

Tribal jurisdictions participating in TAP can view an offender's DNA status via their criminal history record. Near the top of the criminal history record, above the biographical information, there is a DNA indicator showing whether a DNA profile already exists in CODIS. (This DNA indicator does not show whether DNA has been submitted to a state laboratory.)

Note: It takes 30 days for the DNA indicator to be updated in the criminal history record. If the indicator is negative, submit the status request form above to verify if a sample has been submitted to FDDU.

The FBI provides DNA sample kits free of charge to SORNA tribal registration jurisdictions, which can be submitted directly to the FDDU.

Ordering Kits and Submitting DNA Samples to the FBI

DNA kits can be ordered from the FBI website at forms.fbi.gov/buccal-collection-kit-re-order-form. For more information, contact FDDU by email at fddu@ic.fbi.gov; phone at 703-632-7529; or mail at Federal DNA Database Unit, 2501 Investigation Parkway, Quantico, VA 22135.

Tribal jurisdictions that submit DNA samples directly to the FBI must collect the samples according to the FBI's directions and standards and complete the required FBI form, which

must include, among other items, data on each sex offender's conviction and personal information, two fingerprints, and valid and verifiable agency contact information. The procedures for collecting the sample must be followed diligently and must be complete to ensure that the submission can be tested and the data entered into CODIS. For more information on how to take and submit a DNA sample with the supplied kits, visit www.fbi.gov/services/laboratory/biometric-analysis/federal-dna-database.

SORNA Exchange Portal

SORNA requires jurisdictions to share information about sex offenders who are relocating between jurisdictions or are required to register in more than one jurisdiction. The SMART Office developed the SORNA Exchange Portal to meet this directive and provide sex offender registration personnel an internet-based community where they can share information. Each registration jurisdiction has access to its own individual site, and offender information can be exchanged with other jurisdictions through offender relocation tasks, document and file sharing, discussion boards, event calendars and a historical statutes database.

SORNA Officers should have policies and procedures in place to regularly access the SORNA Exchange Portal. Setting up automated, customized alerts is highly recommended.

Accessing the SORNA Exchange Portal

To access the SORNA Exchange Portal, you must have a username and password. To obtain these, email registrysupport@nsopw.gov. Once you receive your username and password, log onto the portal at <https://portal.nsopw.gov>.

Keep Contact Information Updated

SORNA Officers should ensure the jurisdiction's point of contact information is up to date in the SORNA Exchange Portal. If the information is outdated, another jurisdiction may attempt to notify the wrong person about a relocating offender or send the information to an incorrect email address.

Community Notification Requirements

SORNA requires that registration jurisdictions immediately provide both initial and updated information about a sex offender to certain agencies in specific categories. Each category is addressed below, with information on how jurisdictions can implement the requirements.

Immediately after a sex offender registers or updates their registration, the SORNA Officer should make sure the information is shared with the following:

1. *The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate databases.*

To meet this requirement, jurisdictions must immediately forward any information to NCIC/NSOR.

2. *Appropriate law enforcement agencies, schools and public housing agencies.*

Jurisdictions can sufficiently notify these agencies by –

- i. ensuring that their police departments, sheriffs' offices, prosecution offices and probation/parole offices have access to the law enforcement portion of their sex offender registry; and

- ii. utilizing an email notification system, as discussed in (5) below.

3. *Each jurisdiction where the sex offender is required to register.*

To meet this requirement, jurisdictions must ensure that there is a mechanism in place to transmit registration information to any other jurisdiction where an offender is required to register. This capacity must include the states, the principal territories, the District of Columbia and every federally recognized Indian tribe that has elected to operate as a SORNA registration jurisdiction. Using the SORNA Exchange Portal will satisfy this requirement. [See "SORNA Exchange Portal," page 17.](#)

4. *Any agency responsible for conducting employment-related background checks.*

To meet this requirement, jurisdictions must check within their own governmental structure to determine –

- i. which agencies conduct employment-related background checks, and
- ii. how to ensure that those background checks will capture the registration information submitted by the sex offender to the registering agency.

TTSORS

SORNA Community Notification Requirements are already included in the Tribe and Territory Sex Offender Registry System (TTSORS). As a TTSORS user, your registry system can provide community notifications. [See "Tribe and Territory Sex Offender Registry System," page 12.](#)

5. *Social service entities responsible for protecting minors; volunteer organizations in which contact with minors or other vulnerable individuals might occur; and any organization, company or individual who requests such notification.*

Jurisdictions can sufficiently meet these community notification requirements by –

- i. immediately updating the jurisdiction’s sex offender public website when a sex offender either registers or updates their registration information;
- ii. establishing an email notification system for the jurisdiction’s sex offender public website, which initiates a notification when an offender relocates (to include residence, work or school address) in or out of a particular ZIP code or geographic radius; and
- iii. automatically emailing an individual who registers to be notified when a particular sex offender relocates, and reflecting the relocation on the jurisdiction’s sex offender public website.

Juvenile Offenders and SORNA

SORNA requires that jurisdictions register juveniles convicted as adults as well as juveniles adjudicated delinquent of certain serious sex offenses.

A common misconception is that SORNA requires jurisdictions to register all juveniles who are adjudicated delinquent for sex offenses. In fact, SORNA requires juvenile registration only if the juvenile was at least 14 years old at the time of the offense and was adjudicated delinquent for committing (or attempting or conspiring to commit) a sexual act (generally speaking, a forcible penetration offense) with another by force, by the threat of serious violence, or by rendering unconscious or drugging the victim.

Because of the severity of these offenses, juvenile sex offenders adjudicated delinquent are categorized as tier III offenders under SORNA and are subject to duration and in-person verification requirements applicable to all tier III offenders.

Although SORNA requires registration for juveniles adjudicated delinquent of certain sex offenses, SORNA allows registration to be terminated after 25 years for those who maintain a clean record.

Exceptions for Juveniles

SORNA does not require jurisdictions to treat their juvenile sex offenders the same as adult registrants in all respects. Jurisdictions have the discretion to exempt juveniles from their public sex offender website. Jurisdictions can also establish different procedures for juveniles that recognize the unique needs of juvenile offenders. For more information, see the Attorney General’s Supplemental Guidelines for Juvenile Registration (<https://smart.ojp.gov/sorna/current-law#Attorney>).

International Travel Notice Information

SORNA* requires that a registered sex offender inform their residence jurisdiction of any intended travel outside of the United States at least 21 days prior to that travel. The residence jurisdiction must then notify the U.S. Marshals Service's National Sex Offender Targeting Center (USMS-NSOTC) with the intended travel information. The residence jurisdiction must also update NCIC/NSOR. The other information-sharing requirements of SORNA apply to this information as well.

Jurisdictions must collect the following information regarding a registered sex offender's intended international travel:

- **Identifying Information**
 - Full primary given name
 - All aliases, nicknames and pseudonyms
 - Date of birth
 - Sex
 - Citizenship
 - Passport number and country
 - FBI number (for domestic law enforcement use only)
- **Travel Information**
 - Destination(s)
 - Dates and places of departure, arrival and return (if applicable), including the name of the point of departure (city/town) from each country
 - Means of travel (air, train, ship)
 - Itinerary details (when available), including name of the airport, train station, port; flight, train, ship number; departure and arrival times; and information about any intermediate stops

Advance Notice

Unlike notification requirements for temporary domestic lodging, sex offenders are required to inform their jurisdiction of all international travel – regardless of trip length – at least 21 days in advance of their trip.

How To Notify the U.S. Marshals

Jurisdictions are strongly encouraged to make this notification by way of the "Notification of International Travel Form" on the SORNA Exchange Portal. *See "SORNA Exchange Portal," page 17.* As an alternative, jurisdictions may directly submit the "Notification of International Travel Form" to the USMS-NSOTC at **IOD.NSOTC@usdoj.gov**, with a subject line of "Sex Offender Travel Notification." Contact the USMS-NSOTC with any questions at 202-616-1600 or **NSOTC.IML@usdoj.gov**. Once a notification is made, USMS-NSOTC will provide the information to INTERPOL Washington, which will communicate the information to law enforcement partners at the intended foreign destination(s) of travel.

*As augmented by the Attorney General's Supplemental Guidelines for Sex Offender Registration and Notification (January 2011).

- Purpose(s) of travel (e.g., business, deportation, military, relocation, other [specify])
- Criminal record
 - Date and city, state or jurisdiction of conviction
 - Offense(s) of conviction requiring registration
 - Victim information (age, gender, relationship)
 - Registration jurisdiction(s) (state, tribe or territory)
- Other
 - Contact information within destination country
 - Notifying agency and contact information

Digital copies or photocopies of all pertinent travel documents should be made when the information is being collected. If such documents are not available, the jurisdiction should collect identifying information on those documents (for example, for a passport, the passport number and country of issuance). Note that any information provided might be communicated to foreign law enforcement officials, as deemed necessary.

In addition to notifying the U.S. Marshals Service, jurisdictions may directly notify other appropriate law enforcement agencies of an offender's intended international travel if circumstances necessitate, by whatever means the jurisdiction prefers.

Failure To Appear for Registration

When a tribal jurisdiction receives notice that an offender is relocating to the tribe to live, work or attend school, and then the sex offender fails to appear for registration, the tribe (typically the SORNA Officer) must immediately inform the jurisdiction that provided the notification that the sex offender failed to appear.

If the tribe receives information that the offender has absconded, SORNA requires the tribal jurisdiction to take the following steps:

- Determine whether the offender has actually absconded.
- If no determination can be made, inform tribal police or the designated law enforcement agency so that they can attempt to locate the offender.

If the absconded offender cannot be located, the tribal jurisdiction must do the following:

- Update the public sex offender registry website to indicate that the offender is an absconder.
- Notify the U.S. Marshals Service.
- Seek a warrant for the sex offender's arrest.
- Update NCIC/NSOR and indicate that the offender is an absconder.
- Enter the offender's information into the Wanted Person File in NCIC.

Establishing a SORNA Program

The SMART Office has developed a number of resources to help tribal jurisdictions establish a SORNA program and submit a substantial implementation package.

SMART's Indian Country webpage, available at <https://smart.ojp.gov/sorna/indian-country>, has more guidance for tribes implementing SORNA, including the following:

- **Model Tribal Sex Offender Registration Code.** This sample sex offender registration code is intended to be tailored to the needs and circumstances of each particular tribal jurisdiction.
- **SORNA Implementation Policy and Procedures Guide.** This guide assists tribes with creating their own policy and procedure manuals for sex offender registration and notification programs.

SMART's SORNA Substantial Implementation webpage. This page, available at <https://smart.ojp.gov/sorna/substantial-implementation>, contains information on what the substantial implementation of SORNA entails, including a detailed checklist and guidance on what to submit to the SMART Office for review.

- **Substantial Implementation Checklist.** The checklist is a tool to help jurisdictions assess compliance with SORNA requirements as they work to implement the law.
- **Submitting Information for Review.** This lists how to submit a substantial implementation package.

Tribal Training and Technical Assistance

The SMART Office's training and technical assistance team can provide support to tribes on substantial implementation of SORNA, as well as a variety of sex offender management issues. Typical methods of assistance include conference calls, webinars, peer-to-peer support and onsite support through training and community outreach events.

Tribal jurisdictions that are interested in training and technical assistance can contact the SMART Office at AskSMART@usdoj.gov or 202-514-4689.

