

**Sex Offender Registration Law Update #19 & #20  
November 18, 2008**

**1. Santos v. State, 2008 Ga. LEXIS 849 (Oct. 27, 2008)**

- **Homeless Sex Offenders**

The Georgia Supreme Court found that the state registration requirements were unconstitutionally vague in their application to homeless sex offenders, as the statute did not “give homeless sexual offenders without a residence address fair notice of how they can comply with the statute’s registration requirement”. The court was careful to note that only the address registration requirement in such cases was unconstitutional, and that homeless offenders remain subject to the remainder of the sex offender registration requirements.

**2. Hudson v. Bureau of Prisons, 2008 U.S. Dist. LEXIS 86987 (Oct. 28, 2008)**

- **SORNA: Classification of State-Level Sex Offense**
- **18 U.S.C. §4042(c)**

Defendant was a federal prisoner incarcerated on non-sex offenses. He had been previously convicted of a state-level sex offense in Michigan in 1990. The Bureau of Prisons sought to notify Michigan of Defendant’s requirement to register under SORNA, per 18 USC §4042(c). The federal court concluded that the state offense was a Tier III offense under SORNA and that the appropriate notice under §4042(c) must be given.

**3. In re: Z.B., 2008 S.D. LEXIS 147 (November 5, 2008)**

- **Juvenile Registration**

In certain cases, South Dakota’s registration requirements for juveniles adjudicated delinquent are more onerous than those for similarly convicted adults. The court found an equal protection violation under both the federal and state constitutions, and rescinded the order requiring the juvenile to register as a sex offender.