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SORNA Substantial Implementation Review Washington, DC

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to acknowledge Washington, DC for the work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of Washington, District of Columbia's (District) SORNA substantial implementation packet and has found Washington, DC to have not substantially implemented SORNA.

In April 2016, the District's Metropolitan Police Department (MPD) submitted a substantial implementation package that included a completed Substantial Implementation Checklist-Revised, current Sex Offender Registry Act, MPD and Court Services and Offender Supervision Agency (CSOSA) registry orders and procedures, a sample registration bulletin, and all Washington, DC criminal offenses that require registration. Additional correspondence with MPD officials helped clarify some of the District's registration procedures.

Our review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, and contains 14 sections addressing the SORNA requirements. Under each section, we indicate whether Washington, DC meets the SORNA requirements of that section or deviates from the requirements in some way. In instances of deviation, we specify where the departure(s) from a particular requirement does not substantially disserve the purposes of that requirement. Washington, DC is encouraged to focus on the deviations that substantially disserve SORNA's requirements and to work toward rectifying those deviations in order to achieve substantial implementation of SORNA. To achieve full implementation of SORNA, Washington, DC should also work toward rectifying the deviations that do not substantially disserve the purposes of SORNA.

This is an exhaustive review and meant to detail every area in which the District has not met SORNA standards. We encourage you to review the information below, share it with relevant stakeholders in the District, and get back in touch with us to develop a strategy to address these remaining issues.

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his information in a jurisdiction, that that initial registration information/updated information be immediately sent to other jurisdictions where the offender has to register, as well as to NCIC/NSOR and the jurisdiction's public sex offender registry website.

Washington, DC notifies law enforcement agencies within the District and in other states¹ within three days, and updates its public sex offender registry website and FBI databases when an offender initially registers and/or updates information electronically immediately upon receipt of mailed verification letter or by close of business on the day verification was completed. However, Washington, DC does not notify tribal jurisdictions of any necessary registration information.

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

II. Offenses that Must Be Included in the Registry

SORNA requires that certain federal, military, and foreign offenses are included in a jurisdiction's registration scheme. In addition, SORNA requires that the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires that certain adjudications of delinquency are included in a jurisdiction's registration scheme.

Washington, DC requires registration for an offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute a registerable offense in the District of Columbia.

A. Washington, DC Offenses

While Washington, DC captures most of the offenses required by SORNA, there is no substantially equivalent crime to video voyeurism of a minor, or the use of the internet to facilitate criminal sexual conduct (sexual offenses whose elements involve physical contact with the victim) involving a minor. Simple possession of child pornography is not a registerable offense; only possession with intent to disseminate is a registerable crime in Washington, DC.

Additionally, Washington, DC does not require registration for the following offenses:

§ 22-1833 Trafficking in labor or commercial sex acts

§ 22-1834 Sex trafficking of children

B. Federal Offenses

In Washington, DC, registration is required for any offender if the offense committed in another jurisdiction, including those resulting in convictions in federal court, has the same essential elements as a Washington, DC registerable offense. However, while this scheme will include many of the federal offenses requiring registration, Washington, DC does not require registration for the following federal offenses:

¹ In Washington, DC, "state" means a state of the United States, or any territory, commonwealth, or possession of the United States.

- 18 U.S.C. §1591 (Sex Trafficking by Force, Fraud or Coercion)
- 18 U.S.C. §1801 (Video Voyeurism of a Minor)
- 18 U.S.C. §2252A (Material Containing Child Pornography—possession)
- 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. §2260 (Production of Sexually Explicit Depictions of a Minor for Import in to the United States)
- 18 U.S.C. §2421 (Transportation of a Minor for Illegal Sexual Activity)
- 18 U.S.C. §2422 (Coercion and Enticement of a Minor for Illegal Sexual Activity)
- 18 U.S.C. §2423 (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places)
- 18 U.S.C. §2424 (Failure to File Factual Statement about an Alien Individual)
- 18 U.S.C. §2425 (Transmitting Information about a Minor to Further Criminal Sexual Conduct)

C. Military Offenses

Washington, DC requires offenders to register if they committed offenses requiring registration under military law, if the offense has the same essential elements as a Washington, DC offense. Washington, DC will register most of the military offenses required by SORNA. Nevertheless, there are some UCMJ Offenses (such as Conduct Unbecoming) that are not comparable to those registerable under Washington, DC law and, therefore, would not be registered under the District’s existing scheme.

D. Foreign Offenses

Washington, DC’s definition of “jurisdiction” does not include foreign countries and therefore registration is not required for sex offenses committed in foreign countries.

E. Juveniles

Washington, DC does not require registration of juveniles adjudicated delinquent for any sex offense.

Because Washington, DC does not include many offenses required by SORNA in its registration scheme (including federal offenses) or register juveniles in accordance with SORNA requirements, Washington, DC does not meet the SORNA requirements of this section.

III. Tiering of Offenses

SORNA requires that offenses be classified based on the nature of the offense of conviction. The SMART Office has reviewed all statutes identified in the District’s materials and has identified Washington, DC’s placement of these statutes within the SORNA three tier levels (see attached Appendix: Washington, DC Offense Tiering Review for a detailed analysis

regarding this subsection of the review). Washington, DC's current registration and notification scheme includes two categories of registrants: 10 year or lifetime registration (for further information about duration of registration and frequency of reporting to law enforcement, see Section IX of this report).

The following Washington, DC offenses presently require 10 year registration with annual in-person verification; to meet SORNA requirements these offenses would, at minimum, require 15 year registration with annual in-person verification:

- § 22-3004 Third Degree Sexual Abuse Committed Against an Adult
- § 22-3005 Fourth Degree Sexual Abuse Committed Against an Adult
- § 22-3006 Misdemeanor Sexual Abuse
- § 22-3010.01 Misdemeanor Sexual Abuse of a Child or Minor

The following Washington, DC offenses also presently require 10 year registration with annual in-person verification; to meet SORNA requirements these offenses would, at minimum, require 25 year registration with twice-annual in-person verification:

- § 22-1901 Incest (victim age 16-17)
- § 22-3004 Third Degree Sexual Abuse Committed Against a Minor (victim age 13-18)
- § 22-3005 Fourth Degree Sexual Abuse Committed Against a Minor (victim age 13-18)
- § 22-3009 Second Degree Child Sexual Abuse (victim age 13-18)
- § 22-3009.01 First Degree Sexual Abuse of a Minor (victim age 16-17)
- § 22-3009.02 Second Degree Sexual Abuse of a Minor (victim age 13-17)
- § 22-3009.04 Second Degree Sexual Abuse of a Secondary Education Student (victim age 13-17)
- § 22-3010 Enticing a Child or Minor
- § 22-3010.02 Arranging for Sexual Contact with a Real or Fictitious Child
- § 22-3014 Second Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner (victim age 13-17)
- § 22-3016 Second Degree Sexual Abuse of a Patient or Client (victim age 13-17)
- § 22-3102 Sexual Performance Using a Minor
- § 22-2704 Abducting or enticing child from his or her home for purposes of prostitution; harboring such child
- § 22-2705 Pandering; inducing or compelling an individual to engage in prostitution (victim under 18)
- § 22-2706 Compelling an individual to live life of prostitution against his or her will (victim under 18)
- § 22-2707 Procuring; receiving money or other valuable thing for arranging assignation (victim under 18)
- § 22-2710 Procuring for house of prostitution (victim under 18)
- § 22-2711 Procuring for third persons

The following Washington, DC offenses also presently require 10 year or lifetime registration, with annual in-person verification (unless they meet the lifetime registrant criteria,

as detailed in Section IX of this report); to meet SORNA requirements, these offenses would, at minimum, require lifetime registration with quarterly in-person verification:

- § 22-1901 Incest (victim under 16)
- § 22-2001 Kidnapping (victim under 18)
- § 22-3002 First Degree Sexual Abuse
- § 22-3003 Second Degree Sexual Abuse
- § 22-3004 Third Degree Sexual Abuse Committed Against a Minor (victim under 13)
- § 22-3005 Fourth Degree Sexual Abuse Committed Against a Minor (victim under 13)
- § 22-3008 First Degree Child Sexual Abuse
- § 22-3009 Second Degree Child Sexual Abuse (victim under 13)
- § 22-3009.01 First Degree Sexual Abuse of a Minor (victim under 16)
- § 22-3009.02 Second Degree Sexual Abuse of a Minor (victim under 13)
- § 22-3009.03 First Degree Sexual Abuse of a Secondary Education Student
- § 22-3009.04 Second Degree Sexual Abuse of a Secondary Education Student (victim under 13)
- § 22-3013 First Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner
- § 22-3014 Second Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner (victim under 13)
- § 22-3015 First Degree Sexual Abuse of a Patient or Client
- § 22-3016 Second Degree Sexual Abuse of a Patient or Client (victim under 13)

Washington, DC does not meet the SORNA requirements of this section.

IV. Required Registration Information

SORNA requires that the jurisdiction collect certain pieces of information from and for each offender that it registers, and requires that the jurisdiction keep that registration information, in a digitized form, in its registry. Washington, DC deviates from SORNA requirements in that law enforcement does not collect and keep the following information in its registry:

- DNA sample and analysis
- Transient/day labor employment information
- Purported SSN
- Internet Identifiers
- Palm Prints
- Passports and immigration documents
- Photographs: updates required only once every 5 years or if there is a significant change in appearance
- Professional licensing information
- Temporary lodging information:
 - Dates of travel
- Vehicle information: Permanent or frequent location where all vehicles are kept

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

V. Where Registration is Required

SORNA requires that the jurisdiction register an offender if the jurisdiction is the one in which he is convicted or incarcerated. In addition, SORNA requires that the jurisdiction register offenders who reside, work, or attend school in the jurisdiction.

Washington, DC meets the SORNA requirements in this section.

VI. Initial Registration: Generally

SORNA requires that when an offender is incarcerated within the jurisdiction, registration must occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires that registration occur within three business days of sentencing. Finally, when an offender has been convicted, sentenced, or incarcerated in another jurisdiction (including federal or military court), the jurisdiction must register the offender within three business days of the offender establishing residence, employment, or school attendance within the jurisdiction. SORNA also requires that, during the initial registration process, the jurisdiction inform the offender of his registration duties and require the offender to acknowledge in writing that he understands those duties.

In Washington, DC, when a sex offender is incarcerated in the jurisdiction, registration does not occur prior to release; rather, sex offenders must read and sign a notice of registration responsibilities and then register after release (within three days).

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

SORNA requires that each registration jurisdiction have a procedure in place to recapture three categories of sex offenders: those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime; those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; and those who reenter the jurisdiction's criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense).

Washington, DC's sex offender registration law was enacted in July 2000, and applies to all persons who committed a sex offense, were in custody or under supervision for a sex offense on or after July 11, 2000. Washington, DC does not have a provision to recapture those who reenter the jurisdiction's criminal justice system because of a conviction for some other felony.

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

VIII. Keeping the Registration Current

SORNA requires that when an offender resides in a jurisdiction, that sex offender must immediately appear in-person to update his or her name, residence, employment, school attendance, and termination of residence. SORNA also requires that when an offender resides in a jurisdiction, that sex offender must immediately update any changes to his or her email addresses, internet identifiers, telephone communications, vehicle information, and temporary lodging information.

When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires that the offender immediately appear in-person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires that the offender immediately appear in-person to update school-related information.

SORNA also requires that when an offender resides in a jurisdiction but indicates to the state that he/she intends to travel outside the United States, that the offender notify the residence jurisdiction at least 21 days in advance of such travel. In addition, SORNA requires that when an offender notifies the jurisdiction of his intent to relocate to another country to live, work or attend school, or of his intent to travel to another country, the jurisdiction must do three things: immediately notify any other jurisdiction where the offender is either registered, or is required to register, of that updated information; immediately notify the United States Marshals Service, and immediately update NCIC/NSOR.

Washington, DC's statutes and policies meet some of the SORNA requirements in this section, with exceptions. While Washington, DC requires offenders to report to law enforcement any changes in registration information, including address, employment, and school information within three days, offenders are not required to report in person. Furthermore, Washington, DC does not require offenders to report changes to internet identifiers.

Washington, DC does not require registered sex offenders to provide 21 day advance notice of international travel or report intent to relocate to another country.

Because Washington, DC does not require offenders to update information in-person to law enforcement or require 21 day advance notice of international travel, Washington, DC does not meet the SORNA requirements of this section.

IX. Verification/Appearance Requirements

A. Duration of Registration

SORNA requires that offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders register for 15 years, SORNA Tier II offenders register for 25 years, and SORNA Tier III offenders register for life.

In Washington, DC, sex offenders convicted (or found not guilty by reason of insanity) of Class A offenses are required to register for life. Recidivists and sexual psychopaths² are also required to register for life. Class B and Class C offenders are required to register for ten years or for the duration of the parole, probation or supervised release term, whichever is longer. For further information about Class A, B, and C offenders see Appendix: Washington, DC Offense Tiering Review.

B. Frequency of Registration

SORNA requires that offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders appear once a year, that SORNA Tier II offenders appear every six months, and that SORNA Tier III offenders appear every three months.

In Washington, DC, sex offenders are required to verify their information at specified intervals. Class A offenders are required to verify their information every ninety (90) days; Class B and Class C offenders are required to verify and update their information annually.

Quarterly or annual verifications are conducted by mail. If the sex offender is on probation, parole, or supervised release, if the sex offender has previously failed to submit a timely verification or submitted an incomplete or inaccurate verification, or if CSOSA directs a sex offender for the purpose of taking a new photograph, then the individual must report in person.

Washington, DC does not meet the SORNA requirements of this section.

X. Public Registry Website Requirements

SORNA requires that each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction's public registry website.

² The term "sexual psychopath" means a person, not insane, found by the court to exhibit repeated misconduct in sexual matters and lacks the power to control his or her sexual impulses as to be dangerous to other persons because he or she is likely to attack or otherwise inflict injury, loss, pain, or other evil on the objects of his or her desire.

Washington, DC's public registry website requirements deviate from SORNA requirements in that it does not display the following information required by SORNA:

- Home, work and school addresses only displayed by "100 block" rather than exact address
- Vehicle(s) information, including license plate number(s) and vehicle description(s)

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

XI. Community Notification

SORNA requires that each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires that each jurisdiction also disseminate certain initial and updated registration information to the community.

Washington, DC monitors the SORNA Exchange Portal for inter-jurisdictional changes of residence, employment or student status from other jurisdictions, and notifies the appropriate agencies of registration updates. Additionally, Washington, DC is in the process of developing an Email notification service, which is in final review for implementation. We expect that Washington, DC will inform the SMART Office upon implementation.

Because the District's community notification system is in the process of implementation, these deviations do not substantially disserve the purposes of the SORNA requirements in this section.

XII. Failure to Register as a Sex Offender: State Penalty

SORNA requires that each jurisdiction, other than a federally recognized Indian tribe, provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a sex offender to comply with their registration requirements.

In Washington, DC, the penalty for a first offense for failing to register is a maximum of 180 days in jail and a fine. The penalty for a second offense for failure to register is a maximum of five years imprisonment and a fine.

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

XIII. When a Sex Offender Fails to Appear for Registration

SORNA requires that when a jurisdiction is notified that a sex offender intends to reside, be employed, or attend school in its jurisdiction, and that offender fails to appear for registration as required, that the jurisdiction receiving that notice inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

If an offender fails to appear for registration, Washington, DC does not inform the originating jurisdiction and, therefore, does not meet the SORNA requirements in this section.

XIV. When a Jurisdiction has Information that a Sex Offender may have Absconded

SORNA requires that when a jurisdiction has information that a sex offender may have absconded, that the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

In Washington, DC, if a registrant fails to verify registration information within the specified time frame or provides false information, CSOSA documents the false and/or misleading information, produces an Investigation Request of Alleged Violation Form and submits the form, with attached evidence to MPD. A warning message is entered into the Registry file of offenders known to have provided false and/or misleading information. The District's public registry website is updated to indicate that a registrant is "wanted".

CSOSA performs periodic compliance checks with registrants. The USMS has formed a Sex Offender registry fugitive taskforce that works with CSOSA and MPD to assist in locating the non-compliant offenders after compliance checks are conducted.³

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

Conclusion

We encourage Washington, DC to continue to work towards meeting the provisions of SORNA. However, there are many provisions identified in this report that should be addressed in order for Washington, DC to substantially implement SORNA. Please contact the SMART Office with any questions or concerns once you have had the opportunity to review and discuss our findings.

³ Although Washington, DC claims to follow the listed procedure, the SMART Office was not able to verify these procedures due to lack of documentation.

Appendix: Washington, DC Offense Tiering Review

The SMART Office has reviewed all Washington, DC statutes identified in its substantial implementation submission package and has identified Washington, DC's placement of these statutes within the tiering structure created in Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). It should be noted that SORNA requires all attempts, conspiracies, and solicitations to mirror requirements of the actual offense. Unless indicated in the notes herein, the SMART office has not reviewed any statutes (or subsections) that were not included in the legislation provided by Washington, DC. For more guidance on SORNA classes of offenders, see 42 USC § 16911 and Section V (pages 21-25) of the National Guidelines for Sex Offender Registration and Notification (June 2008).

In reviewing Washington, DC Code of Criminal Procedure, the SMART Office understands that the District has essentially two categories of registrants:

1. Class B and C offenders, requiring ten year registration

Class B Offenses include:

- § 22-3004 Third Degree Sexual Abuse Committed Against a Minor
- § 22-3005 Fourth Degree Sexual Abuse Committed Against a Minor
- § 22-3006 Misdemeanor Sexual Abuse Committed Against a Minor
- § 22-3008 First Degree Child Sexual Abuse of a Child 12 and over
- § 22-3009.01 First Degree Sexual Abuse of a Minor 12 and Over
- § 22-3009.01 First Degree Sexual Abuse of a Secondary Education Student
- § 22-3013 First Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner
- § 22-3015 First Degree Sexual Abuse of a Patient or Client
- § 22-4801 Carnal Knowledge Committed Against a Child 12-17 years old (repealed)
- § 22-3802 Sodomy Committed Against a Child 12-17 years old (repealed)
- § 22-3009 Second Degree Child Sexual Abuse
- § 22-3009.02 Second Degree Sexual Abuse of a Minor
- § 22-3009.04 Second Degree Sexual Abuse of a Secondary Education Student
- § 22-3014 Second Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner
- § 22-3016 Second Degree Sexual Abuse of a Patient or Client
- § 22-3010 Enticing a Child or Minor
- § 22-3010.01 Misdemeanor Sexual Abuse of a Child or Minor
- § 22-3010.02 Arranging for Sexual Contact with a Real or Fictitious Child
- § 22-1901 Incest where victim is a minor
- § 22-2201 Obscenity where victim is a minor
- § 22-1312 Lewd, Indecent, or Obscene Acts where Victim is a Minor
- § 22-3102 Sexual Performance Using a Minor
- § 22-2001 Kidnapping Where the Victim is a Minor
- § 22-2701; 22-2701.01; 22-2703; 22-2704; 22-2705; 22-2706; 22-2707; 22-2708; 22-2709; 22-2710; 22-2711; 22-2712; 22-2720; 22-2722; 22-2723 Acts related to Prostitution/Pandering where victim is a minor

Class C offenses include:

- § 22-3004 Third Degree Sexual Abuse Committed Against an Adult
- § 22-3005 Fourth Degree Sexual Abuse Committed Against an Adult
- § 22-801 Burglary with intent to commit a sexual offense where victim is an adult
- § 22-2001 Kidnapping with Intent to Commit Sex Offense where victim is an adult

2. Class A offenders, requiring lifetime registration

Class A offenses include:

- § 22-3002 First Degree Sexual Abuse
- § 22-3003 Second Degree Sexual Abuse
- § 22-4801 Rape (repealed)
- § 22-3802(a) Sodomy (where offense was forcible) (repealed)
- § 22-401 Assault with Intent to Commit First degree sexual abuse, Second degree sexual abuse, Child sexual Abuse, Carnal Knowledge, or Rape
- § 22-3008 First Degree Child Sexual Abuse of a Child under 12
- § 22-3009.01 First Degree Sexual Abuse of a Minor under 12
- § 22-3009.03 First Degree Sexual Abuse of a Secondary Education Student under 12
- § 22-4801 Carnal Knowledge Committed Against a Child under 12 (repealed)
- § 22-3802 Sodomy Committed Against a Child under 12 (repealed)

Tier I Offenses

SORNA requires a minimum duration of 15 years for all Tier I offenses and a one-year interval for in-person registration verification. In order to meet these minimum requirements, Washington, DC must ensure that the registration duration is 15 years for State offenses equivalent to Tier I offense under SORNA, as well as continue to require annual in-person verification of registration information. The following offense listed in Washington, DC Code would require, at minimum, Tier I registration requirement:

- § 22-3004 Third Degree Sexual Abuse Committed Against an Adult
- § 22-3005 Fourth Degree Sexual Abuse Committed Against an Adult
- § 22-3006 Misdemeanor Sexual Abuse
- § 22-3010.01 Misdemeanor Sexual Abuse of a Child or Minor

Tier II Offenses

SORNA requires a minimum duration of 25 years for all Tier II offenses and a 6-month interval for in-person registration verification. Washington, DC currently does not utilize this tier in their registration scheme. However, the following offenses listed in Washington, DC Code would require, at minimum, Tier II registration requirements:

- § 22-1901 Incest (victim age 16-17)
- § 22-3004 Third Degree Sexual Abuse Committed Against a Minor (victim age 13-18)

- § 22-3005 Fourth Degree Sexual Abuse Committed Against a Minor (victim age 13-18)
- § 22-3009 Second Degree Child Sexual Abuse (victim age 13-18)
- § 22-3009.01 First Degree Sexual Abuse of a Minor (victim age 16-17)*
- § 22-3009.02 Second Degree Sexual Abuse of a Minor (victim age 13-17)*
- § 22-3009.04 Second Degree Sexual Abuse of a Secondary Education Student (victim age 13-17)
- § 22-3010 Enticing a Child or Minor
- § 22-3010.02 Arranging for Sexual Contact with a Real or Fictitious Child
- § 22-3014 Second Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner (victim age 13-17)
- § 22-3016 Second Degree Sexual Abuse of a Patient or Client (victim age 13-17)
- § 22-3102 Sexual Performance Using a Minor
- § 22-2704 Abducting or enticing child from his or her home for purposes of prostitution; harboring such child
- § 22-2705 Pandering; inducing or compelling an individual to engage in prostitution (victim under 18)
- § 22-2706 Compelling an individual to live life of prostitution against his or her will (victim under 18)
- § 22-2707 Procuring; receiving money or other valuable thing for arranging assignation (victim under 18)
- § 22-2710 Procuring for house of prostitution (victim under 18)
- § 22-2711 Procuring for third persons

Tier III Offenses

SORNA requires lifetime registration for all Tier III offenses and a 90-day interval for in-person registration verification. The following offenses listed in Washington, DC Code would require Tier III registration requirements:

- § 22-1901 Incest (victim under 16)
- § 22-2001 Kidnapping (victim under 18)
- § 22-3002 First Degree Sexual Abuse
- § 22-3003 Second Degree Sexual Abuse
- § 22-3004 Third Degree Sexual Abuse Committed Against a Minor (victim under 13)
- § 22-3005 Fourth Degree Sexual Abuse Committed Against a Minor (victim under 13)
- § 22-3008 First Degree Child Sexual Abuse
- § 22-3009 Second Degree Child Sexual Abuse (victim under 13)
- § 22-3009.01 First Degree Sexual Abuse of a Minor (victim under 16)*
- § 22-3009.02 Second Degree Sexual Abuse of a Minor (victim under 13)*
- § 22-3009.03 First Degree Sexual Abuse of a Secondary Education Student
- § 22-3009.04 Second Degree Sexual Abuse of a Secondary Education Student (victim under 13)
- § 22-3013 First Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner

* These are the offenses to which the 'Romeo and Juliet' exception in 42 U.S.C. §16911(5) (c) will apply, when appropriate.

- § 22-3014 Second Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner (victim under 13)
- § 22-3015 First Degree Sexual Abuse of a Patient or Client
- § 22-3016 Second Degree Sexual Abuse of a Patient or Client (victim under 13)
- § 22-4801 Rape (repealed)
- § 22-4801 Carnal Knowledge Committed Against a Child (repealed)
- § 22-3802 Sodomy Committed Against a Child (repealed)
- § 22-3802(a) Sodomy (where offense was forcible) (repealed)

Further Review

In reviewing the statutes that Washington, DC cited as those that are registerable offenses under Washington, DC's registration scheme, the SMART office did notice offenses that do not require registration under SORNA:

- § 22-2201 Obscenity (victim is a minor)
- § 22-1312 Lewd, Indecent, or Obscene Acts (victim is a minor)