



SORNA Implementation Documents

The SMART Office has developed a series of documents related to Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). These documents provide further definition, guidance and direction on a number of topics to assist jurisdictions with the implementation of SORNA. Jurisdictions should use these documents, along with the statute (34 U.S.C. §§ 20901–20945, 21501–21510) and any guidelines and regulations issued by the Attorney General, when developing legislation and policies to substantially implement SORNA.

SORNA implementation documents address the following topics:

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Substantial Implementation of SORNA

Congress delegated to the Attorney General the authority to determine whether a jurisdiction has substantially implemented Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA) (*see* 34 U.S.C. § 20927). The SORNA National Guidelines interpret and define “substantial implementation” and further clarify that the SMART Office is responsible for determining whether a jurisdiction has substantially implemented SORNA requirements (*see* The National Guidelines for Sex Offender Registration and Notification, July 2008, pp. 38047-38048).

When making a substantial implementation determination, the SMART Office is required to follow the standards set forth in SORNA and the National Guidelines, which indicate that jurisdictions’ programs cannot be approved if they substitute some basically different approach to sex offender registration and notification that does not incorporate SORNA’s baseline requirements or if they dispense wholesale with categorical requirements set forth in SORNA. The substantial implementation standard does contemplate that there is some latitude to approve a jurisdiction’s implementation efforts, even if they do not exactly follow in all respects the specifications of SORNA or the National Guidelines.

The National Guidelines require the SMART Office to consider, on a case-by-case basis, whether jurisdictions’ laws and procedures substantially implement SORNA. Accordingly, for each jurisdiction, the SMART Office must assess whether a jurisdiction’s proposed deviation from a particular SORNA requirement does or does not substantially disserve the requirement’s objectives. This approach necessitates an individualized review of each jurisdiction’s SORNA program. After assessing whether a jurisdiction has sufficiently addressed each SORNA requirement, the SMART Office makes a final determination as to whether a jurisdiction has substantially implemented SORNA.

To provide the best possible guidance, individual jurisdictions are encouraged to contact the SMART Office as early as possible in the development of any legislation, policies or procedures designed to implement SORNA. The SMART Office will be as flexible as possible within the framework established by SORNA, the National Guidelines and Supplemental Guidelines, and will provide technical assistance to each jurisdiction in its implementation of SORNA.



Byrne JAG Grant Reductions under SORNA

34 U.S.C. § 20927(a) sets forth a penalty for jurisdictions that fail to substantially implement Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA):

For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

Thus, registration jurisdictions that fail to substantially implement SORNA are subject to a 10 percent penalty reduction in its Byrne Justice Assistance Grant (Byrne JAG) formula funds.

Each of the 50 states, five principal territories, the District of Columbia and some federally recognized Indian tribes currently qualify for annual allocations under the Byrne JAG formula and therefore are subject to the reduction if they fail to substantially implement the requirements of SORNA.

Calculating allocations under the Byrne JAG formula is a multistep process. First, initial allocations to the states, territories and the District of Columbia are calculated based on population and violent crime statistics, and certain adjustments are made to ensure the minimum amount of funds for each state, territory and the District of Columbia. These initial allocations determine the amount that goes to each jurisdiction, but not the amount that goes to the jurisdiction's government itself. Rather, of this initial allocation 60 percent goes directly to the jurisdiction, whereas 40 percent goes to qualifying units of local government and tribes. If a jurisdiction fails to substantially implement SORNA, the 10 percent reduction in their Byrne JAG formula funds will be applied to the 60 percent in direct grants to states, and not the 40 percent in grants to local governments and tribes within the jurisdiction. More information about the penalty calculation is at <https://www.bja.gov/Funding/JAGFAQ.pdf>.

For practical purposes, the penalty will be applied in the fiscal year following the deadline for implementation. For example, if a jurisdiction has been found after review by the SMART Office to have not substantially implemented SORNA or is no longer substantially implementing SORNA in 2018, the reduction will be 10 percent of the FY 2019 Byrne JAG award, imposed when the FY 2019 awards are made.

For funds withheld, SORNA provides reallocation (34 U.S.C. § 20927(c)):

REALLOCATION. Amounts not allocated under a program referred to in this section to a jurisdiction for failure to substantially implement this title shall be reallocated under that program to jurisdictions that have not failed to



substantially implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

For any jurisdiction that has been penalized and wishes to have these funds reallocated to be used solely for implementation of SORNA, that jurisdiction must submit its request in writing to the SMART Office. Requests must include a detailed plan and timeline for substantial implementation. The final decision on such requests will be made by the Assistant Attorney General for the Office of Justice Programs, U.S. Department of Justice.

Jurisdictions that implement SORNA have an ongoing obligation to maintain that status, which will be determined annually by the SMART Office. This process need not be onerous, particularly if the jurisdiction has made no significant changes to its relevant legislation or sex offender registration and notification system. The Byrne JAG reduction penalty may be applied each year a jurisdiction has not implemented SORNA or has been determined by the SMART Office to no longer be substantially implementing SORNA.

Tribal Jurisdictions

A number of Indian tribes qualify for direct awards under the Byrne JAG formula. The eligibility for Byrne JAG awards to tribes is determined by reference to the share of the average violent crime within the state in which the tribe is located. If a tribe that elects to implement SORNA is also the recipient of a Byrne JAG formula award for any given year, that tribe does potentially face the 10 percent reduction of that award.

However, there is a separate and significant penalty for tribes; that is, a tribe's registration and notification obligations could be delegated to the state in which the tribe's lands are located if the tribe has been found to have not substantially implemented SORNA. As a result, there are two separate penalties that tribes could face; however, the SMART Office has determined that these tribes will not be doubly penalized. The SMART Office will work with tribes to determine whether implementation is likely to occur within a reasonable amount of time, or whether delegation to the state is appropriate. If it is determined that delegation to the state is appropriate, no Byrne JAG penalty will be imposed on the tribe.

Further, if a tribe has either voluntarily or involuntarily delegated its registration and notification obligation to the state, it no longer functions as a SORNA jurisdiction and will no longer be subjected to these penalties.



SORNA In Person Registration Requirements

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires that a registered sex offender appear in person regularly to update certain registration information according to the following criteria (*see* 34 U.S.C. § 20918):

- Tier I offenders must appear once per year for 15 years
- Tier II offenders must appear every six months for 25 years
- Tier III offenders must appear every three months for life

A sex offender must initially register in person in any jurisdiction where he or she lives, works or goes to school. Further, SORNA requires an in-person appearance by the offender at least annually to update any photograph, physical description or other listed information. The following examples illustrate permissible means by which a jurisdiction can effectuate an in-person appearance with an offender as an alternative to the offender appearing in his or her designated sex offender registry office:

- A jurisdiction might consider an alternative reporting location if an offender is located in a remote location and the designated sex offender registry office is not accessible. In these instances, the offender may be able to complete his or her periodic in-person appearance by appearing at the local police station. These arrangements must be formalized and acceptable to the extent that the registry official has agreed to this arrangement and local police are capable of taking the required information from the offender.
- A jurisdiction might consider having local law enforcement visit the offender's residence and utilize portable devices for updating and confirming information with the offender.
- A jurisdiction might consider a procedure where the offender is able to call in via video conferencing where his or her location, including the time and date, can be verified and a set of security validation protocols are established.
- A jurisdiction might consider mailing a certified reregistration form that the offender is required to fill out and "sign" by placing his or her fingerprints and/or thumbprints on the form. If the offender does not return the form within a specified period of time, or if the prints on the form, having been analyzed by law enforcement, do not match the prints of the offender, then law enforcement personnel are dispatched to the offender's residence.

The SMART Office encourages jurisdictions to work closely with SMART Office personnel to identify verification procedures that are both feasible for the jurisdiction and that serve the purposes of SORNA's requirements.



Community Notification Requirements of SORNA

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires that registration jurisdictions immediately provide any initial or updated information about a sex offender to entities that fall under specific categories (*see* 34 U.S.C. §20923(b)). Each category is addressed in turn below, with direction on how jurisdictions can substantially implement its terms.

The National Guidelines for Sex Offender Registration and Notification require that immediately after a sex offender registers or updates his or her registration, a jurisdiction shall provide the information to 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 update any information in the National Sex Offender Registry (NSOR), a subfolder of the National Crime Information Center (NCIC) operated by the Federal Bureau of Investigation. At the direction of the SMART Office, jurisdictions may also be required to immediately forward registration information to additional databases. An example would be the forwarding of finger and palm prints to Next Generation Identification and DNA collection samples or results to the Combined DNA Index System.

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

Jurisdictions may notify these agencies by:

- (1) ensuring their police departments, sheriffs' offices, prosecution offices and probation/parole offices have access to the law-enforcement portion of their sex offender registry; and
- (2) utilizing an email notification system, as discussed below in 5.

In conjunction with the SMART Office, jurisdictions may develop alternative methods for complying with this section.

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

To meet this requirement, jurisdictions must ensure there is a mechanism in place through which the jurisdiction transmits registration information to all other jurisdictions where an offender is required to register. This capacity must include not only states, territories and the District of Columbia, but also every federally recognized Indian tribe that has elected to operate as a SORNA registration jurisdiction.



4. *Any agency responsible for conducting employment-related background checks under 34 U.S.C. §40102(a).*

Each individual jurisdiction makes its own determination as to which agencies conduct employment-related background checks under 34 U.S.C. §40102(a). To meet this requirement, jurisdictions must check within their own governmental structure to determine:

- (1) which agencies conduct such background checks; and
 - (2) how to ensure that those background checks will capture the registration information gathered from the sex offender by the registering agency.
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.*

In order to meet the requirements of this category of community notification, a jurisdiction must do the following:

- (1) immediately update the jurisdiction's sex offender public website when a sex offender either registers or updates his or her registration information;
- (2) establish an email notification system on the jurisdiction's sex offender public website, which initiates a notification when an offender relocates (to include residence, work and/or school address) in or out of a particular ZIP code or geographic radius; and automatically emails an individual who properly registers for the notification system when such a relocation occurs;
- (3) reflect the relocation on the jurisdiction's sex offender public website.



Using Risk Assessment Under SORNA

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires a conviction-based structure for sex offenders' registration and notification requirements. SORNA does not address the use of risk assessment tools for registration or notification purposes. Many jurisdictions currently use risk assessment processes for a variety of purposes. These include aiding in making release decisions, filing civil commitment proceedings, structuring treatment programming and establishing supervision intensity. Additionally, many states use a risk assessment process to determine the level and method of community notification for registered sex offenders.

SORNA does not preclude the use of risk assessment tools for community notification purposes, particularly for the more active methods of notification (e.g., community meetings, fliers, door-to-door canvassing). However, to substantially implement SORNA, some jurisdictions that currently use risk assessment to determine community notification levels and methods might need to include a broader class of sex offenders on their public registry websites. In all instances, jurisdictions may use risk assessment tools as a justification for increasing SORNA's minimum notification requirements.

Jurisdictions that use a risk assessment process to determine the duration and reporting frequency of sex offenders' registration requirements will need to modify their systems to match SORNA's tier requirements, which depend on the crime of conviction. Jurisdictions may use risk assessment to increase these requirements as they see fit. The SMART Office encourages jurisdictions that use an assessment process for community notification purposes to do so without substantially undermining the purposes of SORNA's conviction-based tiering or other requirements.



SORNA: Determination of Residence, Homeless Offenders and Transient Workers

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires that jurisdictions must register homeless and transient sex offenders, as well as offenders without fixed employment locations. The National Guidelines for Sex Offender Registration and Notification advise that, for the purposes of registration under SORNA, a sex offender resides in a jurisdiction when he or she:

- (1) has a home in a jurisdiction, or
- (2) habitually lives in a jurisdiction.

A sex offender “habitually lives” in a jurisdiction when that offender lives in a jurisdiction for more than 30 days (whether those days are consecutive or aggregated over a period of time, as the jurisdiction determines). Jurisdictions are free to decide how to make the determination regarding who resides in their jurisdiction, thus triggering a registration requirement.

Jurisdictions must register homeless sex offenders, requiring an offender to provide “some more or less specific description” of where that offender habitually lives.

Under SORNA, the definition of employee includes individuals who are self-employed or working for any entity, whether or not they are compensated. For those sex offenders who do not have a fixed employment location, jurisdictions are expected to register the normal travel routes or general area(s) in which an offender works, to the extent that it is possible to do so. For day laborers the location of a “common gathering point” counts as a “workplace” for registration purposes.

The SMART Office encourages jurisdictions to discuss specific situations and how to handle them in conformance with the intent of SORNA. Some situations that might require such a discussion are those posed by long-haul truckers, day laborers, temporary workers, contractors and similarly situated offenders.



SORNA: Text of Registration Offense

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires that each jurisdiction’s registry include “[t]he text of the provision of law defining a criminal offense for which the sex offender is registered” (see 34 U.S.C. § 20914 (b)(2)). The National Guidelines on Sex Offender Registration and Notification have since clarified this requirement, indicating that the text of the registration offense need not be included either in the jurisdiction’s internal registry database or on the jurisdiction’s public sex offender registry website. A jurisdiction may meet this SORNA requirement by ensuring that its internal registry database includes a link or citation to the statute defining the registration offense, so long as:

- (1) such a link or citation provides online access to the linked or cited provision; and
- (2) the link or citation will continue to provide access to the full text of the registration offense as formulated at the time that the registrant was convicted of it, even if the defining statute is subsequently amended.

As a result, on its public sex offender registry website, a jurisdiction needs only to include a citation to the statute under which the offender was convicted, along with the heading of that statute (e.g., 18 U.S.C. § 2241 – Aggravated sexual abuse), to satisfy the SORNA requirement. However, wherever possible, jurisdictions are encouraged to provide the text of the registration offense as well.



Military Convictions Under SORNA

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), specifically includes certain Uniform Code of Military Justice (UCMJ) convictions in its definition of “sex offense.”

Department of Defense Instruction 1325.07 contains the specific list of UCMJ convictions that require registration under SORNA.¹ Jurisdictions must ensure that all of the UCMJ convictions listed in DOD Instruction 1325.07 are included in their sex offender registration schemes.

In 2015, SORNA was amended to require the Department of Defense to submit information to the National Sex Offender Registry and the National Sex Offender Public Website about any person adjudged of a covered sex offense via courts-martial or released from a military corrections facility after being incarcerated for such an offense. The Department of Defense continues to work on developing a system to meet its responsibilities under these new provisions, which are found in 34 U.S.C. § 20931.

¹ See <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132507p.pdf>. The section with this list of convictions begins on page 80 of the Instruction.



SORNA: Fingerprints and Palm Prints

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires that jurisdictions include in their registries a set of fingerprints and palm prints from each sex offender (see 34 U.S.C. § 20914(b)(5)). The National Guidelines for Sex Offender Registration and Notification specify that jurisdictions must maintain fingerprints and palm prints in digital format in order to facilitate immediate access and transmittal of information to various entities.

However, the requirement to maintain fingerprints and palm prints in digital format does not mean that jurisdictions must use digital print-taking devices to obtain registered sex offenders' prints. Rather, to meet this requirement, jurisdictions may either:

- (1) use digital print-taking; or
- (2) take rolled, inked prints, which the jurisdiction then scans and uploads.

The submission of fingerprints and palm prints to the Next Generation Identification (NGI), which is run by the Criminal Justice Information Services (CJIS) of the FBI, is required by SORNA. While the submission of prints in digital format will generate an immediate alert to the user that the prints will be accepted by NGI, the submission of rolled, inked prints that are scanned will not.²

The SMART Office encourages jurisdictions to consider issues of quality when purchasing a scanner or digital print-taking equipment for uploading and transferring prints. For more information on quality biometric standards, see <https://www.fbibiospecs.cjis.gov>.

Additionally, tribal SORNA jurisdictions utilizing digital print taking devices (e.g., LiveScan) should consider selecting a device that interfaces with the state system through which they are submitting their prints for upload to NGI. CJIS provides fingerprint cards free of charge to tribes currently scanning or rolling prints (or planning to do so in the future) for direct submission to CJIS.³

² See <https://www.fbi.gov/file-repository/guidelines-for-capturing-palm-prints-and-supplementals.pdf/view> for information on palm prints.

³ See <https://www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/ordering-fingerprint-cards-and-training-aids>.



Registering Tribal Convictions Under SORNA

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires registration for anyone convicted of a sex offense, which is defined as “a criminal offense that has an element involving a sexual act or sexual contact with another ... ” (see 34 U.S.C. § 20911(5)). Under SORNA, a “criminal offense” is defined as “a State, local, tribal, foreign, or military offense ... or other criminal offense” (see 34 U.S.C. § 20911(6)).

Many federally recognized Indian tribes have court systems. Furthermore, the Bureau of Indian Affairs operates Courts of Indian Offenses, sometimes known as CFR courts, on certain Indian reservations. Convictions that otherwise meet the definitions of “sex offense” under SORNA (see 34 U.S.C. § 20911(5)), which are obtained in tribal or CFR courts are convictions for purposes of SORNA registration (see 25 CFR § 11.100 *et seq.*) and must be included in all SORNA registration jurisdictions’ codes or enactments.



SORNA: State and Tribal Information Sharing

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires that jurisdictions share information within their jurisdictions as well as with other registration jurisdictions (see 34 U.S.C. § 20913 (c) and 34 U.S.C. § 20923 (b) (3)). Because of the unique nature of criminal justice coordination between states and tribes, collaboration is encouraged in order to facilitate this information sharing.

To meet the requirements of SORNA, tribes may enter into memoranda of understanding (MOUs) and other forms of cooperative agreements with localities and states in order to input information into federal criminal history, fingerprint, palm print and/or DNA databases. Tribes may also apply for the Tribal Access Program (TAP) through the Department of Justice, which provides tribes access to certain national crime information systems for sex offender registration purposes. These MOUs, cooperative agreements and/or participation in TAP can assist with facilitating the exchange of other necessary information required by SORNA, such as sex offender registration data, registration updates, custody release notices and other offender notifications. For states that have federally recognized Indian tribes located within their boundaries, a detailed analysis of their efforts and collaboration with such tribes must be an integral part of the state's substantial implementation submission. The SMART Office carefully considers tribe and state situations where the aforementioned solutions are not possible and/or are prohibited by legislation.



SORNA: Clarification of Registration Jurisdictional Issues

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires that sex offenders register in any jurisdiction where they live, work or go to school (see 34 U.S.C. § 20913 (a)).

There are a number of Indian tribes that are SORNA registration jurisdictions and, in some instances, the geographical apportionment of tribal lands has raised questions about where an offender must register. For example, some tribal lands are arranged in a patchwork with state or county land. In such instances, a tribe is responsible for registration functions on land subject to its law enforcement jurisdiction, and a state is responsible for registration functions on land subject to its law enforcement jurisdiction.

Sex offenders must initially register in the jurisdiction of conviction. Thereafter, they must register where they live, work or go to school. It is possible that a sex offender will have to register in multiple registration jurisdictions. For example, if a sex offender lives in Washington, D.C., works in Virginia and goes to school in Maryland, he or she will have to register with officials in each of these jurisdictions and keep his or her registration current in each. Similarly, a sex offender may work in Albuquerque, New Mexico, and live in the Pueblo of Laguna. He or she would thus have to register with officials in both New Mexico and the Pueblo of Laguna. In this instance, if the offender stops working in Albuquerque and takes up employment at the Pueblo of Laguna, he or she will have to notify the New Mexico authorities of the termination of his or her employment in Albuquerque and notify the Pueblo of Laguna that he or she now works in the Pueblo of Laguna.

A sex offender may also reside, be employed and go to school exclusively in a tribal jurisdiction. If so, SORNA only requires that the offender register with the tribal jurisdiction. However, there is no requirement that a state/tribe where the offender previously was registered must remove this offender from the registry once he or she is no longer required to register in that particular jurisdiction. This is true for all jurisdictions; thus, a tribal jurisdiction may keep on its tribal registry an offender who was originally registered with the tribe, but now resides, works and goes to school exclusively in a state jurisdiction.

Jurisdictions should contact the SMART Office with any questions about where an offender should be registered.



SORNA: Tribal Election, Delegation to the State and Right of Access

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), created the first opportunity for federally recognized Indian tribes to be included in a nationwide sex offender registration and notification system. SORNA specifies, with some restrictions, that a federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body, elect to function as a SORNA registration jurisdiction (see 34 U.S.C. § 20929(a)(1)(A)).

As with any registration jurisdiction, tribes may use a variety of approaches to meet SORNA's requirements. Tribes may set up their own registration and notification systems, or they may enter into memoranda of understanding (MOUs) and other forms of cooperative agreements with state or local agencies. These MOUs and/or cooperative agreements may be comprehensive and far reaching, or they may be tailored to handle specific functionality (e.g., fingerprint or DNA collection). A tribe may also enter into a consortium with other tribal SORNA registration jurisdictions (see 34 U.S.C. § 20929(b)). States are encouraged to work with tribes implementing SORNA to ensure a seamless system of registration is established across the country.

In certain situations, SORNA dictates that the registration functions for tribal areas be delegated to the state. Some tribes that were eligible to function as registration jurisdictions opted not to be a SORNA registration jurisdiction, either by formal resolution or by simply not making the election, thus delegating the responsibility for registration, notification and enforcement to the state in which they are located (see 34 U.S.C. § 20929(a)(1)(B) and 34 U.S.C. § 20929(a)(2)(B)). A tribe may also "opt-out" of its previous election to become a SORNA registration jurisdiction, thus delegating the responsibility to the state (see 34 U.S.C. § 20929(a)(1)(B)). Further, SORNA provides that states are responsible for sex offender registration and notification for tribe(s) subject to the law enforcement jurisdiction of a state under 18 U.S.C. § 1162, which, generally and with some exceptions, includes tribes within the mandatory "PL-280" states of Alaska, California, Minnesota, Nebraska, Oregon and Wisconsin (see 34 U.S.C. § 20929(a)(2)(A)). Finally, if a tribe that elected to be a SORNA registration jurisdiction is found to have not substantially implemented SORNA within a reasonable amount of time or has not maintained implementation status, the responsibility for sex offender registration, notification and enforcement may be delegated to the state(s) in which the tribe is located (see 34 U.S.C. § 20929(a)(2)(C)).

In situations where the responsibility for sex offender registration and notification is delegated to the state, the state has responsibility to include these tribes in their sex offender registration and notification scheme. SORNA requires that tribes whose sex offender registration and notification functions have been delegated to the state "provide access to its territory and such other cooperation and assistance as may be needed to enable" the state to carry out and enforce the requirements of SORNA (see 34 U.S.C. § 20929). States and tribes are encouraged to work collaboratively to ensure registration of sex offenders, monitor and track absconders, and notify communities of sex offender registrants.



SORNA: Information Required for Notice of International Travel

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), requires that registered sex offenders inform registry officials of any intended travel outside of the United States at least 21 days prior to the start of that travel. Pursuant to the National Guidelines for Sex Offender Registration and Notification, information about such intended travel is specifically required to be transmitted to the U.S. Marshals Service.

To substantially implement SORNA, jurisdictions must notify the U.S. Marshals Service's National Sex Offender Targeting Center (USMS-NSOTC) with the information below regarding a registered sex offender's intended international travel. Jurisdictions are strongly encouraged to make this notification by way of the "Notification of International Travel Form" on the SORNA Exchange Portal, which is available free of charge to all registration jurisdictions. As an alternative, jurisdictions may directly submit the "Notification of International Travel Form" to USMS-NSOTC by email at IOD.NSOTC@usdoj.gov, with a subject line of "Sex Offender Travel Notification." When a notification of international travel is received, USMS-NSOTC will provide the notification information to INTERPOL Washington, who will then communicate it to law enforcement partners at the intended foreign travel destination(s).

Identifying Information

- Full name
- Alias(es) (if applicable)
- Date of Birth
- Sex
- FBI number (for Domestic Law Enforcement use only)
- Citizenship
- Passport number and country

Travel information

- Destination(s):
 - Dates/places of departure, arrival and return (if applicable), including the name of the city/town that is the point of departure from each country
 - Means of travel (air, train, ship)
 - Itinerary details (when available), including the name of the airport/train station/port, the flight/train/ship number, the time of departure, the time of arrival and information about any intermediate stops
- Purpose(s) of Travel
 - Business
 - Deportation
 - Military
 - Relocation
 - Other (specify)



- Criminal Record
 - Date and city, state or jurisdiction of conviction(s)
 - 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 at the time a sex offender provides advance notice of international travel. If such documents are not available, the jurisdiction should collect identifying information regarding those documents (for example, a passport number and country of issuance in lieu of a physical copy of a passport). As appropriate, any new or updated registration information received from an offender (such as a passport number) should be included in the National Sex Offender Registry.

In addition and at their discretion, jurisdictions are free to directly notify other appropriate law enforcement agencies of an offender's intended international travel by whatever means the jurisdiction deems necessary.



Juvenile Registration and Notification Requirements Under SORNA

Title I of the Adam Walsh Child Protection and Safety Act of 2006, 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. More specifically, SORNA requires the registration of juveniles who 1) were 14 years of age 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). Because of the severity of these offenses, these juveniles are categorized as tier III offenders under SORNA and are subject to applicable duration and in-person verification requirements. However, SORNA does not require lifetime registration without qualification, allowing registration to be terminated after 25 years for those offenders who have maintained a clean record.

The National Guidelines for Sex Offender Registration and Notification specify that the offenses requiring registration for these juveniles are limited to those equivalent to 18 U.S.C. § 2241(a) or (b), which are sex offenses generally involving forcible penetration.

Notification to the Public and Community

In 2011, Supplemental Guidelines for Sex Offender Registration and Notification were issued that specifically granted jurisdictions discretion in whether to post information about persons adjudicated delinquent of a sex offense on the jurisdiction's public sex offender registry website. In other words, jurisdictions are no longer required to post such information publicly in order to substantially implement SORNA, but may do so, if they so choose. Moreover, jurisdictions may want to consider some form of notification to community agencies or individuals when a person adjudicated delinquent of a sex offense is in a community as a resident, student or employee.

For example, a jurisdiction may consider establishing or preserving a notification process whereby registering agencies will notify secondary school officials when a juvenile sex offender enrolls in their school. Similarly, a jurisdiction may want to develop a policy so that the responsible law enforcement agency, student services department or other appropriate office at an institution of higher education in the community is notified when a juvenile sex offender commences coursework or changes his or her registration information. In addition, protection of the public might necessitate a limited community notification process, whereby agencies and/or institutions tasked with protecting the interests and welfare of children or concerned parents may proactively request or petition for disclosure of information about registered juvenile sex offenders.

Substantial Implementation

A third set of guidelines, the Supplemental Guidelines for Juvenile Registration Under the Sex Offender Registration and Notification Act (Juvenile Supplemental Guidelines), released in



August 2016, addressed the standards utilized by the SMART Office in reviewing a jurisdiction's juvenile sex offender registration and notification system.

In the event that a jurisdiction does not exactly conform to the juvenile registration requirements under SORNA, the Juvenile Supplemental Guidelines permit the SMART Office to expand its inquiry in the process of making a determination 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
- 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.