



PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING GROUP

**Report to the Minnesota Legislature
February 1, 2022**

PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING GROUP

Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55104
(Phone) 651-361-7200

<https://mn.gov/doc/about/legislative-info/por-working-group/>

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Executive Summary

In 1991, Minnesota enacted legislation to create the Sexual Offender Registry. Thirty years later, in 2021, the Minnesota Legislature passed several changes to the statutory framework for criminal sexual conduct crimes. These changes resulted from the work of the Criminal Sexual Conduct Statutory Reform Working Group (CSC Working Group) and its report to the legislature in January 2021.

The CSC Working Group Outcomes Subcommittee recommended that if there was going to be any reform that expanded the criminal sexual conduct statute, the Predatory Offender Registry (POR)¹ also needed to be evaluated for reform. Because issues concerning the POR were technically outside the scope of the CSC Working Group mandate, the subcommittee presented proposed legislation to address key areas of concerns. The proposal included a recommendation that a POR working group be established.

The legislature followed the recommendation in the report and created the Predatory Offender Statutory Framework Working Group (POR Working Group). The POR Working Group's work is the first time Minnesota has ever comprehensively studied the registry to determine whether it is effective and serving the public as originally intended.

The initial areas of proposed reform by the Outcomes Committee of the CSC Working Group included the following:

1. Eliminate or limit registration requirement for adjudicated juveniles;
2. Apply registration requirement to convictions only; (not same set of circumstances/probable cause determination);
3. Eliminate/modify the restart provisions; and
4. Provide an avenue of relief from registration.

In creating the POR Working Group, the legislature directed the Commissioner of Corrections to collaborate with the Commissioner of Public Safety to convene experts in the field of criminal law to do that work and determine whether changes were needed.

Over the past several months, the Department of Corrections and the Department of Public Safety identified individuals with specific expertise and convened the working group and multiple subgroups. Pursuant to the law, the working group was directed by legislature to include representatives from each of the following groups, in addition to other interested parties:

- City and county prosecuting agencies
- Statewide crime victim coalitions
- The Minnesota Judicial Branch
- The Minnesota Board of Public Defense and private criminal defense attorneys
- The Minnesota Department of Human Services
- The Minnesota Sentencing Guidelines Commission
- Juvenile justice practitioners
- State and local law enforcement agencies

¹ Minn. Stat. § 243.166 governs the administration of the POR.

The POR Working Group first met on August 30, 2021, and appointed three co-chairs: Stacy Bettison, Minnesota Association of Criminal Defense Lawyers; Sheriff Troy Heck, Benton County, Minnesota Sheriffs Association; and Angela Kiese, Assistant Attorney General, Minnesota Attorney General’s Office. The POR Working Group broke into three subgroups for focused discussion and analysis of:

1. Requirements placed on registrants;
2. Crimes for which registration is required; and
3. The methods by which registration requirements are placed on registrants.

The subgroups met biweekly, with cochairs generally meeting on alternate weeks. A series of issues emerged from the subgroup meetings that were developed into proposals brought to the full working group for consideration.

A variety of issues led to significant conversation as the group progressed in its work. Most proposals that emerged had large majority, though not unanimous, support among the group.

In light of the proposed legislative reform included herein, as well as the recommendations for further data collection and study of the registry, the POR Working Group requests the legislature hold hearings to further analyze and find ways to implement the Working Group’s recommendations. Those hearings will provide the additional information legislators need to better understand why reform and further study of the 31-year-old registry is being requested.

MAJORITY SUPPORT: LEGISLATIVE REFORM IN FIVE (5) KEY AREAS

Five proposals identified by the Working Group had wide-scale support from a majority of members:

1. **Registration Requirements for Juveniles:** The Working Group discussed whether juveniles should be removed from the Predatory Offender Registry, or whether juvenile registration should be limited by age of juvenile when committing the offense or type of offense.
2. **Amending the “Same-Set-of-Circumstances” Provision:** The Working Group considered the elimination of offenses from the “same set of circumstances” provision of registration focusing on whether the crime of false imprisonment should be included.
3. **Amending Restart Registration Periods:** The Working Group discussed reducing the number of crimes that serve as the trigger for the re-start of the registration period. The re-start would only trigger for felonies and crimes against the person, excluding other misdemeanors and gross misdemeanors altogether – or otherwise modifying the re-start list in a more limited way.
4. **Providing Registrants Who Have Established a Record of Compliance and Meet Other Criteria an Opportunity to Petition for Removal from the Registry:** Many registrants do not pose a high risk of committing another predatory offense and have been meeting their registration obligations consistently. The group’s discussion focused on providing registrants a motivation to fully comply with all their probationary, supervised release conditions and registration requirements by providing an incentive to be removed from the registry, much like expungement.
5. **Evaluation of Mandatory Minimums for Failure to Register:** The Working Group discussed whether to eliminate mandatory minimum for first-time convictions for Failure to Register.

The Working Group discussed potential options to limit mandatory minimums to those with more than one offense.

These five issues remained at the forefront of discussion for much of the POR Working Group's relatively brief meeting timeframe, with a possibility of becoming recommendations to the legislature. They are in large part the focus of this report; there was some agreement on their value, but not complete consensus.

CONSENSUS RECOMMENDATION: MORE DATA NEEDED

The Working Group agreed to recommend additional data collection and analysis to better evaluate the efficacy of the POR system. The group agreed on the need to enhance the ability to extract summary data from the registry system and add data points for collection and consider ways to assist those less able to comply with the registration system requirements.

FURTHER STUDY NEEDED: ISSUES DISCUSSED WITHOUT RECOMMENDATION

1. **Assistance for Registrants with Unique Challenges to Compliance:** The Working Group concluded there is a need for further analysis on ways to ensure community safety related to those less able to comply with the registry due to homelessness or institutionalization either for mental or physical health care needs.
2. **Statutory Name Change:** The Working Group discussed changing the term "Predatory Offender" to reflect a more accurate description of those subject to registration.
3. **Collateral Consequences:** The Working Group also discussed in a limited manner without recommendations but meriting further review collateral consequences of registration both directly within statute and indirectly associated with registration status including employment restrictions and residency restrictions imposed by local ordinances.

Some members expressed the view that though courts have held that the POR is not punitive for purposes of constitutional review, the collateral impacts and felony level criminal liability for Failure to Register have the hallmarks of a punitive statute.

4. **Need for Disparity Analysis:** The working group concluded there should be a disparity analysis related to how offenders of varying races are impacted by the registration statute and failure to register convictions.

Statutory Authority

The legislature enacted a new law in 2021 that provided the statutory direction for the Predatory Offender Statutory Framework Working Group (hereafter referred to as POR Working Group). That law is below.

2021 Minnesota Session Laws, Chapter 11, Article 4, Sec. 30

Sec. 30. **PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING GROUP; REPORT.**

Subdivision 1.

Direction.

By September 1, 2021, the commissioner of corrections shall convene a working group to comprehensively assess the predatory offender statutory framework. The commissioner shall fully coordinate with the commissioner of public safety to invite and convene a working group that includes members that have specific expertise on juvenile justice and representatives from city and county prosecuting agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota Board of Public Defense, private criminal defense attorneys, the Department of Public Safety, the Department of Human Services, the Sentencing Guidelines Commission, and state and local law enforcement agencies. The commissioner may also invite other interested parties to participate in the working group. The commissioner shall ensure that the membership of the working group is balanced among the various representatives and reflects a broad spectrum of viewpoints, and is inclusive of marginalized communities as well as victim and survivor voices. The commissioners of corrections and public safety shall each designate one representative to coordinate and provide technical expertise to the working group.

Subd. 2.

Duties.

The working group must examine and assess the predatory offender registration (POR) laws, including, but not limited to, the requirements placed on offenders, the crimes for which POR is required, the method by which POR requirements are applied to offenders, and the effectiveness of the POR system in achieving its stated purpose. Governmental agencies that hold POR data shall provide the working group with public POR data upon request. The working group is encouraged to request the assistance of the state court administrator's office to obtain relevant POR data maintained by the court system.

Subd. 3.

Report to legislature.

The commissioner shall file a report detailing the working group's findings and recommendations with the chairs and ranking minority members of the house of representatives and senate committees and divisions having jurisdiction over public safety and judiciary policy and finance by January 15, 2022.

Acknowledgements

The POR Working Group was made up of community representatives and public service and criminal justice professionals from all parts of Minnesota with interest in or whose work includes or is affected by the predatory offender registration system. These working group members, with input from other experts and public members, reviewed and analyzed the myriad of complicated registration issues in a very short timeframe. We are grateful to the working group members who invested considerable time and effort to ensure that they fulfilled the legislative intent by identifying and considering the broad range of issues identified and represented in this report.

The Working Group was also served by two coordinators who led the facilitation and coordination of meetings and ensured timely access to information and data: Mark Bliven, Director of Risk Assessment and Community Notification for the Minnesota Department of Corrections and Olivia Anderson, Senior Legal Analyst for the Bureau of Criminal Apprehension. The Working Group wishes to thank them for their invaluable efforts and support for our work.

Working Group Members

Co-chair Stacy Bettison, Minnesota Association of Criminal Defense Lawyers

Co-chair Sheriff Troy Heck, Benton County, Minnesota Sheriffs Association

Co-chair Angela Kiese, Assistant Attorney General, Minnesota Attorney General's Office

Kelly Moller, Minnesota State Representative, House District 42A

Marion O'Neill, Minnesota State Representative, House District 29B

Bill Ingebrigtsen, Minnesota State Senator, Senate District 8

Shane Baker, Kandiyohi County Attorney, County Attorneys Association

Sarah Colford, Break the Silence, Survivor

Lt. Jeremy Cossette, White Earth Tribal Police, Tribal Representative

Katrinna Dexter, Director of Juvenile Justice Reform, Minnesota Dept of Corrections

James D. Fleming, Chief Public Defender Second Judicial District Board of Public Defense

Josh Florell, Special Agent in Charge, Bureau of Criminal Apprehension – Predatory Crimes Unit

Jannine Hebert, Clinical Director, Minnesota Department of Human Services

Brian Heinsohn, Risk Assessment Supervisor, Minnesota Dept of Corrections

Karen Kampa Jaszewski, Senior Attorney, State Court Administrator's Office

Anishaa Kamesh, Break the Silence, Survivor

Nicole Matthews, Executive Director, MN Indian Women's Sexual Assault Coalition, Victim Service Organization Representative

Katie Meiers, Program Administrator, Bureau of Criminal Apprehension – Predatory Offender Registration Unit

Renee Meerkins, Hennepin County Dept of Community Corrections and Rehabilitation

Chris Nelson, Eckberg Lammers Attorneys-at-Law, City Attorney Representative

Nate Reitz, Executive Director, Minnesota Sentencing Guidelines Commission

Sherry Schultz, Citizen Representative, City of Victoria

Linda Sloan, Council for Minnesotans of African Heritage

Chief Mike Tusken, City of Duluth Police Department, Chiefs of Police Association

Patty Wetterling, Advocate and Past Chair, National Center for Missing and Exploited Children Board of Directors

PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING GROUP REPORT

Introduction

Jacob Wetterling was abducted on October 22, 1989 and, at the time, there was no state system for tracking individuals convicted of a sex crime. There was no catalogue of updated addresses or accessible information on similar crimes, and the lack of both made suspect pool development difficult for law enforcement. So, the legislature moved to create a registry to provide this necessary information to law enforcement.

On August 1, 1991, the Minnesota Sex Offender Registry began registering adult individuals. It was intended to be a law enforcement tool to identify and clear suspects in cases involving kidnapping and/or sexually offending against children. The only individuals with access to the registry were law enforcement; the registry was to be used for law enforcement purposes. This intent was affirmed by the 1999 Minnesota Supreme Court in *Boutin v. LaFleur*².

The Registry in 1991 only included individuals released from incarceration who had committed specific crimes against children. Each individual's registration period was 10 years long and registrants simply had to provide their home address and notice 10 days prior to moving. Failing to register was a misdemeanor crime. The registry and registration process would be changed by legislation and case law nearly every year from that point on.

Provisions added in the immediate years following implementation included the addition of the "same set of circumstances" provision to reflect the expansion of the crimes that would result in registration including those committed by juveniles, interstate compacts to require the registration of individuals traveling to or moving to Minnesota and making failing to register a gross misdemeanor. The law was also modified to require all individuals committed as "sexually dangerous persons" or "sexual psychopathic personalities" to register.

In both 1996 and 1997 the legislature made substantive modifications to the experiences of registrants, outside of the Registration process. These included the development of provisions of community notification as well as the assignment of risk levels to individuals being released from incarceration.

While that law took effect, so did the verification process for addresses of registrants as well as notice to local authorities when a registrant moved into their jurisdiction.

Further legislative changes to the registration statute were made in 2000 and 2004, in response to the abductions and murders of Katie Poirier and Dru Sjodin, respectively.

"Katie's Law" expanded the list of offenses further and the name of the registry was modified to reflect those now included, who were not limited to individuals accused or convicted of a sex crime. The newly named "Predatory Offender Registry" required registrants to provide information on any property they leased, owned, or rented as well as data on their vehicle, place of employment, and school location. The law also made public information on non-compliant registrants and created re-starts of registration

² *Boutin v. LaFleur*, 591 N.W.2d 711 (Minn. 1999).

periods for those who were incarcerated for committed crimes or parole revocation of the offense for which they registered. Lifetime registration was required for those who had committed certain crimes and failing to register was elevated to a felony-level crime. Additionally, a new statutory section, Minn. Stat. 243.167 was added, which required people to register for crimes against the person if they had certain prior history of registration-type offenses.

Throughout 2004 and 2005, the legislative branch discussed Dru Sjodin's abduction, rape, and murder extensively, making changes to statute.

In addition, during this time period, changes were made to registration requirements for homeless registrants as well as expansion of the re-starts to include those who were incarcerated for any new crime or for any parole revocation.

Today, the registry is accessible to law enforcement and corrections officials. The Department of Human Services also has access to the data for the purposes of background studies and state operated services. There are approximately 18,089³ registrants in the state of Minnesota, the vast majority of whom are white males and over the age of 18, living in residences throughout the state. Between 2010 and January 25, 2022, authorized agencies and the BCA accessed the registry 6,936,320 times for all purposes, including the completion of paperwork and statutorily required searches.⁴

Working Group Background

The Department of Corrections and the Department of Public Safety jointly identified and secured the participation of POR Working Group members in accordance with 2021 session laws. The first meeting was held on August 30, 2021, at which point the full group established three subgroups. The subgroups, cochairs, and the POR Working Group met on a bi-weekly basis in September and October. The subgroups concluded their work at the end of November 2021, and the Working Group had its final formal meeting on January 26, 2022 leading to report preparation and adoption.

All full POR Working Group and subgroup meetings were recorded and made available on the Working Group website maintained by the Department of Corrections: <https://mn.gov/doc/about/legislative-info/por-working-group/>. The meetings were conducted via Zoom for Government and were open to the public. The public was permitted to ask questions and make comments in the last 5-10 minutes of the public meetings. Resources and attachments were also available to all members and the public on the Working Group webpage.

³ Minnesota Bureau of Criminal Apprehension. January 21, 2022.

⁴ Ibid. There is no data available at this time to understand how many of the nearly seven million access points into the registry during this 11-year-plus-period were for the purposes of identifying and clearing suspects to investigate a sex crime with an unknown assailant, which is one of the grounds for supporting additional data collection to understand how law enforcement uses the registry as an investigatory tool.

Issues Reviewed by POR Working Group

MAJORITY SUPPORT: FIVE CRITICAL AREAS FOR LEGISLATIVE REFORM

A majority of the POR Working Group makes the below recommendations on five (5) critical areas. Attachments in this report include minority opinions on the proposed recommendations (Supplement 1). Some areas may provide greater detail than others, due to data availability and timelines. Additional issues of lesser agreement are discussed in this section as well.

The five proposed areas of reform of the POR Working Group are:

1. Eliminate or limit registration requirement for adjudicated juveniles;
2. Apply registration requirement to convictions only (not same set of circumstances/ probable cause determination);
3. Eliminate/modify the restart provisions;
4. Provide an avenue of relief from registration; and
5. Limit mandatory minimum for failure to register crimes.

Of these, the first four were originally part of the CSR Working Group; the fifth arose organically in the POR Working Group.

CURRENT REGISTRATION REQUIREMENTS

A discussion of each of the five critical areas recommended for reform follows, but first a note about current registration requirements in Minnesota. Minnesota law currently requires registration pursuant to Minn. Stat. § 243.166, subd. 1b, for any person charged with, petitioned for, or Court Martialed for a violation of, or attempt to violate, or aiding, abetting or conspiracy to commit enumerated crimes and convicted of, or adjudicated delinquent for that offense or for an offense arising out of the same set of circumstances.

"Same set of circumstance" applies to federal and out of state offenders who commit their offense on or after 8/1/2014, prior to this date registration is based on conviction only. See Appendix A, *Minnesota Predatory Offender Registry - Who is Required to Register*

Each of the five proposed reform areas are outlined below.

1. Removal of or limiting juveniles in the registration system

Minnesota law currently requires children as young as 10 years of age to be registered as a Predator Offender. Compared to other states, Minnesota has one of the most expansive frameworks for juvenile registration in the nation. See Appendix B, *Labeled for Life , A Review of Sex Offender Registration Laws, Juvenile Law Center.*

A number of states do not have juvenile registration at all. Most, however, have limitations, particularly in regard to what circumstances require a juvenile to register. While there are currently 50 juveniles on the state registry⁵ there are many more adults currently subject to registration based solely on a juvenile

⁵ Ibid.

adjudication. Since the registry was not designed to track this information, the Minnesota BCA does not have the ability to pull such data. An estimated 20% of those with a prison sentence for failure to register fall under that category solely based on a juvenile adjudication. See Appendix C, *Those currently incarcerated in the DOC with a Failure to Register conviction commit to prison in their history.*

Throughout the meetings of the POR Working group, there was considerable discussion on the extremely difficult challenge of children who have caused sexual harm. There was general recognition that the adolescent brain undergoes significant transformations, along with increasing hormone levels and other biological changes. Those factors, coupled with cultural, economic and psychological forces shape how adolescents behave and are relevant, to some degree, in shaping public policy around juveniles and the criminal justice system.⁶ There was also general recognition that juveniles with problematic sexual behavior (PSB) present unique challenges in terms of who their victims tend to be (e.g., one study found that 70-77% percent of sexual abuse against children or adolescents is committed by other children or teens)⁷, intrafamilial issues (when the parent is both parent of victim and parent to child who caused sexual harm), and how treatment for PSB may differ from children to adults.

There was complete agreement to hold children with PSB accountable and ensure that they receive⁸ monitoring and treatment, community supervision, family counseling and emerging tools. The disagreement, however, came regarding whether to remove juveniles and under what age limits and circumstances to remove them from the registry.

There is strong research to show that treatment is effective at reducing sexual reoffending. For instance, low (i.e. 2%) sexual recidivism rates in children have been demonstrated in a 10-year follow up study of a randomized clinical trial of a short-term, community based PSB specific cognitive behavioral treatment condition.⁹ A meta-analysis reviewing 107 studies found that across behavior type, over 97% of children charged with sexual offenses never harm sexually again.¹⁰

There is also research to show that registering children and labelling them as sex offenders causes significant harm ranging from educational discrimination to ostracism, vigilantism, homelessness, and a higher rate of suicide (hopelessness),¹¹ all of which are associated with sexual re-offense.

In contrast to adults with illegal sexual behaviors, youth with PSB tend to have fewer victims than adults, the acts are more likely to be impulsive, situational, and transient, and most do not demonstrate deviant

⁶ See Spear, Linda Patia. “Adolescent Neurodevelopment.” *Journal of Adolescent Health*. May 23, 2012. (Appendix H)

⁷ See “Summary and Compilation of Research Articles regarding PSB in Juveniles.” (Appendix I)

⁸ Ibid.

⁹ Carpentier, M.Y., Silovsky, J.F. and Chaffin, M. “Randomized Trial of Treatment for Children with Sexual Behavior Problems: Ten-Year Follow-Up.” *Journal of Consulting and Clinical Psychology*, 74(3), 2006, pp 482-488.

¹⁰ Chaffin, M. “Our Minds Are Made Up – Don’t Confuse Us with the Facts: “Commentary on Policies Concerning Teen and Preteen Juvenile Sex Offenders.” *Child Maltreatment*, 13, 2008, pp 110-121.

¹¹ Letourneau, E. J., Harris, A. J., Shields, R. T., Walfield, S. M., Ruzicka, A. E., Buckman, C., Kahn, G. D., & Nair, R. “Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination. *Psychology, Public Policy, and Law*, 24(1), 2018, pp.105–117.

sexual arousal or sexual interest in children much younger than themselves.¹² The research and data show that most juveniles who engage in PSB are not beginning down a path of lifelong behavior.¹³

A majority of working group members supported removing juveniles entirely from the registration system, while others preferred an age limit or limiting registration to only the most severe crimes. Other members supported the continued registration of juveniles, seeing the adjudicated behavior as providing valuable recorded information for law enforcement that would be lost or difficult to access if the juvenile was not on the registry.

There was strong support for the core value that the juvenile system is meant to be a unique intervention that should not be tied to or associated with the adult system. Supporters of removing juveniles from the registry noted that all other juvenile intervention and monitoring tools would remain in effect.

Some of the proposals discussed included:

1. Removal of those under the age of 14;
2. Leaving the registration issue to the discretion of the juvenile court;
3. Allowing an extension of a Stay of Adjudication from 12 months to 18 or 24 months to allow for completion of treatment before a final decision on the stay; and
4. Limiting the offenses for which juveniles are required to register to most dangerous offenses or only juveniles treated as Extended Jurisdiction Juveniles (EJJ) or certified for adult prosecution.

Supplement 2: Draft statutory language is provided to remove juvenile adjudications but retain registration for those certified as adults (ages 14-17) who would then fall under the same requirements as adults. Proposed language related to other possible amendments to the juvenile registration requirements were not drafted.

2. Modifying the registration requirement for the crime of false imprisonment

Minnesota uses the “same-set-of-circumstances” as a trigger to require registration. Minnesota appears to be the only state where an individual does not need to be convicted of a listed registration crime, but instead only convicted of that or another offense arising out of the same-set-of-circumstances. In effect, once charged with a registration offense, a person is required to register if the person is convicted of that offense or another offense arising out of the same set of circumstances.

Using an example, a defendant charged with both kidnapping (an offense requiring registration) and 5th degree assault (an offense not requiring registration) would be required to register even if that defendant were only convicted of the 5th degree assault charge because of the “same set of circumstances” provision.

False imprisonment is a listed offense requiring registration as a predatory offender whether or not the charge is dismissed or leads to a conviction. Many POR Working Group members raised concerns about

¹² Chaffin, et al. Association for the Treatment of Sexual Abusers Task Force Report on Children with Sexual Behavior Problems. *Child Maltreatment*, 13(2), 2008, pp 199-218

¹³ Caldwell, M. “Quantifying the decline in juvenile sexual recidivism rates.” *Psychology Public Policy and Law*. Vol. 22. No. 4, 2016, pp 414-426

false imprisonment as it is charged in many domestic assault cases (and sometimes in cases such as controlled substance offenses and robberies) – with the person accused of the crime often pleading to a domestic assault, the false imprisonment charged being dismissed, but the person now needs to register as a predatory offender.

At times, this criminal charge is associated with offenses requiring a POR registration for individuals with little or no propensity to commit predatory offenses. As part of this discussion, members discussed distinctions between kidnapping and false imprisonment. Kidnapping, for example, is often associated with more serious crimes of abduction and subsequent violent sexual crimes and murder, particularly with child victims. On the other hand, false imprisonment might be more often associated with non-sexual crimes such as domestic assault or drug offenses and other similar offenses not easily falling in the same category as those more associated with kidnapping.

To address concerns about the broad reach of registration requirements in this context, several possible proposals were discussed.

1. Require an *actual* conviction for false imprisonment to trigger registration, rather than any conviction arising from the same set of circumstances that led to the false imprisonment charge;
2. Eliminate the crime of false imprisonment from required registration if there is no related sex offense.

Supplement 3: Draft language is included that eliminates same-set-of-circumstances for false imprisonment charges. This proposed change requires an actual conviction for false imprisonment to require registration. A large majority of working group members supported these proposals.

3. Limiting convictions that re-start the registration period

Under current Minnesota law, Minn. Stat. § 243.166, subd. 6(c), if an individual on the POR registry is convicted of *any* subsequent criminal offense or revoked from correctional supervision, and that action results in a sentence that includes at least one day of incarceration, the individual's registration period must re-start upon release from incarceration.

A large majority of the members were concerned with this result for somebody who has been in full compliance with registration and is required to restart their registration period due to a minor offense. Therefore, the Working Group considered the list of crimes that would trigger a restart and considered modifications to those offenses.

Members discussed limiting the required restart in a variety of ways:

1. Having only felony convictions trigger a restart;
2. Including felonies as well as certain gross misdemeanors or misdemeanor crimes against the person;
3. Retaining the current framework for restarts but excluding only certain gross misdemeanors and driving offenses; and

4. Defining all criminal statutes that could be included or could be excluded from the registration restart provision.

Limiting the registration restart requirements would avoid situations such as when a registrant is convicted for a minor driving offense or disorderly conduct, and serves a day in jail after registering for the majority of the 10-year registration period from having to re-start that registration period.

Supplement 4: Draft language is included that limits the registration period re-start to felonies and certain crimes against persons. Draft language related to other limitations is not included in the supplement.

4. Providing a limited registration relief process

Unlike many states, Minnesota does not have any mechanism for individuals to seek relief from the registration requirements, if factors impacting risk level or relevant circumstances change over time. The lack of a process to review requirements is true for everyone subject to registration.

A large majority of working group members believe such a mechanism should be considered for registrants who meet certain criteria (excluding lifetime registrants -- though a small number of members supported such relief for lifetime registrants who meet the proposed criteria). A minority of members did not support such a process for any registrant.

Proposed legislation was drafted for the relief application and screening process and qualifying criteria including how the process would work and what changes in circumstance could potentially qualify a registrant to petition for relief.

A large majority of members generally supported the draft language, but all agreed there were details that needed completing and ancillary issues that needed addressing.

One area that was discussed involved lifetime registration requirements for juvenile adjudications.

In Minnesota, lifetime registration applies to juveniles in the rare situation where they are adjudicated delinquent for murder with an element of 1st degree criminal sexual contact or if they have multiple offenses requiring registration.

Additionally, if a juvenile comes to Minnesota subject to lifetime registration in another state, Minnesota law automatically recognizes that same lifetime registration requirement. That means some juveniles could be subject to lifetime registration in Minnesota even though lifetime registration would not be required for the underlying offense if it had occurred in Minnesota.

The same requirements for lifetime registration that apply to juveniles also apply to adults. Additionally, adults can also be subject to lifetime registration for certain criminal sexual conduct convictions involving victims of a younger age.

Some members of the working group asserted that maintaining longer registration for more individuals provides the broadest level of potential information for law enforcement investigations.

However, other members believed those on the registry who are no longer a threat to public safety and complete necessary steps to demonstrate that change in risk should be provided a path to removing the registration requirement. These members believed such a process would allow more resources to be focused on victim services and individuals who pose a higher risk to the public.

The group discussed a variety of potential structures for a registration relief process, including:

1. Requiring a majority versus a unanimous vote of a review panel;
2. Creating a review panel to provide a deeper review and more consistent treatment of these cases; and
3. Making it a judicial process rather than administrative – though that suggestion raised concerns about consistency from court to court.

Supplement 5: Draft language is included that sets forth a relief from registration process.

5. Elimination of mandatory minimum for first-time conviction for failure to register

In 2000, the legislature created a mandatory minimum sentence for a first-time conviction for failure to register as a predatory offender. The purpose stated at the time was to enhance law enforcement and prosecutors' ability to enforce the registration requirement. This offense is the only non-victim crime in Minnesota that has an associated mandatory minimum sentence for a first-time conviction.

Since the mandatory minimum was established, convictions for this offense are among the most frequently granted mitigated dispositional departures.

<https://mn.gov/msgc-stat/documents/reports/2017/FRPO.pdf> The POR Working Group discussed the elimination of the mandatory minimum on first-time convictions.ⁱ

The large majority of working group members saw an elimination of the mandatory minimum as a reflection of current practice in many jurisdictions in Minnesota. They cited concerns regarding racial disparities in conviction rates and the need for discretion at sentencing to view the entirety of the circumstances for the failure to register.

Those opposed to eliminating the mandatory minimum asserted it is a strong and effective tool in the hands of prosecutors and law enforcement to maintain compliance with registration requirements.

Members discussed alternatives to eliminating the mandatory minimum such as creating an enhanced penalty that increases with additional convictions, or considering reforms in how individuals are cited for violations while on supervised release.

Supplement 6: Draft language is included that eliminates the mandatory minimum for first failure to register convictions but maintains it for subsequent offenses.

CONSENSUS RECOMMENDATION: ENHANCED RESEARCH AND DATA COLLECTION

Recommendation: The legislature, in collaboration with other critical partners, should develop the necessary infrastructure and processes to gather ongoing data about the number and nature of cases for which law enforcement uses the registry to solve crimes based on information uniquely available in the registry. The legislature should also gather ongoing data about registrants at various points in the criminal justice system and to evaluate that data against defined metrics focused on public safety, recidivism for sex offenses, and rehabilitation. This analysis is necessary to justify the cost of the registry, understand its actual benefits to protecting the public, and better analyze the deleterious effects of the registry.

At the onset of the POR Working Group, requests for data were made to the MN Department of Public Safety (DPS and its Bureau of Criminal Apprehension (BCA)); to the Minnesota Judicial Branch, to the Department of Corrections and to the Minnesota Sentencing Guidelines Commission. Of 29 discrete data requests, 16 were fulfilled and 13 were not due to data being unavailable to fulfill such requests.

Below is a sample of three data requests that were unfulfilled because no state agency collects such data:

1. The number of abduction and/or sexual assault cases reported to law enforcement agencies on a yearly basis, and the number of those cases that were investigated using data uniquely available on the registry and unavailable by any other means (friends, family, social media, community connections, eyewitnesses, probation officers, criminal history, and court records);
2. The number of registrants in the past twenty years whose registration requirements re-started for an additional ten years because they were convicted of a non-registerable offense (broken down by offense level); and
3. The number of registrants that came onto the registry as juveniles since 1991.

This data, for example, would help the State of Minnesota understand the efficacy of the registry and the reasons for lengthy registration periods.

Throughout the meetings of the POR Working Group and its subgroups, there was a common theme of the need to examine data associated with registrants at various points in the criminal justice process, and to evaluate those data against defined metrics focused on law enforcement usefulness, public safety benefit, and rehabilitation outcomes. However, since the POR registry was designed to track and locate individuals to assist law enforcement in their duties – and not for the purposes of producing statistics, studying recidivism, or as a criminal history repository – the data available to the Working Group was limited.

Minnesota law limits the data that is collected from those who are required to register as predatory offenders. Those limitations meant the Working Group could access some summary data from entities like the BCA, the Minnesota Judicial Branch, and the Minnesota Sentencing Guidelines Commission, but did not have access to the granular level of detail needed for a comprehensive assessment of the registry, its impact, and its effectiveness.

Working group members identified several areas of analysis that would benefit from more detailed data, including:

1. How and why law enforcement uses the registry;
2. Frequency and circumstances in which the registry aided the investigative process and outcomes;
3. Impact on youth currently subject to registration periods for juvenile adjudications; and
4. Any data available related to collateral consequences.

As the legislature considers modifications to the predatory offender registration statutory framework, it should require the development of the infrastructure and processes necessary to gather this critical data as part of the predatory offender registration and tracking system. Any proposal of this nature must include a strong partnership and robust discussion with the Minnesota Department of Corrections, the Minnesota Judicial Branch, the Minnesota Department of Public Safety (specifically the Minnesota Bureau of Criminal Apprehension), and other interested partners to determine how such data might be collected, utilized, tracked, and protected.

FURTHER STUDY NEEDED: ISSUES DISCUSSED WITHOUT RECOMMENDATION

1. Provide Assistance to Registrants with Unique Challenges to Compliance

The POR Working Group discussed challenges related to individuals failing to register due to homelessness or institutionalization due to mental or physical health care needs. Specific proposals were not discussed, however there was significant support that this area needs further attention.

Options for those registered as homeless were noted as areas that could receive attention particularly regarding technology innovations that could shift the requirement of appearing in person during specific times.

Issues for those who are either physically or mentally unable to handle the registration or information update requirements were also noted. These challenges often occur for those admitted to a hospital or care setting where they are not able to submit an advance notification of a change of residence, as required by law.

Additionally, those who are caretakers do not currently have a defined authority to complete changes of information on behalf of those registrants they are serving.

2. Replace the term “Predatory Offender” in the Registry Name to More Accurately Reflect Registry Composition

This issue was raised as to whether “Predatory Offender” Registry is an accurate description of who is on the registry. For some registrants, their crime has no predatory element to it and to refer to them as predators is not accurate. This issue had very little opposition. Most members acknowledged the term “predatory offender” is problematic, and worthy of reconsideration. One option that was considered was re-naming the registry.

However, members also acknowledged this issue could distract from other more relevant or substantive concerns. For that reason, the group agreed to table the discussion and forego any specific

recommendations at this time. There is, however, continued interest from a majority of working group members in pursuing a name change.

3. Need for Disparity Analysis

The working group concluded there should be a disparity analysis related to how offenders of varying races are impacted by the registration statute and failure to register convictions. See Appendix E, *Comparisons Based on Race*.

OTHER REGISTRATION ISSUES DISCUSSED

The following related areas received little coverage in the discussion but were deemed worthy of further study and focus: Employment and Residency Restrictions and other collateral consequences of registration.

1. Employment registration and other collateral consequences

The POR registry was originally created as a tool for law enforcement, but over the years more people are able to access registry data. The nexus between employment restrictions and registration status has been questioned. While little time was spent on this issue, the nexus between a total bar to employment in the horse racing industry in any capacity was noted as an example of the far-reaching consequences of employment restrictions.

2. Residency requirements imposed by local ordinances

These are restrictions imposed by local ordinances that bar registrants from living near designated locations. Without consistency or recognized standards these ordinances can, in practice, allow a local government unit to either bar entirely or severely restrict the ability of a designated registrant to find housing in those communities. Research on this subject has pointed out the ineffectiveness of such policies related to public safety both directly related to Minnesota research¹⁴ and more generally.¹⁵

In most cases, the ordinances apply to those registrants designated as Level 3 for community notification purposes (i.e. those deemed relatively higher risk for re-offense and/or in need of a higher level of supervision, monitoring, or resources). But these ordinances can be and have been applied to other groups of registrants deemed lower risk.

Proponents of these ordinances assert that a city or county should have the authority to decide what is a public safety issue for them, and how they might use their police authority to protect their communities. Those concerns are unique to each individual community or political subdivision and lead to the inconsistencies noted above. See Appendix D, *Residency Restrictions in Minnesota*.

¹⁴ "Residential Proximity & Sex Offense Recidivism in Minnesota." Minnesota Department of Corrections, April 2007.

¹⁵ "Use of Residency Restriction Laws for Individuals Convicted of Sex Offenses." Robina Institute, June 2020.

Implications with the federal sex offender registration and notification act (SORNA)

The Sex Offender Registration and Notification Act (SORNA) was passed in 2006 and sets a comprehensive set of federal standards for sex offender registration and community notification throughout the states. In the fifteen years since enactment of SORNA, 32 states have not implemented the federal standards despite a 10% Byrne Grant penalty on the state, not local, allocations of that money. For Minnesota in FY2021 the penalty would have been \$283,374.80, affecting FY2022 funding. Minnesota, at present continues to apply for and receive funding under an exception to the penalty.

As of a 2016 Substantial implementation Review (See Appendix F) by the United States Department of Justice, the following determinations were made:

- Minnesota is compliant in 3 of the 15 standards
- Minnesota is not compliant in 6 of the 15 standards
- Minnesota does not substantially disserve the purposes of the SORNA Requirements in 5 of the 15 standards

Given these determinations, the Department of Justice found that the State of Minnesota has not substantially implemented SORNA. The state is currently operating under an exception to maintain the grant funding at its present level. Some of the language in the addendum would either bring Minnesota closer to or further from compliance.

The most significant areas in which Minnesota (and most other states) has elected to reject the SORNA requirements are retention of the private nature of most registration information and the risk-based level system under current Minnesota law.¹⁶ Regardless of adoption of all other SORNA recommendations, Minnesota's decision to adopt its own risk-based level system and non-public registry will continue to not be in substantial compliance with SORNA.

The consensus understanding throughout the Working Group discussion was that Minnesota's registry is a private investigatory tool for the use of law enforcement and other designated entities.

CONCLUSION

Starting with several recommendations from the Criminal Sexual Conduct Statutory Reform Working Group (CSC Working Group) the POR Working Group thoughtfully considered a number of areas of concern.

There was broad agreement that the original purpose of the registry was an investigation tool for law enforcement to use with sex offenders. It continues to be supported as such. However, some members expressed concern that in the 31 years since its inception, other uses of the registry have become apparent, in both intentional and unintentional ways.

¹⁶ See also "Paying the Piper: The Cost of Compliance with the Federal Sex Offender Registration and Notification Act," 59 New York Law School L. Rev. 4, 2015, p 22

"Sex Offender Registration and Notification Policies: Summary and Assessment of Research on Claimed Impacts to Registered Offenders." U.S. Office of Justice Programs, 2020. (Appendix J)

The POR Working Group brought together a wide range of expertise and viewpoints to discuss recommendations on an issue that has tremendous impacts on the lives of Minnesotans, and spans some of the most difficult and sensitive topics dealt with in the criminal justice system. Discussions were thoughtful and respectful, with a majority of members agreeing to the proposals, and a minority did not.

The working group requests that the Legislature consider each of the proposals in earnest and hold hearings on the proposed reform areas. During such hearings, the legislators will then be able to hear directly from those individuals that have the most relevant information bearing on how Minnesota continues to study, implement, and reform the 31-year-old registry.

SUPPLEMENT 1 MINORITY OPINION OF LAW ENFORCEMENT

Minority opinion of law enforcement professionals represented by the Minnesota Sheriff's Association and Minnesota Chiefs of Police Association

The Predatory Offender Statutory Framework Working Group was charged with a number of tasks, among which was an evaluation of “the effectiveness of the POR system in achieving its stated purpose.” To law enforcement professionals who access this system daily, it is primarily a tool to be used in those critical moments when an investigation into a sexual assault or other predatory offense indicates that this particular offense has been committed by an unknown suspect.

All sexual assaults or predatory offenses are high priority cases for law enforcement and represent a public safety risk. However, these outliers with an unknown suspect represent a different level of threat to public safety with law enforcement being handicapped in our ability to remove the public safety threat by virtue of the anonymity of the suspect. The Predatory Offender Registration (POR) database was created as a tool for these rare cases, allowing law enforcement access to a pool of known individuals who had shown the ability and proclivity for committing predatory offenses.

The information contained in the POR gives law enforcement the ability to compare particular details of the offense being investigated against the known details collected from those in the database to provide a starting point for investigators. No other database available to law enforcement captures the level of accurate detailed information on individuals who have shown by their previous behavior choices that they possess the capability to commit a predatory offense.

The role played by the POR in the investigation of the cases of Katie Poirier and Dru Sjodin provide anecdotal support for the power of the POR database to provide the critical link law enforcement needs to capture and hold accountable extremely dangerous individuals. The importance of solving these cases and the value of the POR to these investigations is the reason law enforcement regards changes that weaken the POR with great hesitancy.

The unpredictability of human behavior serves as a barrier to the reliability of assessment tools predicting the future actions of a person on the POR; therefore, law enforcement must continue to maintain a database that serves as a robust investigative tool to help solve predatory violence cases for victims and their families. Below are details regarding the reasons law enforcement would oppose the proposed changes to the POR.

[Eliminate or limit registration requirements for adjudicated juveniles](#)

We believe there is little debate that juveniles are something more than just small adults. Research (and likely our own personal recollection) tells us that juveniles think differently than adults and act differently than adults. This is one of the beliefs that forms the foundation of a unique criminal justice system to serve the needs of juveniles. During Working Group discussions on this topic, removing or limiting registration of juveniles from the POR was advanced based upon the idea that juveniles have a low recidivism rate and the idea that most juveniles offend against individuals with whom they already have a relationship.

A database is only as good as the data included and a low recidivism rate still indicates some recidivism is taking place. Eliminating all juveniles from the POR would fail to capture those juveniles who will recidivate. Data presented in the Working Group demonstrated evidence that a typical juvenile predatory offender will offend against someone they know; therefore their inclusion on the registry

would be of less value as any subsequent recidivist behavior would be against a person who could identify the juvenile suspect. The question this presumption begs is why do juveniles mostly offend against those with whom they already have a relationship? It is law enforcement's belief this is primarily driven by access. The individuals with whom a juvenile interacts is typically defined by a parent or guardian and it is typical for juveniles to associate with each other based upon social groupings. Juveniles interact with each other in friend groups, in school settings, and in organized activities. For the most part, juvenile interactions with each other are controlled by some level of organization or parental involvement that increases the likelihood the juveniles or those responsible for their care know the identity of each other. It would be very unusual for a juvenile, especially a pre-teen to early-teen juvenile, to be allowed uncontrolled access to strangers.

That paradigm changes as the juvenile grows older and matures into adulthood. In late-teen years and early adulthood, the opportunities for juveniles or young adults to move about society freely and interact with strangers increases. The difficulty law enforcement sees with removing or limiting the requirement for juvenile offenders to register with the POR for predatory offenses is the difficulty in determining which juveniles will continue their predatory behavior into late-teen or adult years when they have increased access to the public at large. Indeed, the question anyone considering this change ought to be able to answer to themselves and the public is how will the criminal justice system determine which juvenile predatory offenders represent a continuing risk to the public as they age and which do not? A system that does not properly address this question and make these determinations places the public at risk by removing from the POR the information law enforcement will need to find and stop a future predatory offender.

[Eliminate/modify the restart provisions](#)

Minnesota law currently places an expectation upon POR registrants that they will remain law abiding, or at least refrain from a criminal offense for which they are incarcerated, for a period of 10 years prior to being relieved of their registration obligations. Discussions of anecdotal instances concerning individuals who spent decades on the POR were heard during Working Group meetings. We believe it is worth noting that the primary way in which a person finds themselves on the POR for more than one 10-year period is through continued criminal behavior or non-compliance. Each day, millions of Minnesotans of all demographics find themselves able to conduct their lives in a law abiding fashion. Remaining law abiding ought to be seen as the expected norm for everyone, including those on the POR. Certainly, there are individuals among us whose particular circumstances create stumbling blocks to attaining this norm. For those individuals, our society ought to and does make available compassionate programs and opportunities for assistance in overcoming these stumbling blocks. Even so, the expectation to remain law abiding ought to remain. This idea is the basis of the unwritten social contract we all have in common.

Individuals are placed in the POR system due to individual behavior choices each person consciously carried out. On principle, individuals in the POR ought to be held to the expectation to remain law abiding to demonstrate they no longer represent a public safety risk. The alternative is to endorse a watered-down version of the norm, expecting compliance with only a subset of criminal laws and applying a less-than standard to these registrants.

Of all people who ought to be expected to remain law abiding, predatory offenders can arguable be grouped with those who are most on notice of the importance of this expectation. During their

interaction with the criminal justice system, POR registrants would have been advised on multiple occasions of the importance of remaining law abiding. It is possible a police officer or detention officer advised the registrant to remain law abiding, it is probable that a judge or defense counsel advised the registrant to remain law abiding, and it is virtually certain that a probation officer counselled the registrant to remain law abiding. By the time a person becomes a POR registrant, they have been clearly informed of the expectation that they will remain law abiding or face additional consequences.

In the Working Group discussions, an assertion was made that research indicates the requirement to register or continue to register with the POR does not carry a deterrent effect for predatory offenders. Individuals who, in spite of multiple warnings and knowing criminal behavior will result in continued registration, make the choice to continue breaking the social contract through the commission of criminal acts should, most of all, be the people included in a predatory offender database. These individuals have clearly demonstrated that they will continue to make the choice to fulfill their immediate desires and disregard the law despite knowing such a decision is contrary to their own interest and result in continued consequence. The re-start provision is already limited to only those offenses for which a person receives at least one day of incarceration. To further limit this requirement will serve to remove from the database individuals who have demonstrated a reduced ability to make good decisions and participate in furthering public safety.

[Provide an avenue of relief from registration](#)

Law enforcement is interested in having the right people in the POR. Indeed, if there were a way for us to see into the future with clairvoyance and know who would or would not commit subsequent predatory offenses, the POR database would be a much smaller dataset. Unfortunately, we have no way of knowing for certain who will and who will not offend in the future.

During Working Group discussions, much time was dedicated to considering predictive tools used by psychologists and others in the research and rehabilitation field. Research suggests these tools have the ability to predict future human behavior within a remarkable range of accuracy. Even so, there exists the risk that the tool is wrong or that the person being evaluated is able to effectively defeat the tool's ability to detect indications of dangerous behavior. Further, when discussing recidivism rates, it should be noted that even when these tools indicate a low recidivism rate, this means that there are still additional crimes being committed by the individuals in the population being examined.

Currently, our statute deals with this issue by casting a wide net across all individuals who commit predatory offenses, requiring them to register and remain compliant for at least 10 years. Contemplated changes to this wide net approach ought to be weighed against the reality that any system of evaluation and relief will be an imperfect one. The legislature must recognize any change that removes individuals from the POR has to be made knowing a percentage, however small, of the individuals excluded from the POR by these changes could commit additional predatory offenses after having been removed from the POR, thereby hampering law enforcement efforts to find and capture them. With this in mind, law enforcement urges caution in the implementation of a relief process for predatory offenders. Perhaps the public policy discussion and decisions should be centered upon the acceptable level of risk we as a society are willing to yield as a means of guiding proposed legislative changes. The lowest risk approach to the issue is no relief process.

Under current law, those on the POR will have their registration requirements removed automatically after 10 years of remaining compliant and law abiding. Any relief process considered should have in place rules and procedures which provide relief only to those who clearly represent the lowest risk of re-offending. Those advocating for a relief process have proposed a panel of experts to evaluate relief petitions. It is our view that, should such a panel be created, the standard for relief ought to be a unanimous vote. A unanimous vote would ensure that only those who represent the lowest risk to re-offend would be granted relief.

Elimination of Mandatory Minimum for First-time Conviction for Failure to Register

From a compliance perspective, our current requirements, and consequences for failure to register are working. During Working Group discussions, the group was advised that the current compliance rate for predatory offenders on the POR is at about 90%. This is a remarkable success rate. The POR, like any other data tool, is only as good as the accuracy of the data it contains. Working Group discussions acknowledged that it would be difficult to determine how the mandatory minimum requirement for failure to register offenses contributes to this remarkable compliance rate. Law enforcement would again urge caution in making changes, absent data, to a system that is working.

Enhanced research and data collection

As noted in the report, the inability to obtain comprehensive data regarding how the POR performed and affected the lives of those included on it was a primary frustration of the Working Group. The importance of this tool and its value to law enforcement requires that any changes made to the POR ought to be based upon empirical data and professional analysis rather than opinions and emotion. Law enforcement is supportive of efforts to better collect and understand the data surrounding the POR. Law enforcement believes it is important to note, in evaluating any data gathered from this analysis of the POR that the number of cases in which the POR played an important role in advancing the investigation will likely be small given the nature of sexual assault crimes and predatory offenses. Even so, the importance of this tool to the victims and families is difficult to overstate, as in these rare cases the POR could well be the key to bringing justice these victims and families deserve.

Respectfully submitted by:

Sheriff Troy Heck

Benton County Sheriff's Office

Minnesota Sheriff's Association

Chief Mike Tusken

Duluth Police Department

Minnesota Chiefs of Police Association

SUPPLEMENT 2
PROPOSED STATUTORY LANGUAGE:
ELIMINATE OR LIMIT REGISTRATION REQUIREMENT FOR ADJUDICATED
JUVENILES

243.166 Registration of Predatory Offenders

Subd. 1b. **Registration required.**

(a) A person shall register under this section if:

(1) the person was charged with ~~or petitioned for~~ a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of ~~or adjudicated delinquent for~~ that offense or another offense arising out of the same set of circumstances:

.....

(2) the person was charged with ~~or petitioned for~~ a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit any of the following and convicted of ~~or adjudicated delinquent for~~ that offense or another offense arising out of the same set of circumstances:

.....

(4) the person was charged with ~~or petitioned for~~, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to an offense or involving similar circumstances to an offense described in clause (1), (2), or (3), and convicted of that offense or another offense arising out of the same set of circumstances.

(b) A person also shall register under this section if:

(1) the person was charged with an offense in another state similar to an offense or involving similar circumstances to an offense described in paragraph (a), clause (1), (2), or (3), and convicted of ~~or adjudicated delinquent for~~ that offense or another offense arising out of the same set of circumstances;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer or for an aggregate period of time exceeding 30 days during any calendar year; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of ~~or adjudicated delinquent for~~ the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state in which the person has been convicted ~~or adjudicated~~, or is subject to lifetime registration.

If a person described in this paragraph is subject to a longer registration period in another state or is subject to lifetime registration, the person shall register for that time period regardless of when the person was released from confinement, or convicted, ~~or adjudicated delinquent~~.

SUPPLEMENT 3
PROPOSED STATUTORY LANGUAGE:
APPLY REGISTRATION REQUIREMENT TO FALSE IMPRISONMENT CONVICTIONS ONLY

243.166

Subd. 1b. **Registration required.**

(a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section [609.185](#), paragraph (a), clause (2);

(ii) kidnapping under section [609.25](#);

(iii) criminal sexual conduct under section [609.342](#); [609.343](#); [609.344](#); [609.345](#); [609.3451](#), subdivision 3; or [609.3453](#);

(iv) indecent exposure under section [617.23](#), subdivision 3; or

(v) surreptitious intrusion under the circumstances described in section [609.746](#), subdivision 1, paragraph (f);

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) criminal abuse in violation of section [609.2325](#), subdivision 1, paragraph (b);

~~(ii) false imprisonment in violation of section [609.255](#), subdivision 2;~~

~~(ii) (iii)~~ solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section [609.322](#);

~~(iii) (iv)~~ a prostitution offense in violation of section [609.324](#), subdivision 1, paragraph (a);

~~(iv) (v)~~ soliciting a minor to engage in sexual conduct in violation of section [609.352](#), subdivision 2 or 2a, clause (1);

~~(v) (vi)~~ using a minor in a sexual performance in violation of section [617.246](#); or

~~(vi) (vii)~~ possessing pornographic work involving a minor in violation of section [617.247](#);

(3) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit false imprisonment in violation of section 609.255, subdivision 2 and convicted of or adjudicated delinquent for that offense.

~~(3-4)~~ the person was sentenced as a patterned sex offender under section [609.3455](#), subdivision 3a; or

~~(4 5)~~ the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to an offense or involving similar circumstances to an offense described in clause (1), (2), or (3), other than false imprisonment as described in [609.255](#), subdivision 2, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to or involving similar circumstances to the offense of false imprisonment as described in section 609.255, subdivision 2 and convicted of or adjudicated delinquent for that offense.

(b) A person also shall register under this section if:

(1) the person was charged with or petitioned for an offense in another state similar to an offense or involving similar circumstances to an offense described in paragraph (a), clause (1), (2), or (3), other than false imprisonment as described in section 609.255, subdivision 2 and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

the person was charged with or petitioned for an offense in another state similar to or involving similar circumstances to the offense of false imprisonment as described in section 609.255, subdivision 2 and convicted of or adjudicated delinquent for that offense;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer or for an aggregate period of time exceeding 30 days during any calendar year; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state in which the person has been convicted or adjudicated, or is subject to lifetime registration.

SUPPLEMENT 4
PROPOSED STATUTORY LANGUAGE:
MODIFY THE RESTART PROVISIONS

SUBD. 6. REGISTRATION PERIOD.

(c) If a person required to register under this section is incarcerated due to a conviction for:

(1) a new offense in violation of section 518B.01, subd. 14; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235; 609.245, subdivision 1; 609.25; 609.255; 609.3232, subd. 7; 609.3451, subdivision 2; 609.498, subdivision 1; 609.582, subdivision 1; 609.713; 617.23, subdivisions 1 and 2; 609.748, subdivision 6; 629.75, subd. 2;

(2) any gross misdemeanor or felony-level offense conviction and sentence; or

(3) following a revocation of probation, supervised release, or conditional release for any offense requiring registration under subd. 1b of this section, any of the offenses listed in this paragraph, or for any gross misdemeanor or felony-level offense conviction,

the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

SUPPLEMENT 5
PROPOSED STATUTORY LANGUAGE:
PROVIDE AN AVENUE OF RELIEF

243.166 and 244.167 Registration Review Panel

Definitions. As used in this section:

- (1) “registrant” means a person who is required to register under sections 243.166 or 243.167.

Registration Review Panel. (a) Shall be established to assess on a case-by-case basis a registrant’s duty to register and whether relief from the registration requirement is appropriate based on circumstances indicating that the registrant is not likely to pose a danger to the safety of others.

(b) The panel shall consist of the following members appointed by the governor:

- (1) Chair who shall be experienced in the area of sexual abuse issues;
- (2) a law enforcement officer experienced in the investigation of cases involving sexual abuse offenses;
- (3) a treatment professional who is trained in the assessment of those who have committed sexual abuse offenses;
- (4) a supervising agent experienced in the supervision of those who have committed sexual abuse offenses;
- (5) a victim’s services professional.

Members of the panel shall be appointed by the commissioner to two-year terms. The chair of the panel shall direct a panel administrator to obtain necessary information from outside sources, and prepare risk assessment reports on registrants.

(c) The panel shall have access to the following data on a registrant only for the purposes of its assessment including maintaining that data for future assessments.

- (1) private medical data under section 13.384 or sections 144.291 to 144.298, or welfare data under section 13.46 that relate to medical treatment of the registrant;
- (2) private and confidential court services data under section 13.84;
- (3) private and confidential corrections data under section 13.85; and
- (4) private criminal history data under section 13.87.
- (5) private registration data maintained by the Bureau of Criminal Apprehension under section 243.166 and 243.167.

Data collected and maintained by the committee under this paragraph may not be disclosed outside the committee, except as provided under section 13.05, subdivision 3 or 4. The registrant has access to data on the registrant collected and maintained by the committee, unless the data are confidential data received under this paragraph.

The panel will have access to registration data under sections 243.166 and 243.167 to provide general status and statistical reports on compiled data on registration for periodic reports to the legislature and governor.

(d) A registrant may petition the panel for review no sooner than five years since the person initially registered in connection with the offense or a conviction for Failure to Register and five years since last incarcerated for a registration

offense or provisionally or fully discharged from secure confinement at a state security hospital including any subsequent revocations on that registration offense or commitment. A registrant whose offense occurred prior to the age of eighteen, may petition the panel upon the age of eighteen or discharge from juvenile probation, whichever occurs later.

The petition shall contain the following information:

- (1) Name, date of birth, current address;
- (2) Criminal record, including all charges, convictions, stays of adjudication or imposition of sentence and pending actions for misdemeanors, gross misdemeanors or felonies in this state, another state federal court, or a foreign country;
- (3) Date of initial registration and compliance with registration since that time;
- (4) Since registration period began, a statement about the actions the registrant has taken toward personal rehabilitation, including treatment, employment, community involvement, or other personal history; and
- (5) Any prior requests that have been made for relief from registration.

(e) Before the registrant is denied relief or relieved of their duty to register, the panel shall prepare a risk assessment report that specifies the reasons underlying the panel's decision. That report if granting relief it must be delivered (electronically or physically delivered) within fourteen days to the Bureau of Criminal Apprehension (BCA) and both the local law enforcement agency having primary jurisdiction over the registered address of the registrant and the county sheriff's office of that registered address. The report must designate the date the relief from registration goes into effect and must be no sooner than 60 days from the date of the panel's decision.

(f) In determining public risk and factors indicating whether relief from registration is appropriate the following factors include, but are not limited to, the following factors:

(1) the seriousness of the offense should the registrant reoffend. This factor includes consideration of the following:

- (i) the degree of likely force or harm;
- (ii) the degree of likely physical contact; and
- (iii) the age of the likely victim;

(2) the registrant's subsequent offense history. This factor includes consideration of the following:

- (i) the length of time since the registrant's last offense while the registrant was at risk to commit offenses; and
- (ii) the registrant's subsequent history of other antisocial acts;
- (3) the registrant's characteristics. This factor includes consideration of the following:
 - (i) the registrant's response to treatment efforts; and
 - (ii) the registrant's history of substance abuse;
- (4) the availability of community supports to the registrant. This factor includes consideration of the following:
 - (i) the availability and likelihood that the registrant has been and will be involved in therapeutic treatment;
 - (ii) the availability of residential supports to the registrant, such as a stable living arrangement in an appropriate location;
 - (iii) the registrant's familial and social relationships, including the nature and length of these relationships and the level of support that the registrant is receiving from these persons; and
 - (iv) the registrant's employment stability;

(5) whether the registrant has indicated or credible evidence in the record indicates that the registrant will reoffend in the future; and

(6) whether the registrant demonstrates a physical condition that minimizes the risk of re-offense, including but not limited to, advanced age or a debilitating illness or physical condition.

(g) There is no review or appeal of the panel's decision. The registrant may petition the panel to review their registration status after three years have elapsed since the panel's initial denial and may renew the request once every two years following subsequent denials.

SUPPLEMENT 6
PROPOSED STATUTORY LANGUAGE:
ELIMINATE MANDATORY MINIMUM FOR FIRST-TIME CONVICTION

Minnesota Statutes 2021, section 243.166, subdivision 5, is amended to read:

Subd. 5. **Criminal penalty.** (a) A person required to register under this section who was given notice, knows, or reasonably should know of the duty to register and who:

(1) knowingly commits an act or fails to fulfill a requirement that violates any provision of this section; or

(2) intentionally provides false information to a corrections agent, law enforcement authority, or the bureau is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

~~(b) Except as provided in paragraph (c), a person convicted of violating paragraph (a) shall be committed to the custody of the commissioner of corrections for not less than a year and a day, nor more than five years.~~

~~(b)~~ (b) A person convicted of violating paragraph (a), who has previously been convicted of or adjudicated delinquent for violating this section or a similar statute of another state or the United States, shall be committed to the custody of the commissioner of corrections for not less than ~~two years~~ a year and a day, nor more than five years.

~~(d)~~ (c) Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing a person in the manner described in this paragraph is a departure from the Sentencing Guidelines.

~~(e)~~ (d) A person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, conditional release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.



WHO IS REQUIRED TO REGISTER?

Pursuant to M.S. § 243.166, Subd. 1b, any person charged with, petitioned for, or Court Martialed for a violation of, or attempt to violate, or aiding, abetting or conspiracy to commit any of the following crimes and convicted of, or adjudicated delinquent for that offense **or** for an offense arising out of the same set of circumstances is required to register.

****Same set of circumstance applies to federal and out of state offenders who commit their offense on or after 8/1/2014, prior to this date registration is based on conviction only****

LIST #1

First Degree Murder	609.185	Clause 2 only
Kidnapping	609.25	
Criminal Sexual Conduct in the First Degree	609.342	
Criminal Sexual Conduct in the Second Degree	609.343	
Criminal Sexual Conduct in the Third Degree	609.344	
Criminal Sexual Conduct in the Fourth Degree	609.345	
Criminal Sexual Conduct in the Fifth Degree	609.3451	Subd. 3 only
Criminal Sexual Predatory Conduct	609.3453	
Indecent Exposure	617.23	Subd. 3 only
False Imprisonment	609.255	Subd. 2 only
Solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor	609.322	Subd. 1(a) (1) only (committed before 8/1/14) Subd. 1(a) (1), (2), (4) (committed on or after 8/1/14)
Prostitution offense involving a minor under the age of 14 years	609.324	Subd. 1 (committed before 8/1/14) Subd. 1(a) (1), (2), (3) (committed on or after 8/1/14)
Soliciting a minor to engage in sexual conduct	609.352	Subd. 2 or Subd. 2a (1)
Using a minor in a sexual performance	617.246	
Possession of pictorial representations <u>of minors</u>	617.247	
Predatory Crime <u>and</u> sentenced as a Patterned Sex Offender	609.108	
Criminal Abuse (committed on or after 8/1/2011 only)	609.2325	Subd. 1(b) only
Surreptitious Intrusion	609.746	Subd. 1(f) (committed on or after 8/1/19)
Comparable violations of the Uniform Code of Military Justice		
Comparable Federal Offenses		
Comparable Offenses from other states		
Offenders from other states who enter Minnesota to work or attend school		
Civil Commitments	253B.185 or 526.10	
	(or a similar law in another state)	
Not guilty by reason of mental illness + commitment	253B.18	
	(or a similar law in another state)	
Guilty, but mentally ill + commitment	253B.18	
	(or a similar law in another state)	



WHO IS REQUIRED TO REGISTER UNDER THE CRIMES AGAINST THE PERSON STATUTE?

Pursuant to M.S. § 243.167, anyone previously *convicted of or adjudicated delinquent for an offense listed on List #1*, but who was not required to register at the time of conviction or release from imprisonment because the registration law did not apply to them at that time, is required to register if they commit a “Crime Against the Person” on or after July 1, 2000, and are *convicted of an offense listed below (List #2)*. This section also applies to offenders who were previously registered, but whose registration period has expired, if the offender commits a “Crime Against the Person” after July 1, 2000.

Conviction From List #1	+	Conviction From List #2	=	Required to Register
-Or-				
Finished Initial Registration Period	+	Conviction From List #2	=	Required to Register Again

LIST #2

Unlawful Possession of a Firearm	609.165	
Murder in the First Degree	609.185	
Murder in the Second Degree	609.19	
Murder in the Third Degree	609.195	
Manslaughter in the First Degree	609.20	
Manslaughter in the Second Degree	609.205	
Assault in the First Degree	609.221	
Assault in the Second Degree	609.222	
Assault in the Third Degree	609.223	
Assault in the Fourth Degree (committed on or after 8/1/2005 only)	609.2231	
Assault in the Fifth Degree	609.224	Subd. 2 or 4 only
Domestic Assault	609.2242	Subd. 2 or 4 only
Domestic Assault by Strangulation (committed on or after 8/1/2005 only)	609.2247	
Use of Drugs to Injure or Facilitate a Crime	609.235	
Aggravated Robbery	609.245	Subd. 1 only
Kidnapping	609.25	
False Imprisonment	609.255	
Criminal Sexual Conduct in the Fifth Degree	609.3451	Subd. 2 only
Tampering With a Witness	609.498	Subd. 1 only
Burglary in the First Degree	609.582	Subd. 1 only
Indecent Exposure	617.23	Subd. 2 only
Crime Committed for Benefit of a Gang	609.229	Felony level only
Malicious Punishment of a Child	609.377	Felony level only
Harassment; Stalking	609.749	Felony level only
Unlawful possession of a pistol or semiautomatic military-style assault weapon	624.713	Felony level only



LABELED FOR LIFE

A Review of Youth Sex Offender Registration Laws

By Malik Pickett, Emily Satifka, and Riya Saha Shah
with Vic Wiener
Juvenile Law Center, 2020

Juvenile Fighting for the rights
Law Center and well-being of youth

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A Publication of Juvenile Law Center

Authored by:

Malik Pickett, Emily Satifka, and Riya Saha Shah
with Vic Wiener



Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the foster care and justice systems.

Founded in 1975, Juvenile Law Center is the first nonprofit, public interest law firm for children in the country. We fight for youth through litigation, appellate advocacy and submission of *amicus* (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth. We strive to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values. For more information about Juvenile Law Center's work, visit www.jlc.org.

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Over 200,000 individuals are on sex offender registries for offenses committed when they were children.

INTRODUCTION

Over 200,000 individuals are on sex offender registries for offenses committed when they were children. Registration can be life-long and can be imposed without any inquiry into the child's individual circumstances or progress in treatment. Some states require community notification in addition to registration and reporting requirements. Many young people face registration as a consequence of developmentally normal behavior, including playing doctor, streaking, sexting, and consensual teen romances. While some youth commit serious sexual harm and should be held accountable for this conduct, they also need support and effective interventions to change their behavior; the vast majority of youth who act out sexually do not recidivate. A meta-analysis reviewing 107 studies found that across behavior type, over 97% of children charged with sexual offenses never harm sexually again.¹ Moreover, after almost 30 years of placing children on registries, empirical research concludes that the practice does not prevent or reduce sexual violence.² Rather, placing young people on registries fuels cycles of homelessness, incarceration, and trauma, for both the registrant and survivors.³

Children on the registry – including some as young as 8 years old – face residency and employment restrictions as well as barriers to education; suffer the stigmatization of being labeled a sex offender; and can face possible incarceration for failing to meet onerous registration and reporting requirements.⁴ A 2013 Human Rights Watch report examined the grave consequences befalling registered youth.⁵ Over 85% of these youth reported serious mental health issues or suicidal ideation. A 2017 study revealed that registered children are nearly twice as likely to have experienced an unwanted sexual assault that involved contact or penetration in the past year when compared to nonregistered children who have also engaged in harmful or illegal sexual behaviors.⁶ They are also five times more likely to report having been approached by an adult for sex in the past year.⁷ Children on sex offender registries are four times more likely to report a recent suicide attempt than non-registered children who have engaged in harmful or illegal sexual behavior.⁸ Many registered youth also experience vigilantism in their communities, with 52% reporting harassment and physical violence directed at them. Accessing and maintaining housing is also a major barrier for both registered youth and their families. Over 44% of children experienced homelessness as a result of the restrictions placed on their housing due to registration.⁹ Almost all registered individuals face financial challenges and barriers to employment. In some states, registration fees are so prohibitive that many fall out of compliance and face incarceration.

Children on sex offender registries are four times more likely to report a recent suicide attempt than non-registered children who have engaged in harmful or illegal sexual behavior.

Registration is also more likely to impact marginalized youth – particularly youth of color, low-income youth, and LGBTQIA+ youth. These children are disproportionately placed in out-of-home settings where supervision is high and mandatory reporting requirements apply to even normative sexual behaviors. In California, 76% of registered youth are youth of color, while white youth make up only 24% of registered youth.¹⁰

Federal and state sex offender registration laws often equate juvenile and adult behavior. But there is no demonstrated, empirical relationship between youth sex crimes and adult sex crimes. Juvenile sex offending is not predictive of adult sex offending.¹¹ Adolescents tend to mature out of sexual offending behavior and are not likely to commit another sexual offense.¹² Numerous critics of registration, including law enforcement officials, have observed the unintended and punitive consequences that result when youth are swept up in a law enforcement program designed for adults convicted of sexual offenses.¹³ Data overwhelmingly shows that subjecting children to long term registration and notification policies does not improve community safety but imposes severe consequences on youth required to register as “sex offenders.”¹⁴

Congress enacted The Adam Walsh Child Protection and Safety Act of 2006¹⁵ in response to the high-profile abduction and murder of a child. This federal law required states to comply with its registration requirements to avoid losing ten percent of their funding under the Justice Assistance Grant program.¹⁶ Title I of the Act, the Sex Offender Registration and Notification Act (SORNA), subjects children adjudicated delinquent to the same registration requirements as convicted adult sex offenders. Federal SORNA's youth registration requirement has been implemented in 18 states,¹⁷ but the vast majority of states still include children in their sex offender registries with an array of registration requirements and provisions. Still, at least eight states prohibit labeling and registering youth who were adjudicated delinquent as sex offenders.

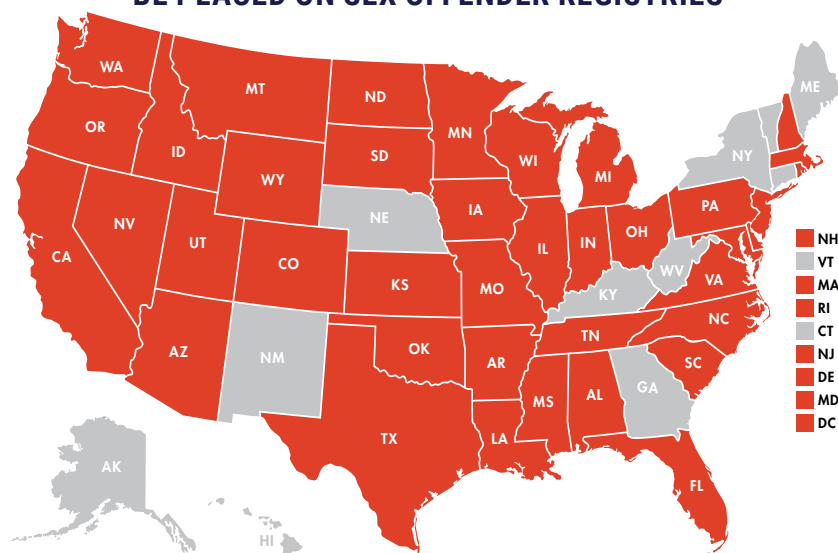
There is no demonstrated, empirical relationship between youth sex crimes and adult sex crimes.

STATES IMPOSE REGISTRATION REQUIREMENTS FOR A WIDE ARRAY OF SEXUAL OFFENSES

Across the country, 39 states require youth to register as sex offenders. Thirty-one states require registration for statutorily enumerated offenses, and two of those states require youth registration exclusively for adjudications of rape.¹⁸ Six states do not specifically list offenses but instead provide that registration is required for "all sex offenses," "particularly violent offenses," "sex offense or felony for sexual purpose," or "any felony sexual assault."¹⁹ Additionally, only five states (Indiana, Michigan, Missouri, Nevada, and Wisconsin) have exceptions for registration based on the age differences between the perpetrator and victim.²⁰ For example, Arkansas does not require an individual to register if the "victim was under eighteen (18) years of age and the sex offender was no more than three (3) years older than the victim at the time of the sex offense."²¹ In the 32 states that have age exceptions to registration, two teenagers engaged in a sexual relationship could be adjudicated delinquent and required to register as sex offenders.²²

Due to federal SORNA requirements, many states statutorily require an individual who moves into their state to register if the individual was adjudicated delinquent of a registrable offense in another state, regardless of whether the offense is a registrable offense in the destination state. For example, in South Dakota, only individuals adjudicated of rape are required to register; however, a young person who moves to South Dakota following a non-rape adjudication that requires registry in another state is also required to comply with South Dakota's registry.²³

THIRTY-NINE STATES REQUIRE YOUTH TO BE PLACED ON SEX OFFENDER REGISTRIES



Four states
 statutorily
 require lifetime
 registration with
 no opportunity for
 modification.

- ALABAMA
- ALASKA
- ARIZONA
- ARKANSAS
- CALIFORNIA
- COLORADO
- CONNECTICUT
- DELAWARE
- FLORIDA**
- GEORGIA
- HAWAII
- IDAHO
- ILLINOIS
- INDIANA
- IOWA
- KANSAS
- KENTUCKY
- LOUISIANA
- MAINE
- MARYLAND
- MASSACHUSETTS
- MICHIGAN
- MINNESOTA
- MISSISSIPPI
- MISSOURI
- MONTANA
- NEBRASKA
- NEVADA
- NEW HAMPSHIRE
- NEW JERSEY
- NEW MEXICO
- NEW YORK
- NORTH CAROLINA
- NORTH DAKOTA
- OHIO
- OKLAHOMA
- OREGON
- PENNSYLVANIA
- RHODE ISLAND
- SOUTH CAROLINA**
- SOUTH DAKOTA
- TENNESSEE
- TEXAS
- UTAH
- VERMONT
- VIRGINIA**
- WASHINGTON
- WEST VIRGINIA
- WISCONSIN
- WYOMING**

LENGTH OF REGISTRATION

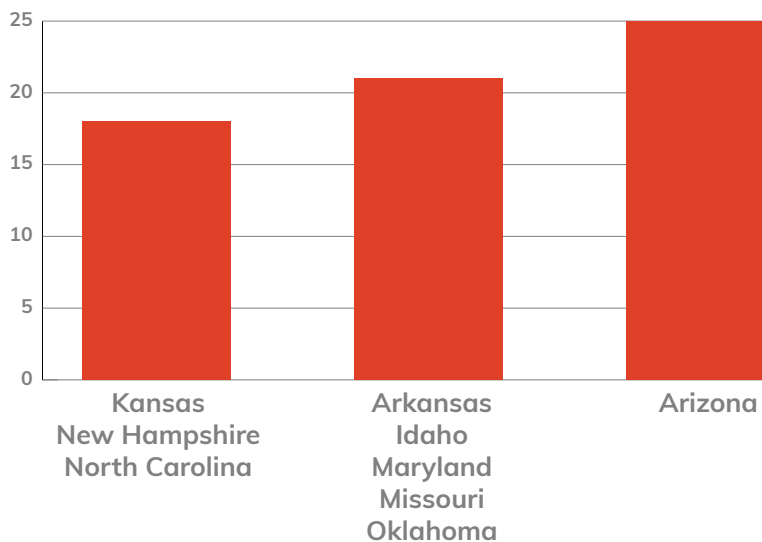
Depending on the specific state law, youth registration may be required for as short as two years to their entire lifetime.²⁴ Although some states allow youth to petition for removal from registries, their initial registration term is defined by statute.

Four states statutorily require lifetime registration with no opportunity for modification.²⁵ In South Carolina, for example, the statutory scheme requires all youth who were adjudicated delinquent of a sex offense to register for their lifetime regardless of the severity of the offenses for which they were adjudicated.²⁶ These offenses range from persuading a person to engage or participate in sexual activity to criminal sexual conduct in the first degree.²⁷

Additionally, 19 states have lifetime registration for some youth as well as a shorter period of registration based on the person’s offense history or the severity of the offense.²⁸ Eight states require youth to register for 25 years.²⁹ While 21 states have different registration requirements based on the offense, 16 states impose the same registration requirement for everyone required to register.³⁰

Only nine states end registration at a designated age for adjudicated youth; two of those states potentially end registration at a specified age but may impose registration for a specific term of years instead.³¹ For example, Kansas requires registration for either five years, until the age of 18, or for life; Missouri requires registration for 15 or 25 years, until the age of 21, or for life.³²

NINE STATES END REGISTRATION AT A DESIGNATED AGE FOR ADJUDICATED YOUTH

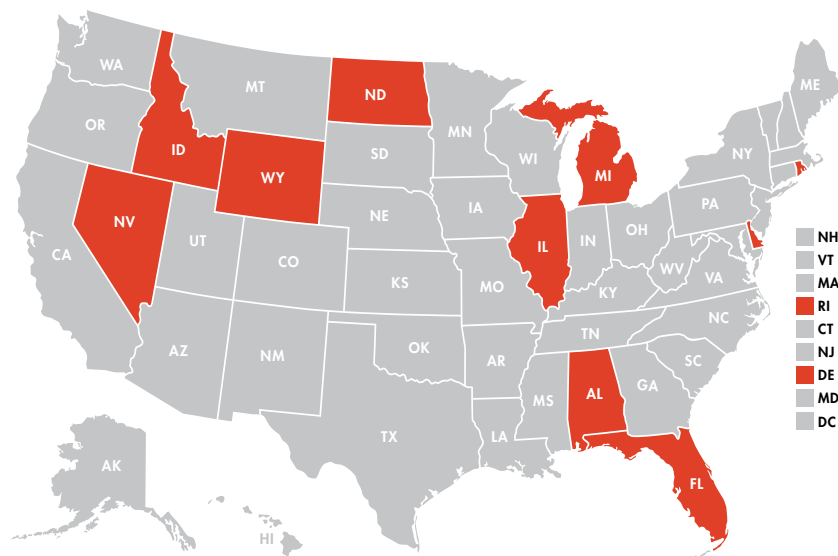


COMMUNITY NOTIFICATION REQUIREMENTS

Ten states include youth in their community notification requirements.³³ Community notification makes registry information available on a public website or at the police station upon request. Sixteen states do not make juvenile registry information available to the public, but make exceptions to share information under certain circumstances.³⁴ For example, in New Jersey, unless the adjudication is the youth’s first offense the youth must be placed on a public registry.³⁵

Montana is the only state that grants discretion to judges to determine whether a youth’s registration will be made public.³⁶ Twenty-five states include youth in registries that are

TEN STATES INCLUDE YOUTH IN THEIR COMMUNITY NOTIFICATION REQUIREMENTS



accessible by the public.³⁷ For example, Arizona generally does not require community notification but the court can order it in certain cases.³⁸ Additionally, in both Nevada and Texas, youth are subject to community notification but can ask the court to exclude them from the public registries.³⁹

FEES FOR REGISTRATION

Twenty-three states charge fees to youth required to register,⁴⁰ but the amount and frequency of the fees vary. Nine states require youth to pay initial registration fees,⁴¹ ranging from \$10⁴²-\$250.⁴³ Among these states, Colorado bases its fee on the actual cost of implementing its registration procedure, but limits that fee to a maximum of \$75.⁴⁴

Thirteen states charge youth an annual fee each year of registration.⁴⁵ Another six states impose additional miscellaneous fees.⁴⁶ For example, Arkansas charges all registrants \$250 for a required DNA test.⁴⁷ Florida requires youth registrants to obtain an identification card and to pay any associated fees.⁴⁸ In Pennsylvania, youth are not required to register unless deemed a sexually violent delinquent child; these youth are then required to attend State-approved monthly counseling sessions and are financially responsible for all fees assessed by the counseling sessions.⁴⁹ Ten states currently allow waiver of fees upon proof that a youth is unable to afford the payment.⁵⁰ New Hampshire provides that “An offender who cannot afford to pay the fee shall, within ten days of registration, request a waiver of the fee and a hearing on the matter before the commissioner.”⁵¹ Likewise, Pennsylvania will pay the counseling fees referenced above if young people demonstrate an inability to pay.⁵²

COLLATERAL CONSEQUENCES OF REGISTRATION

In addition to requiring registration, some states impose restrictions on youth, such as employment and residency restrictions, to prevent youth registrants from interacting with other children to the extent that is feasible. Currently, eight states impose employment restrictions.⁵³ Alabama provides that “a juvenile sex offender shall not accept or maintain employment or a volunteer position at any school, childcare facility, or any other business or organization that provides services primarily to children.”⁵⁴ Idaho goes even further and

Eight states impose employment restrictions.

- ALABAMA**
- ALASKA
- ARIZONA
- ARKANSAS
- CALIFORNIA
- COLORADO
- CONNECTICUT
- DELAWARE
- FLORIDA
- GEORGIA
- HAWAII
- IDAHO**
- ILLINOIS
- INDIANA
- IOWA**
- KANSAS
- KENTUCKY
- LOUISIANA**
- MAINE
- MARYLAND
- MASSACHUSETTS
- MICHIGAN**
- MINNESOTA
- MISSISSIPPI**
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- NORTH CAROLINA
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- OHIO
- OKLAHOMA
- OREGON
- PENNSYLVANIA
- RHODE ISLAND
- SOUTH CAROLINA
- SOUTH DAKOTA
- TENNESSEE**
- TEXAS
- UTAH
- VERMONT
- VIRGINIA
- WASHINGTON
- WEST VIRGINIA
- WISCONSIN
- WYOMING

Eight states impose residency restrictions on registered youth.

- ALABAMA
- ALASKA
- ARIZONA
- ARKANSAS
- CALIFORNIA
- COLORADO
- CONNECTICUT
- DELAWARE
- FLORIDA
- GEORGIA
- HAWAII
- IDAHO
- ILLINOIS
- INDIANA
- IOWA**
- KANSAS
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- WASHINGTON
- WEST VIRGINIA
- WISCONSIN
- WYOMING

imposes misdemeanor liability on owners of day care centers that knowingly employ or accept volunteer services from a registered youth.⁵⁵

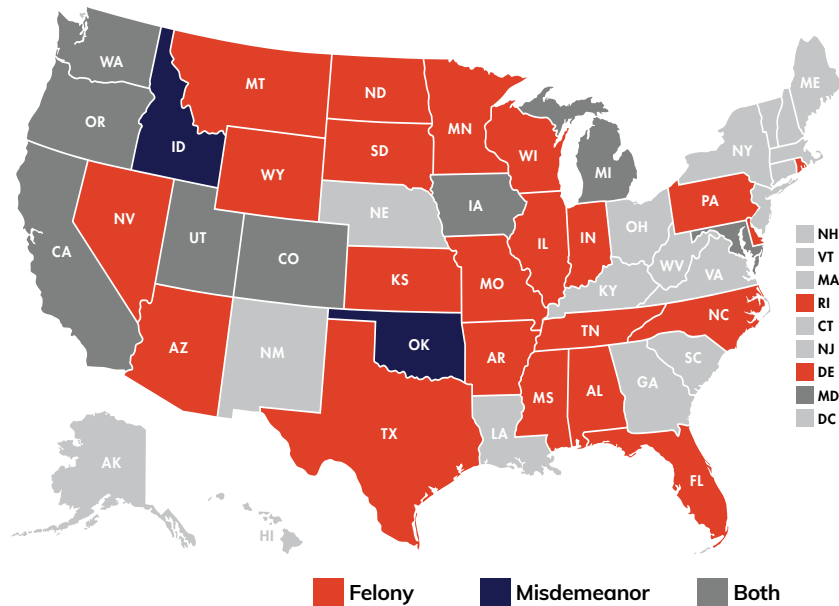
Eight states impose residency restrictions on registered youth.⁵⁶ North Dakota prohibits youth from residing within 500 feet of a public or nonpublic preschool or elementary, middle, or high school.⁵⁷ In Rhode Island, youth must reside farther than 300 or 1,000 feet from any school depending on the classification of the youth.⁵⁸ However, some states like Tennessee carve out an exception that allows youth on the registry to live in the prohibited area near a school if that individual is a student at that school.⁵⁹

Other states have more non-traditional restrictions. Missouri, for example, prohibits youth from participating in Halloween festivities.⁶⁰ The law requires that youth avoid all Halloween-related contact with children, post a sign on the outside of their residence stating “No candy or treats at this residence,” and must “leave all outside residential lighting off” after 5:00 pm.⁶¹

FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS

States enforce their registration requirements and collateral restrictions by criminalizing a youth’s failure to comply with those terms. Thirty states impose felony liability for failure to comply,⁶² while ten states impose misdemeanor liability.⁶³ States also impose different sanctions for non-compliance. Ten states establish a mandatory minimum term of incarceration,⁶⁴ while 15 states establish a maximum term of incarceration.⁶⁵ Four states specify both a minimum and a maximum term of incarceration.⁶⁶ Failure to comply in Colorado carries a 35 day minimum sentence for a first offense, with an increase to 45 days for a subsequent offense.⁶⁷ Louisiana imposes a two year minimum term of incarceration with a ten year maximum; these sentences increase to a five year minimum with a 20 year maximum upon a subsequent offense.⁶⁸ Even more extreme, Missouri imposes a 10-30 year sentence on youth facing their third failure to comply conviction.⁶⁹

FELONY AND MISDEMEANOR LIABILITY



In addition to incarceration, 17 states impose fines for failure to comply.⁷⁰ Depending on the state, fines vary from \$500⁷¹ to \$10,000.⁷² Montana provides that a youth registrant “who knowingly fails to register, verify registration, or keep registration current under this part may be sentenced to a term of imprisonment of not more than 5 years or may be fined not more than \$10,000, or both.”⁷³ South Carolina states that a youth convicted for a first offense is guilty of a “misdemeanor and may be fined not more than one thousand dollars, or imprisoned for not more than three hundred sixty-six days, or both.”⁷⁴

EXPUNGEMENT/RECORD SEALING OF SEX OFFENSES

Record sealing limits access to judicial records. For example, Pennsylvania provides that “criminal history record information maintained by a criminal justice agency pertaining to a qualifying misdemeanor or an ungraded offense which carries a maximum penalty of no more than five years be disseminated only to a criminal justice agency.”⁷⁵ Expungement, on the other hand, involves the complete destruction and erasure of a criminal record.⁷⁶ Pennsylvania defines the expungement process as “remov[ing] information so that there is no trace or indication that such information existed.”⁷⁷

States vary as to whether juvenile sex offender records can be expunged/sealed as 25 states allow for expungement/record sealing,⁷⁸ and 15 states do not.⁷⁹ Of the states that allow for some form of protection, 15 states allow for expungement,⁸⁰ and 12 states allow for record sealing.⁸¹ Some states like Ohio and Oregon limit expungement/record sealing to certain offenses.⁸² Ohio provides for expungement of all juvenile offenses except for rape,⁸³ and Oregon provides for record sealing for all offenses except rape, sexual abuse and those involving a five year age difference between the youth and the victim.⁸⁴

States also provide different mechanisms for expungement/record sealing, either providing for it automatically upon meeting specified criteria or requiring a formal application. Of the states that allow for expungement/record sealing of sex offenses, only four allow for that process to occur automatically;⁸⁵ many states require a court petition in order to grant expungement/record sealing.⁸⁶ West Virginia for example provides that the juvenile court shall automatically order the expungement of juvenile court records “one year after the juvenile’s eighteenth birthday, or one year after personal or juvenile jurisdiction has terminated, whichever is later.”⁸⁷ In order to receive relief, many states require that anywhere from 2-10 years have elapsed from the end of the court’s jurisdiction, and further that the youth has been offense-free during that time.⁸⁸ In contrast, Oklahoma and Maryland allow for expungement/record sealing only after a youth reaches the age of 21.⁸⁹

MECHANISMS FOR REMOVAL FROM REGISTRIES

In some states, individuals required to register as a sex offender may be eligible to petition for removal from the registry. Statutes allow for removal based on an individual’s age or number of years registered. However, nine states have no removal option; youth in these states will be required to register for the entire length of their sentence.⁹⁰ Of those nine states, five require lifetime registration.⁹¹ In Connecticut and Kansas, for example, this means youth as young as 14 could face lifetime registration with no recourse.⁹²

Nine states have no removal option.

ALABAMA
ALASKA
ARIZONA
ARKANSAS
CALIFORNIA
COLORADO
CONNECTICUT
DELAWARE
FLORIDA
GEORGIA
HAWAII
IDAHO
ILLINOIS
INDIANA
IOWA
KANSAS
KENTUCKY
LOUISIANA
MAINE
MARYLAND
MASSACHUSETTS
MICHIGAN
MINNESOTA
MISSISSIPPI
MISSOURI
MONTANA
NEBRASKA
NEVADA
NEW HAMPSHIRE
NEW JERSEY
NEW MEXICO
NEW YORK
NORTH CAROLINA
NORTH DAKOTA
OHIO
OKLAHOMA
OREGON
PENNSYLVANIA
RHODE ISLAND
SOUTH CAROLINA
SOUTH DAKOTA
TENNESSEE
TEXAS
UTAH
VERMONT
VIRGINIA
WASHINGTON
WEST VIRGINIA
WISCONSIN
WYOMING

**Thirty states
allow at least
some individuals
to petition for
removal.**

ALABAMA
ALASKA
ARIZONA
ARKANSAS
CALIFORNIA
COLORADO
CONNECTICUT
DELAWARE
FLORIDA
GEORGIA
HAWAII
IDAHO
ILLINOIS
INDIANA
IOWA
KANSAS
KENTUCKY
LOUISIANA
MAINE
MARYLAND
MASSACHUSETTS
MICHIGAN
MINNESOTA
MISSISSIPPI
MISSOURI
MONTANA
NEBRASKA
NEVADA
NEW HAMPSHIRE
NEW JERSEY
NEW MEXICO
NEW YORK
NORTH CAROLINA
NORTH DAKOTA
OHIO
OKLAHOMA
OREGON
PENNSYLVANIA
RHODE ISLAND
SOUTH CAROLINA
SOUTH DAKOTA
TENNESSEE
TEXAS
UTAH
VERMONT
VIRGINIA
WASHINGTON
WEST VIRGINIA
WISCONSIN
WYOMING

Thirty states allow at least some individuals to petition for removal.⁹³ Of those states, only Montana and Nebraska limit which youth may seek removal. ⁹⁴ Montana allows individuals to petition for removal after ten or 25 years for certain delinquent acts but prohibits petitioning for removal entirely for other enumerated delinquent acts.⁹⁵ Nebraska limits applications for removal based on the length of the original sentence: Individuals who were sentenced to register for 15 years can petition for removal, but individuals who were sentenced to register for 25 years or life may not.⁹⁶

Fifteen states determine when a petition for removal is permitted based on the number of years that an individual has successfully registered.⁹⁷ The longest term of years for which an individual must register prior to becoming eligible to petition for removal is 25 years, with the shortest registration term being two years.⁹⁸ Only two states determine the eligibility for petitioning for removal based on an individual's age: Nevada at age 21 and Tennessee at age 25.⁹⁹

CONCLUSION

Although some states have improved youth registration requirements through legislation, the consequence of registration for any period of time is severe. Leading researchers that have studied the impact of registration on young people have empirical data demonstrating the harm caused by registration. Legislative advocacy is needed – in coordination with litigation – to eradicate youth registration. This statutory review demonstrates that regional differences and nuances of state youth registration laws preclude a “one size fits all” approach to reform. Strategies and research must be based on best practices for both incremental reform and efforts to completely abolish youth registration nationwide. In addition, a federal legislative strategy will be a necessary and fundamental component of these efforts, as many states continue to be constrained by stringent requirements imposed by the Adam Walsh Act. Moreover, states continue to look toward the federal government and changing federal youth registration law would be one way to inspire and lead states to do the same. Most states that require juvenile registration do so without regard to either changing United States Supreme Court caselaw or the emergent research on its effectiveness at promoting public safety or the harm it causes children. Against this backdrop, the time is now to set a targeted policy reform agenda to roll back these harsh registration laws.

ENDNOTES

- 1** Michael F. Caldwell, Quantifying the Decline in Juvenile Sexual Recidivism Rates, 22 *PSYCHOL. PUB. POL'Y & L.* 414, 419 (2016).
- 2** See Elizabeth J. Letourneau, Dipankar Bandyopadhyay, Debajyoti Sinha & Kevin S. Armstrong, *The Influence of Sex Offender Registration on Juvenile Sexual Recidivism*, 20 *CRIM. JUST. POL'Y REV.* 136, 150 (2009); Elizabeth J. Letourneau, Dipankar Bandyopadhyay, Kevin S. Armstrong & Debajyoti Sinha, *Do Sex Offender Registration and Notification Requirements Deter Juvenile Sex Crimes?*, 37 *CRIM. JUST. & BEHAVIOR* 553, 564–65 (2010); Michael F. Caldwell & Casey Dickinson, *Sex Offender Registration and Recidivism Risk in Juvenile Sexual Offenders*, 27 *BEHAVIORAL SCIS. & L.* 941, 951–52 (2009).
- 3** Nicole Pittman, Human Rights Watch, *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US 2–5* (2013).
- 4** Nicole Pittman, Human Rights Watch, *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US 10*, 47, 50–53, 71–72, 80–84 (2013).
- 5** Nicole Pittman, Human Rights Watch, *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US 2–5* (2013).
- 6** Elizabeth J. Letourneau et al., *Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination*, 24 *PSYCHOL. PUB. POL'Y & L.* 105, 114 (2017).
- 7** Elizabeth J. Letourneau et al., *Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination*, 24 *PSYCHOL. PUB. POL'Y & L.* 105, 114 (2017).
- 8** Elizabeth J. Letourneau et al., *Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination*, 24 *PSYCHOL. PUB. POL'Y & L.* 105, 112 (2017).
- 9** Nicole Pittman, Human Rights Watch, *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US 65* (2013).
- 10** *Ending the Abusive Practice of Placing Children on Sex Offender Registries, Overview, State Spotlight: California*, IMPACT JUSTICE (last visited Aug. 11, 2020) (scroll down page and select “Show More”).
- 11** Ashley Batastini et al., *Federal Standards for Community Registration of Juvenile Sex Offenders*, 17 *PSYCHOL. PUB. POL'Y & L.* 451, 457–58 (2011).
- 12** Michael Caldwell, et al., *Study Characteristics & Recidivism Base Rates in Juvenile Sex Offender Recidivism*, 54 *INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY* 197, 198 (2010); Michael F. Caldwell, *Sexual Offense Adjudication and Recidivism Among Juvenile Offenders*, 19 *SEXUAL ABUSE: J. RES. & TREATMENT* 107, 11–12 (2007); Michael F. Caldwell et al., *An Examination of the Sex Offender Registration and Notification Act as Applied to Juveniles: Evaluating the Ability to Predict Sexual Recidivism*, 14 *PSYCHOL., PUB. POL'Y, & L.* 89, 105 (2008); E.M. Driessen, *Characteristics of Youth Referred for Sexual Offenses* (2002) (Ph.D. dissertation, University of Wisconsin-Milwaukee) (on file with author); Michael P. Hagan et al., *Eight-Year Comparative Analysis of Adolescent Rapists, Adolescent Child Molesters, Other Adolescent Delinquents, and the General Population*, 45 *INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY* 314, 322–23 (2001); Franklin E. Zimring et al., *Investigating the Continuity of Sex offending: Evidence from the Second Philadelphia Birth Cohort*, 26 *JUSTICE Q.* 58, 70–72 (2009).
- 13** Nicole Pittman, Human Rights Watch, *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US 20–23* (2013).
- 14** Elizabeth Letourneau & Michael Miner, *Juvenile Sex Offenders: A Case Against the Legal and Clinical Status Quo*, 17 *SEXUAL ABUSE: J. RES. & TREATMENT* 293, 307 (2005).
- 15** Adam Walsh Child Protection and Safety Act of 2006, Public L. No. 109-248, 120 Stat. 597.
- 16** 34 U.S.C. § 20927.

17 Jurisdictions that Have Substantially Implemented SORNA, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (May 13, 2020), <https://smart.ojp.gov/sorna/substantially-implemented>.

18 States with statutorily enumerated offenses: ALA. CODE § 15-20A-28; ARIZ. REV. STAT. ANN. § 3821(A); ARK. CODE ANN. § 9-27-356; CAL. PENAL CODE § 290.008; COLO. REV. STAT. §§ 16-22-102, -103(1)-(5); DEL. CODE ANN. tit. 11, §§ 4121(a)(4), 4123; FLA. STAT. § 943.0435(1)(h); IDAHO CODE §§ 18-8304, -8403; 730 ILL. COMP. STAT. 150 /2; IND. CODE § 11-8-8-5; IOWA CODE §§ 629A.102(a)-(c), .103(1); KAN. STAT. ANN. § 22-4906; LA. STAT. ANN. § 15:542; MD. CODE ANN., CRIM. PROC. § 11-704.1; MASS. GEN. LAWS ch. 6, § 178C; MICH. COMP. LAWS § 28.722; MINN. STAT. § 243.166; MISS. CODE ANN. § 45-33-47; MONT. CODE ANN. § 46-23-502(9); NEV. REV. STAT. §§ 62F.207, .225; N.H. REV. STAT. ANN. § 651-B:1(V), (VII); N.J. STAT. ANN. § 2C:7-2(b)(2); N.C. GEN. STAT. § 7B-2509; N.D. CENT. CODE § 12.1-32-15(1)(g); OHIO REV. CODE ANN. § 2950.01(B), (C); OR. REV. STAT. §§ 163A.005, .025; TENN. CODE ANN. § 40-39-202; TEX. CODE CRIM. PROC. ANN. art. 62.001(5)(A)-(L); UTAH CODE ANN. § 77-41-102; VA. CODE ANN. § 9.1-902; WYO. STAT. ANN. § 7-19-302. Two states requiring registration exclusively for rape: OKLA. STAT. tit. 10A, § 2-8-102; S.D. CODIFIED LAWS § 22-24B-2.

19 MO. REV. STAT. § 211.425; 42 PA. CONS. STAT. § 9799.15; 11 R.I. GEN. LAWS § 11-37-1.2; S.C. CODE ANN. § 23-3-430(C); WIS. STAT. § 301.45(1)(g); WASH. REV. CODE § 9A.44.128(10).

20 IND. CODE § 11-8-8-5; MICH. COMP. LAWS §§ 28.723, .723a, .728; MO. REV. STAT. § 589.400; NEV. REV. STAT. § 62F.225; WIS. STAT. § 301.45(1m).

21 ARK. CODE ANN. § 12-12-906(a)(1)(A)(iii); FLA. STAT. § 943.0435.

22 ALA. CODE § 15-20A-28; ARIZ. REV. STAT. ANN. § 3821(A); CAL. PENAL CODE § 290.008; COLO. REV. STAT. §§ 16-22-102, -103(1)-(5); DEL. CODE ANN. tit. 11, § 4123; FLA. STAT. § 943.0435; IDAHO CODE § 18-8304; 730 ILL. COMP. STAT. 150 /2; IOWA CODE § 629A.102(a)-(c); KAN. STAT. ANN. § 22-4906; LA. STAT. ANN. § 15:542; MD. CODE ANN., CRIM. PROC. § 11-704.1; MASS. GEN. LAWS ch. 6, § 178C; MINN. STAT. § 243.166; MISS. CODE ANN. § 45-33-47; MO. REV. STAT. § 211.425; NEB. REV. STAT. § 29-4003; NEV. REV. STAT. § 179D.490; N.H. REV. STAT.

ANN. § 651-B:1(V), (VII); N.J. STAT. ANN. § 2C:7-2(b)(2); N.C. GEN. STAT. § 7B-2509; N.D. CENT. CODE § 12.1-32-15; OHIO REV. CODE ANN. § 2950.01(B), (C); OKLA. STAT. tit. 10A, § 2-8-102; OR. REV. STAT. § 163A.005; 42 PA. CONS. STAT. § 9799.15; S.D. CODIFIED LAWS § 22-24B-2; TENN. CODE ANN. § 40-39-202; TEX. CODE CRIM. PROC. ANN. art. 62.001(5)(A)-(L); VA. CODE ANN. §§ 9.1-901, -902; WASH. REV. CODE § 9A.44.128(10); WYO. STAT. ANN. § 7-19-302.

23 S.D. CODIFIED LAWS § 22-24B-2.

24 Minimum years: 730 ILL. COMP. STAT. 150/3-5 (2 or 5 years); MASS. GEN. LAWS ch. 6, § 178G (2 years or life). Life with no other option: FLA. STAT. § 943.0435; MONT. CODE ANN. § 46-23-506(1); 42 PA. CONS. STAT. § 9799.15; S.C. CODE ANN. § 23-3-460; VA. CODE ANN. § 9.1-908; WYO. STAT. ANN. § 7-19-304. Life as an option for term of registration: ALA. CODE § 15-20A-28; COLO. REV. STAT. §§ 16-22-103(d)(I)-(II), -113; CONN. GEN. STAT. § 54-251; DEL. CODE ANN. tit. 11, § 4120; IND. CODE § 11-8-8-19; IOWA CODE § 692A.106(1), (6); KAN. STAT. ANN. § 22-4906; LA. STAT. ANN. § 15:544; MASS. GEN. LAWS ch. 6, § 178G; MICH. COMP. LAWS § 28.725; MISS. CODE ANN. § 45-33-47; MO. REV. STAT. §§ 211.425, 589.400; MONT. CODE ANN. § 46-23-506(1); NEB. REV. STAT. § 29-4005; NEV. REV. STAT. § 179D.490; N.D. CENT. CODE § 12.1-32-15; OHIO REV. CODE ANN. § 2950.07; TENN. CODE ANN. § 40-39-207; VA. CODE ANN. § 9.1-908; WASH. REV. CODE § 9A.44.140; WIS. STAT. § 301.45(1)(g); WYO. STAT. ANN. § 7-19-304.

25 FLA. STAT. § 943.0435(11); S.C. CODE ANN. § 23-3-460; VA. CODE ANN. § 9.1-908; WYO. STAT. ANN. § 7-19-304.

26 S.C. CODE ANN. § 23-3-430(C).

27 S.C. CODE ANN. § 23-3-430(C).

28 ALA. CODE § 15-20A-28; CAL. PENAL CODE § 290.008 (effective 2021); COLO. REV. STAT. § 16-22-113; DEL. CODE ANN. tit. 11, § 4120; IND. CODE § 11-8-8-19; IOWA CODE § 692A.106(1), (6); KAN. STAT. ANN. § 22-4906; LA. STAT. ANN. § 15:544; MASS. GEN. LAWS ch. 6, § 178G; MICH. COMP. LAWS § 28.725; MISS. CODE ANN. § 45-33-47; MONT. CODE ANN. § 46-23-506(1); NEV. REV. STAT. § 179D.490; N.D. CENT. CODE § 12.1-32-15; OHIO REV. CODE ANN. § 2950.07; TENN. CODE ANN. § 40-39-207; VA. CODE ANN. § 9.1-908; WASH. REV. CODE § 9A.44.140; WIS. STAT. § 301.45(1)(g).

29 DEL. CODE ANN. tit. 11, § 4121 (15 or 25 years, or life); LA. STAT. ANN. § 15:544 (15 or 25 years, or life); MICH. COMP. LAWS § 28.725 (15 or 25 years, or life); MISS. CODE ANN. § 45-33-47 (15 or 25 years, or life); MO. REV. STAT. §§ 211.425, 589.400 (until age 21, 15 or 25 years, or life); NEV. REV. STAT. § 179D.490 (15 or 25 years or life); N.D. CENT. CODE § 12.1-32-15 (15 or 25 years, or life); TENN. CODE ANN. § 40-39-207 (25 years or life).

30 Varied terms: ALA. CODE § 15-20A-28 (life or 10 years); CAL. PENAL CODE § 290.008 (5 or 10 years eff. 2021); DEL. CODE ANN. tit. 11, § 4121 (15 or 25 years, or life); 730 ILL. COMP. STAT. 150/3-5 (2 or 5 years); IND. CODE § 11-8-8-19 (10 years or life); IOWA CODE § 692A.106(1), (6) (10 years or life); KAN. STAT. ANN. § 22-4906 (5 years, until age 18, or life); LA. STAT. ANN. § 15:544 (15 or 25 years, or life); MASS. GEN. LAWS ch. 6, § 178G; MICH. COMP. LAWS § 28.725 (15 or 25 years, or life); MINN. STAT. § 243.166 (10 years or term of probation); MISS. CODE ANN. § 45-33-47 (15 or 25 years, or life); MO. REV. STAT. §§ 211.425, 589.400 (15 or 25 years, or until age 21); NEV. REV. STAT. §§ 179D.113, .115, .117; N.D. CENT. CODE § 12.1-32-15 (15 or 25 years, or life); OHIO REV. CODE ANN. § 2950.07 (10 or 20 years, or life); 11 R.I. GEN. LAWS § 11-37.1-4 (10 years or life); TENN. CODE ANN. § 40-39-207 (25 years or life); TEX. CODE CRIM. PROC. ANN. art. 62.101(b)-(c) (10 years or life); WASH. REV. CODE § 9A.44.140 (10 or 15 years); WIS. STAT. § 301.45(1)(g) (15 years or life). Non-varied/absolute terms sentences: ARIZ. REV. STAT. ANN. § 13-3821(D)-(F) (until age 25); ARK. CODE ANN. §§ 9-27-356(h), (j), 12-12-919(a), (b) (until age 21 or 10 years after registration); COLO. REV. STAT. § 16-22-113 (5, 10, or 20 years, or life); FLA. STAT. § 943.0435(11); IDAHO CODE § 18-8410 (age 21); MD. CODE ANN., CRIM. PROC. §§ 11-704, -704.1 (age 21); MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-07; MONT. CODE ANN. § 46-23-506(1) (life); N.J. STAT. ANN. § 2C:7-2(f) (15 years); N.C. GEN. STAT. § 14-208.30 (age 18 or when juvenile court jurisdiction ends); OKLA. STAT. tit. 10A, § 2-8-108 (age 21); 42 PA. CONS. STAT. § 9799.15 (life); S.C. CODE ANN. § 23-3-460 (life); S.D. CODIFIED LAWS § 22-24B-19 (10 years); UTAH CODE ANN. § 77-41-105(3) (10 years); VA. CODE ANN. § 9.1-908 (life); WYO. STAT. ANN. § 7-19-304 (life).

31 ARIZ. REV. STAT. ANN. § 3821 (age 25 or end of probation); ARK. CODE ANN. §§ 9-27-356(h) (age 21 or 10 years); IDAHO CODE § 18-8410 (age 21); KAN. STAT. ANN. § 22-4906 (5 years, until age 18, or for life); MD. CODE ANN., CRIM. PROC. §§ 11-704, -704.1 (age 21); MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-07 (age 21); MO. REV. STAT. § 211.425, 589.400 (age 21); N.H. REV. STAT. ANN. §§ 169-B:19(l)(k), 651-B:6(IV) (age 17 or 18); N.C. GEN. STAT. § 14-208.30 (age 18 or until juvenile court's jurisdiction ends); OKLA. STAT. tit. 10A, § 2-8-108 (age 21).

32 KAN. STAT. ANN. § 22-4906; MO. REV. STAT. § 211.425, 589.400.

33 ALA. CODE § 15-20A-27; DEL. CODE ANN. tit. 11, § 4123; FLA. STAT. §§ 775.21, 985.04; IDAHO CODE §§ 18-8323, -8404, -8408; 730 ILL. COMP. STAT. 152/121; MICH. COMP. LAWS §§ 28.724a, .728, .730; NEV. REV. STAT. §§ 62F.320, 179D.475; N.D. CENT. CODE § 12.1-32-15; 11 R.I. GEN. LAWS §§ 11-37.1-11, -13; WYO. STAT. ANN. § 7-19-303.

34 ALA. CODE §§ 15-20A-27,-28 (based on an analysis of the risk of re-offense); ARIZ. REV. STAT. ANN. § 3825 (court can order community notification); COLO. REV. STAT. § 16-22-112 (when youth are adjudicated delinquent for unlawful sexual behavior for a second time or when they fail to register); LA. STAT. ANN. § 15:542.1 (registrants have their name posted on the door of anywhere they provide instruction); MICH. COMP. LAWS §§ 28.724a, .728, .730 (youth in school need to notify their school's administration); MINN. STAT. § 243.166 (information is public if someone fails to register); MONT. CODE ANN. § 46-508(1)(a), (1)(b)(ii)-(iv), (1)(c), (3), (4) (different levels of offenses have different requirements); N.J. STAT. ANN. § 2C:7-13 (only public if it is a youth's second offense); N.C. GEN. STAT. § 14-208.29 (can release information to the local board of education); N.D. CENT. CODE § 12.1-32-15 (depending on risk level); OHIO REV. CODE ANN. § 2950.01 (judge has discretion to impose community notification requirements); OKLA. STAT. tit. 10A, §§ 2-8-103, -104 (the court has discretion whether to release juvenile registry information); TENN. CODE ANN. § 40-39-217 (youth are exempted from state registry however local governments can include juvenile offenders in their community notification); TEX. CODE CRIM. PROC. ANN. art. 62.005, .352 (youth can petition to not be included); WIS. STAT. § 301.45

(no community notification generally but members of the public can request information and get limited information); WYO. STAT. ANN. § 7-19-106 (have community notification but it varies based on the individual registering if the information is provided to residential neighbors or specific parties i.e. victim's family).

35 N.J. STAT. ANN. § 2C:7-13.

36 MONT. CODE ANN. § 46-23-508(1)(a), (1)(b)(ii)–(iv), (1)(c), (3), (4).

37 ALA. CODE § 15-20A-8; ARIZ. REV. STAT. ANN. § 13-3827; ARK. CODE ANN. § 9-27-356(h); CAL. PENAL CODE §§ 290.45, .46; COLO. REV. STAT. § 16-22-112; DEL. CODE ANN. tit. 11, § 4121(a)(3); FLA. STAT. § 985.4815; IDAHO CODE §§ 18-8323, -8404; IND. CODE § 11-8-8-19; IOWA CODE § 629A.121; MASS. GEN. LAWS ch. 6, §§ 178D, 178I, 178K; MISS. CODE ANN. §§ 45-33-49, -59; MONT. CODE ANN. § 46-23-508(1)(a), (1)(b)(ii)–(iv), (1)(c), (3), (4); NEV. REV. STAT. §§ 62F.320, 179B.250, 179D.475; N.D. CENT. CODE § 12.1-32-15; OHIO REV. CODE ANN. § 2950.01; OKLA. STAT. tit. 10A §§ 2-8-103, -104; OR. REV. STAT. § 163A.225; 42 PA. CONS. STAT. § 9799.15; S.C. CODE ANN. § 23-3-490; S.D. CODIFIED LAWS § 22-24B-21; TEX. CODE CRIM. PROC. ANN. art. 62.005, .352; UTAH CODE ANN. § 77-41-110; VA. CODE ANN. § 9.1-912; WASH. REV. CODE §§ 4.24.550, 9A.44.138, 13.40.217.

38 ARIZ. REV. STAT. ANN. § 3825.

39 NEV. REV. STAT. § 62F.320; TEX. CODE CRIM. PROC. ANN. art. 62.005, .352.

40 ARIZ. REV. STAT. ANN. § 13-3821(Q); ARK. CODE ANN. § 12-12-906(a)(1)(A)(ii); COLO. REV. STAT. § 16-22-108; DEL. CODE ANN. tit. 11, § 4120(g); FLA. STAT. § 943.0435; IDAHO CODE § 18-8307; 730 ILL. COMP. STAT. § 150/3; IND. CODE § 36-2-13-5.6; IOWA CODE § 692A.110; KAN. STAT. ANN. § 22-4905(I); LA. STAT. ANN. § 15:542; MASS. GEN. LAWS ch. 6, § 178Q; MICH. COMP. LAWS § 28.725a(6); MO. REV. STAT. § 589.400; MONT. CODE ANN. § 46-23-504(8); N.H. REV. STAT. ANN. § 651-B:11; OHIO REV. CODE ANN. § 2950.012; OR. REV. STAT. § 163A.035; 42 PA. CONS. STAT. § 9799.36; TENN. CODE ANN. § 40-39-204; UTAH CODE ANN. § 77-41-111; WIS. STAT. § 301.45; WYO. STAT. ANN. § 7-19-302.

41 ARIZ. REV. STAT. ANN. § 13-3821(Q) (\$250); COLO. REV. STAT. § 16-22-108 (maximum of \$75); IDAHO CODE § 18-8307 (\$80); IOWA CODE § 692A.110 (\$25); KAN. STAT. ANN. § 22-4905(I) (\$20); MICH. COMP. LAWS § 28.725a(6); MO. REV. STAT. § 589.400 (\$10); N.H. REV. STAT. ANN. § 651-B:11 (\$50); OHIO REV. CODE ANN. § 2950.012 (\$100).

42 MO. REV. STAT. § 589.400.

43 ARIZ. REV. STAT. ANN. § 13-3821(Q).

44 COLO. REV. STAT. § 16-22-108.

45 DEL. CODE ANN. tit. 11, § 4120(g); IDAHO CODE § 18-8307; 730 ILL. COMP. STAT. § 150/3; IOWA CODE § 692A.110 (\$25); LA. STAT. ANN. § 15:542 (\$60); MASS. GEN. LAWS ch. 6, § 178Q (\$75); MICH. COMP. LAWS § 28.725a(6) (\$50); N.H. REV. STAT. ANN. § 651-B:11; OR. REV. STAT. § 163A.035 (\$70); TENN. CODE ANN. § 40-39-204 (\$150); UTAH CODE ANN. § 77-41-111 (\$125); WIS. STAT. § 301.45 (\$100) WYO. STAT. ANN. § 7-19-302 (\$120 the first year and \$25 every year after).

46 ALA. CODE § 15-20A-34 (\$200 fee to be relieved of registration requirements); ARK. CODE ANN. § 12-12-906(a)(1)(A)(ii) (\$250 for a DNA sample); FLA. STAT. § 943.0435 (unspecified costs for a specially marked drier license or identification card); N.C. GEN. STAT. § 7B-2502 (fees for any examinations/treatment for the youth can be assessed against the youth's parents); OR. REV. STAT. § 163A.035 (\$70); 42 PA. CONS. STAT. § 9799.36 (unspecified fees for counseling services).

47 ARK. CODE ANN. § 12-12-906(a)(1)(A)(ii).

48 FLA. STAT. § 943.0435.

49 42 PA. CONS. STAT. § 6404.2(g).

50 COLO. REV. STAT. § 16-22-108; IDAHO CODE § 18-8307; 730 ILL. COMP. STAT. § 150/3; IOWA CODE § 692A.110; MASS. GEN. LAWS ch. 6, § 178Q; MICH. COMP. LAWS § 28.725(b)(3); MONT. CODE ANN. § 46-23-504(8); N.H. REV. STAT. ANN. § 651-B:11; 42 PA. CONS. STAT. § 9799.36; WYO. STAT. ANN. § 7-19-302.

51 N.H. REV. STAT. ANN. § 651-B:11.

52 42 PA. CONS. STAT. § 6404.2(g).

- 53** ALA. CODE § 15-20A-31; IDAHO CODE § 18-8414; IOWA CODE § 692A.113; LA. STAT. ANN. § 15:533; MICH. COMP. LAWS § 28.734; MISS. CODE ANN. §§ 45-33-26, -32; MONT. CODE ANN. § 46-18-255(1), (2); TENN. CODE ANN. § 40-39-211.
- 54** ALA. CODE § 15-20A-31.
- 55** IDAHO CODE § 18-8414.
- 56** IOWA CODE § 692A.113; MICH. COMP. LAWS § 28.734; MINN. STAT. § 243.166; MONT. CODE ANN. § 46-18-255(1), (2); N.D. CENT. CODE § 12.1-32-15; 11 R.I. GEN. LAWS § 11-37.1-10; S.C. CODE ANN. § 23-3-535; TENN. CODE ANN. § 40-39-211.
- 57** N.D. CENT. CODE § 12.1-32-15.
- 58** 11 R.I. GEN. LAWS § 11-37.1-10.
- 59** TENN. CODE ANN. § 40-39-211.
- 60** MO. REV. STAT. § 589.426.
- 61** MO. REV. STAT. § 589.426.
- 62** ALA. CODE § 15-20A-37; ARIZ. REV. STAT. ANN. § 13-3824; ARK. CODE ANN. § 12-12-906(a)(1)(A); CAL. PENAL CODE § 290.012; COLO. REV. STAT. § 18-3-412.5; DEL. CODE ANN. tit. 11, § 4120(k); FLA. STAT. §§ 943.0435(9)(a), 985.4815(13)(b); 730 ILL. COMP. STAT. 150/10; IND. CODE § 11-8-8-17; IOWA CODE § 692A.111; KAN. STAT. ANN. § 22-4903; MD. CODE ANN., CRIM. PROC. § 11-721; MICH. COMP. LAWS § 28.725a(6), .729; MINN. STAT. § 243.166; MISS. CODE ANN. § 45-33-33; MO. REV. STAT. § 589.425; MONT. CODE ANN. § 46-23-507; NEV. REV. STAT. § 179D.550; N.C. GEN. STAT. § 14-208.11; N.D. CENT. CODE § 12.1-32-15; OR. REV. STAT. § 163A.040; 18 PA. CONS. STAT. § 4915.1; 11 R.I. GEN. LAWS § 11-37.1-10; S.D. CODIFIED LAWS § 22-24B-8; TENN. CODE ANN. § 40-39-208; TEX. CODE CRIM. PROC. ANN. art. 62.102; UTAH CODE ANN. § 77-41-107; WASH. REV. CODE § 9A.44.132; WIS. STAT. § 301.45; WYO. STAT. ANN. § 7-19-307.
- 63** CAL. PENAL CODE § 290.012; COLO. REV. STAT. § 18-3-412.5 IDAHO CODE § 18-8409; IOWA CODE § 692A.111; MD. CODE ANN., CRIM. PROC. § 11-721; MICH. COMP. LAWS § 28.725a(6); OKLA. STAT. tit. 10A, § 2-8-107; OR. REV. STAT. § 163A.040; UTAH CODE ANN. § 77-41-107; WASH. REV. CODE § 9A.44.132.
- 64** CAL. PENAL CODE § 290.012 (30 days); COLO. REV. STAT. § 18-3-412.5 (30 or 45 days); LA. STAT. ANN. § 15:542.1.4 (2 years); MASS. GEN. LAWS ch. 6, § 178P (4 years); NEV. REV. STAT. §§ 179D.550, 193.130; N.J. STAT. ANN. § 2C:43-6 (3 years); 11 R.I. GEN. LAWS § 11-37.1-10 (10 years); TENN. CODE ANN. § 40-39-208 (90 days); TEX. CODE CRIM. PROC. ANN. art. 62.102 (180 days); UTAH CODE ANN. § 77-41-107 (30 days).
- 65** CAL. PENAL CODE § 290.012 (up to 3 years); FLA. STAT. §§ 775.082, .084, 943.0435(9); LA. STAT. ANN. § 15:542.1.4 (10 years); MD. CODE ANN., CRIM. PROC. § 11-721 (3 years); MASS. GEN. LAWS ch. 6, § 178P (2.5 years for a first offense); MICH. COMP. LAWS §§ 28.725a(6), .729 (2 years); MINN. STAT. § 243.166.729 (5 years); MO. REV. STAT. § 589.425 (4 years); MONT. CODE ANN. § 46-23-507 (5 years); NEV. REV. STAT. §§ 179D.550, 193.130; N.J. STAT. ANN. § 2C:43-6 (5 years); S.C. CODE ANN. § 23-3-475 (1 year); S.D. CODIFIED LAWS § 22-24B-8 (2 years); WIS. STAT. § 301.45 (9 months); WYO. STAT. ANN. § 7-19-307 (5 years).
- 66** CAL. PENAL CODE § 290.018 (30 days to 3 years); LA. STAT. ANN. § 15:542.1.4 (2–10 years); NEV. REV. STAT. §§ 179D.550, 193.130; N.J. STAT. ANN. § 2C:43-6 (3–5 years).
- 67** COLO. REV. STAT. § 18-3-412.5.
- 68** LA. STAT. ANN. § 15:542.1.4.
- 69** MO. REV. STAT. § 589.425.
- 70** ALA. CODE § 15-20A-37; ARIZ. REV. STAT. ANN. § 13-3824; IDAHO CODE § 18-8409 (a parent whose child fails to register may be fined up to \$1,000); FLA. STAT. §§ 775.083, 943.0435(9); 730 ILL. COMP. STAT. 150/10 (\$500); LA. STAT. ANN. § 15:542.1.4 (up to \$1,000); MD. CODE ANN., CRIM. PROC. § 11-721 (up to \$10,000); MICH. COMP. LAWS § 28.725a(6), .729 (up to \$10,000); MINN. STAT. § 243.166 (up to \$10,000); MO. REV. STAT. § 589.425 (up to \$10,000); NEV. REV. STAT. §§ 179D.550, 193.130; OKLA. STAT. tit. 10A, § 2-8-107 (a parent whose child fails to register may be fined up to \$1,000); 11 R.I. GEN. LAWS § 11-37.1-10 (\$10,000); S.C. CODE ANN. § 23-3-475 (up to \$1,000); S.D. CODIFIED LAWS § 22-24B-8 (up to \$4,000); TENN. CODE ANN. § 40-39-208 (\$350); WIS. STAT. § 301.45 (\$10,000).
- 71** 730 ILL. COMP. STAT. 150/10.
- 72** MONT. CODE ANN. § 46-23-507.
- 73** MONT. CODE ANN. § 46-23-507.
- 74** S.C. CODE ANN. § 23-3-475.
- 75** 18 PA. CONS. STAT. § 9121.

76 *Judicial Expunction of Criminal Record of Convicted Adult in Absence of Authorizing Statute*, 69 A.L.R.6th 1 (2011).

77 18 PA. CONS. STAT. §§ 9102, 9122.

78 ALASKA STAT. §§ 47.12.030(a), .300(f); ARK. CODE ANN. § 9-27-309; CAL. WELF. & INST. CODE § 781(a)(1)(F); COLO. REV. STAT. § 19-1-306 (4)(a)-(8); DEL. CODE ANN. tit. 10, § 1018; IND. CODE §§ 31-39-8-2, -9-1; IOWA CODE § 232.150(b); KAN. STAT. ANN. §§ 22-4909, 38-2312; LA. CHILD. CODE ANN. art. 918; MASS. GEN. LAWS ch. 276, § 100B; MICH. COMP. LAWS § 712A.18e; MINN. STAT. § 260B.198; MISS. CODE ANN. §§ 43-21-55, -265; NEV. REV. STAT. § 62F.360; N.H. REV. STAT. ANN. § 169-B:35; N.C. GEN. STAT. §§ 7B-3200 (amended 2019), 14-208.31; N.D. CENT. CODE §§ 25-03.3-04, 27-20-54(1); OHIO REV. CODE ANN. § 2151.356, .358; OKLA. STAT. tit. 10A, § 2-6-109; OR. REV. STAT. § 419A.262; 18 S.D. CODIFIED LAWS § 26-7A-115; TENN. CODE ANN. §§ 37-1-153, 40-39-207; UTAH CODE ANN. § 78A-6-1105; WASH. REV. CODE § 13.50.260; WIS. STAT. § 301.45.

79 ALA. CODE § 12-15-136; ARIZ. REV. STAT. ANN. § 8-348(I), -349(E); FLA. STAT. § 943.0515(3); IDAHO CODE § 20-525A; 705 ILL. COMP. STAT. § 405/5- 915(2); MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-27.1; MO. REV. STAT. § 610.140; MONT. CODE ANN. §§ 41-5-216(4), 46-23-510; N.J. STAT. ANN. §§ 2C:52-2, -4.1; 18 PA. CONS. STAT. § 9123; 11 R.I. GEN. LAWS § 12-1.3-2; S.C. CODE ANN. § 63-19-2050; TEX. FAM. CODE ANN. §§ 58.003, .202; VA. CODE ANN. § 16.1-306; WYO. STAT. ANN. § 14-6-241.

80 ARK. CODE ANN. § 9-27-309; COLO. REV. STAT. § 19-1-306(5)(a)-(e.5)(8); DEL. CODE ANN. tit. 10, § 1018; KAN. STAT. ANN. §§ 22-4909, 38-2312; LA. CHILD. CODE ANN. art. 918; ; MINN. STAT. § 260B.198; MISS. CODE ANN. §§ 43-21-265, -33-55; N.C. GEN. STAT. §§ 7B-3200 (amended 2019), 14-208.31; N.D. CENT. CODE §§ 25-03.3-04, 27-20-54(1); OHIO REV. CODE ANN. §§ 2151.358, OKLA. STAT. tit. 10A, § 2-6-109; OR. REV. STAT. § 419A.262; TENN. CODE ANN. §§ 37-1-153, 40-39-207; UTAH CODE ANN. § 78A-6-1105; WIS. STAT. § 301.45.

81 CAL. WELF. & INST. CODE § 781(a)(1)(F); 705 IND. CODE §§ 31-39-8-2, -9-1; IOWA CODE § 232.150(b); MASS. GEN. LAWS ch. 276, § 100B; MICH. COMP. LAWS § 712A.18e; NEV. REV. STAT. § 62F.360; N.H. REV. STAT. ANN. § 169-B:35; OHIO REV. CODE ANN. § 2151.356; 18 PA. CONS. STAT. § 9123; S.D. CODIFIED LAWS § 26-7A-115; TEX. FAM. CODE ANN. §§ 58.003, .202; WASH. REV. CODE § 13.50.260.

82 OHIO REV. CODE ANN. § 2151.358; OR. REV. STAT. § 419A.262.

83 OHIO REV. CODE ANN. § 2151.358.

84 OR. REV. STAT. § 419A.262.

85 IOWA CODE § 232.150(b); N.H. REV. STAT. ANN. § 169-B:35; N.D. CENT. CODE §§ 25-03.3-04, 27-20-54(1); OHIO REV. CODE ANN. § 2151.358.

86 ALASKA STAT. §§ 47.12.030(a), .300(f); ARK. CODE ANN. § 9-27-309; COLO. REV. STAT. § 19-1-306(5)(a)-(e.5)(8); DEL. CODE ANN. tit. 10, § 1018; IDAHO CODE § 20-525A; IND. CODE §§ 31-39-8-2, -9-1; KAN. STAT. ANN. §§ 22-4909, 38-2312; LA. CHILD. CODE ANN. art. 918; MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-27; MASS. GEN. LAWS ch. 276, § 100B; MICH. COMP. LAWS § 712A.18e; MINN. STAT. § 260B.198; MISS. CODE ANN. §§ 43-21-265, -33-55; NEV. REV. STAT. § 62F.360; N.C. GEN. STAT. §§ 7B-3200 (amended 2019), 14-208.31; OKLA. STAT. tit. 10A, § 2-6-109; OR. REV. STAT. § 419A.262; 18 PA. CONS. STAT. § 9123; S.D. CODIFIED LAWS § 26-7A-115; UTAH CODE ANN. § 78A-6-1105; WASH. REV. CODE § 13.50.260.

87 W. VA. CODE § 49-5-104.

88 ALASKA STAT. §§ 47.12.030(a), .300(f); ARK. CODE ANN. § 9-27-309; COLO. REV. STAT. § 19-1-306(5)(a)-(e.5)(8); DEL. CODE ANN. tit. 10, § 1018; GA. CODE ANN. § 15-11-701; LA. CHILD. CODE ANN. art. 918; N.D. CENT. CODE §§ 25-03.3-04, 27-20-54(1); OHIO REV. CODE ANN. § 2151.358; 18 PA. CONS. STAT. § 9123; UTAH CODE ANN. § 78A-6-1105; W. VA. CODE § 49-5-104.

89 OKLA. STAT. tit. 10A, § 2-6-109; MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-27.

- 90** IDAHO CODE § 18-8410; KAN. STAT. ANN. § 22-4906; LA. STAT. ANN. § 15:544; MINN. STAT. § 243.166; MONT. CODE ANN. §§ 41-5-216(4), 46-23-506(1); N.H. REV. STAT. ANN. §§ 169-B:19(I)(k), 651-B:6(IV); N.C. GEN. STAT. § 14-208.30; 11 R.I. GEN. LAWS § 11-37.1-4; S.C. CODE ANN. § 23-3-460.
- 91** KAN. STAT. ANN. § 22-4906; LA. STAT. ANN. § 15:544; MONT. CODE ANN. § 46-23-506(1); S.C. CODE ANN. § 23-3-460; WIS. STAT. § 301.45.
- 92** CONN. GEN. STAT. § 54-251; KAN. STAT. ANN. § 22-4906.
- 93** ALA. CODE § 15-20A-34; ARIZ. REV. STAT. ANN. § 3826; ARK. CODE ANN. § 9-27-356; CAL. PENAL CODE § 290.5; COLO. REV. STAT. § 16-22-113(1)–(2.5); DEL. CODE ANN. tit. 11, § 4123(d); FLA. STAT. § 943.04354; 730 ILL. COMP. STAT. 150/3-5; IND. CODE § 11-8-8-19; IOWA CODE § 692A.103; MD. CODE ANN., CRIM. PROC. § 11-704.1; MASS. GEN. LAWS ch. 6, § 178G; MICH. COMP. LAWS § 28.728c; MISS. CODE ANN. § 45-33-47; MO. REV. STAT. § 589.401; MONT. CODE ANN. § 46-23-506(3)(b), (5); NEV. REV. STAT. §§ 62F.340, 179D.490; N.J. STAT. ANN. § 2C:7-2(f), (g); N.D. CENT. CODE § 12.1-32-15 OHIO REV. CODE ANN. § 2950.15; OR. REV. STAT. §§ 163A.130, .135; 42 PA. CONS. STAT. § 9799.15; S.D. CODIFIED LAWS § 22-24B-19; TENN. CODE ANN. § 40-39-207; TEX. CODE CRIM. PROC. ANN. art. 62.351–.352; UTAH CODE ANN. § 77-41-112; WASH. REV. CODE § 9A.44.142; WIS. STAT. § 301.48 (15 years); WYO. STAT. ANN. § 7-19-304.
- 94** MONT. CODE ANN. § 46-23-506(3)(b), (5); NEB. REV. STAT. § 29-4005.
- 95** MONT. CODE ANN. § 46-23-506(3)(b), (5).
- 96** NEB. REV. STAT. § 29-4005.
- 97** ALA. CODE § 15-20A-34 (25 years); COLO. REV. STAT. § 16-22-113(1)–(2.5) (5, 10, or 20 years); 730 ILL. COMP. STAT. 150/3-5; MONT. CODE ANN. § 46-23-506(3)(b), (5) (10 or 25 years for certain offenses); NEV. REV. STAT. § 179D.490; N.J. STAT. ANN. § 2C:7-2(f), (g) (15 years); OHIO REV. CODE ANN. § 2950.15 (25 years); 42 PA. CONS. STAT. § 9799.15 (25 years); S.D. CODIFIED LAWS § 22-24B-19 (5 years); TENN. CODE ANN. § 40-39-207 (10 years or age 25); UTAH CODE ANN. § 77-41-112 (5 years); VA. CODE ANN. § 9.1-909 (3 or 5 years); WASH. REV. CODE § 9A.44.142 (24 or 60 months); WIS. STAT. § 301.48 (15 years); WYO. STAT. ANN. § 7-19-304 (10 or 25 years).
- 98** ALA. CODE § 15-20A-34 (25 years); COL. REV. STAT. § 16-22-113(1)–(2.5) (5, 10, or 20 years); 730 ILL. COMP. STAT. 150/3-5; MONT. CODE ANN. § 46-23-506(3)(b), (5) (10 or 25 years for certain offenses); N.J. STAT. ANN. § 2C:7-2(f), (g) (15 years); OHIO REV. CODE ANN. § 2950.15 (25 years); 42 PA. CONS. STAT. § 9799.1 (25 years); S.D. CODIFIED LAWS § 22-24B-19 (5 years); TENN. CODE ANN. § 40-39-207 (10 years or age 25); UTAH CODE ANN. § 77-41-112 (5 years); WASH. REV. CODE § 9A.44.142 (24 or 60 months); WYO. STAT. ANN. § 7-19-304 (10 or 25 years).
- 99** NEV. REV. STAT. § 179D.010; TENN. CODE ANN. § 40-39-207.

CHILDREN REQUIRED TO REGISTER

All youth adjudicated for or convicted of sex offenses must register. There is no minimum age.
ALA. CODE §§ 15-20A-3, -28

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory, however notification requirements are discretionary based on an analysis of an individual's risk of re-offense.
ALA. CODE §§ 15-20A-27 to -28

OFFENSES REQUIRING REGISTRATION

Registration is mandatory for rape, sodomy, sexual abuse, sexual torture, any equivalent offenses in other jurisdictions, and attempt or conspiracy to commit any of the listed offenses.
ALA. CODE § 15-20A-28

DURATION

Registration is either for life or 10 years.
ALA. CODE § 15-20A-28

COMMUNITY NOTIFICATION

Imposing notification requirements on juveniles is based on an analysis of the risk of re-offense.
ALA. CODE § 15-20A-27

FEE

There are no fees associated with registration, but youth have to pay a \$200 fee to be relieved of registration requirements.
ALA. CODE § 15-20A-34

COLLATERAL CONSEQUENCES

Youth sex offenders cannot work at places that primarily serve children.
ALA. CODE § 15-20A-31

FAILURE TO COMPLY

Failure to comply with any requirements is a Class C felony and carries a \$250 fine.
ALA. CODE § 15-20A-37

EXPUNGEMENT

Juvenile sex offenses cannot be expunged.
ALA. CODE § 12-15-136

MECHANISMS FOR REMOVAL FROM REGISTRY

Juvenile sex offenders subject to lifetime registration may petition for removal after 25 years.
ALA. CODE § 15-20A-28,-34

CHILDREN REQUIRED TO REGISTER

Youth adjudicated in juvenile court are not required to register. The Alaska Delinquency Rules do not apply to a youth over the age of 16 who is charged with a sexual offense.

ALASKA STAT. §§ 12.63.100(a)–(c), .010(a)(1)–(3), 47.12.030(a)(1); ALASKA DELINQUENCY R. 20(a)–(d)

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

Sex offenses committed by juveniles are sealed 30 days after a juvenile turns 18 unless the juvenile was charged as an adult, or is over the age of 16 and committed a sex offense.

ALASKA STAT. §§ 47.12.030(a), .300(f)

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

Youth convicted of enumerated sexual offenses may be required to register.
ARIZ. REV. STAT. ANN. § 13-3821

MANDATORY OR DISCRETIONARY REGISTRATION

Juvenile registration is discretionary for enumerated offenses.
ARIZ. REV. STAT. ANN. § 13-3821(A)

OFFENSES REQUIRING REGISTRATION

An extensive list of offenses invokes the registration statute.
ARIZ. REV. STAT. ANN. § 13-3821(A)

DURATION

Juveniles are required to register until they are 25 or until completion of probation.
ARIZ. REV. STAT. ANN. § 13-3821(D)–(G)

COMMUNITY NOTIFICATION

Community notification provisions do not apply to youth unless specifically ordered by the court.
ARIZ. REV. STAT. ANN. § 13-3825(L)

FEE

There is a \$250 registration fee.
ARIZ. REV. STAT. ANN. § 13-3821(Q)

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to comply is either a class 4 or 6 felony; A class 6 felony is accompanied by a \$250 fine.
ARIZ. REV. STAT. ANN. § 13-3824

EXPUNGEMENT

Juvenile sex offenses cannot be “set aside” or “destroyed”
ARIZ. REV. STAT. ANN. § 8-348(I), -349(E)

MECHANISMS FOR REMOVAL FROM REGISTRY

Youth can petition to be removed any time until the youth turns 22.
ARIZ. REV. STAT. ANN. §§ 13-3821(H), -923

CHILDREN REQUIRED TO REGISTER

Juveniles adjudicated delinquent for specified offenses may be required to register if recommended by a committee.

ARK. CODE ANN. §§ 9-27-356(a), (b), (d), (f), -318(a), (c), (g), (h)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is discretionary for juveniles adjudicated in juvenile court based on the findings of an assessment.

ARK. CODE ANN. §§ 9-27-356(a)-(f)

OFFENSES REQUIRING REGISTRATION

Youth are subject to registration if the assessment committee recommends registration. An assessment is ordered when minors commit specified statutory offenses or can be ordered for any sexually motivated offense.

ARK. CODE ANN. §§ 9-27-356(a), (b)

DURATION

Youth adjudicated in juvenile court are required to register either until the age of 21 or 10 years from the last date the juvenile was adjudicated as a delinquent.

ARK. CODE ANN. §§ 9-27-356(h), (j)

COMMUNITY NOTIFICATION

Notification is only given to local law enforcement agencies where the juvenile resides.

ARK. CODE ANN. § 9-27-356

FEE

Registrants must give a DNA sample and pay the \$250 fee associated with that test, unless the cost would cause an undue hardship.

ARK. CODE ANN. § 9-27-357

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to comply with registration requirements is a Class C felony.

ARK. CODE ANN. § 12-12-904(a)(1)(A)

EXPUNGEMENT

Juvenile delinquency records can be expunged after 10 years after the delinquency, or when the youth turns 21 depending on the offense.

ARK. CODE ANN. § 9-27-309

MECHANISMS FOR REMOVAL FROM REGISTRY

Youth can petition to be removed any time the juvenile court has jurisdiction or when the youth turns 21.

ARK. CODE ANN. § 9-27-356

CHILDREN REQUIRED TO REGISTER

All youth who are adjudicated delinquent of certain acts are required to register, regardless of their age.

CAL. PENAL CODE § 290.008

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for adjudications of assault with intent to commit rape, sodomy, oral copulation, and additional cited violations.

CAL. PENAL CODE § 290.008

OFFENSES REQUIRING REGISTRATION

Registration is required for specifically stated sexual offenses. There are no listed exceptions.

CAL. PENAL CODE § 290.008

DURATION

Until 2021, registration is for life. In 2021, dependent on the tier of registration (for juveniles, tier one or two), registration is for either a minimum of 5 or 10 years.

CAL. PENAL CODE § 290.008 (amended 2019, amendment to take effect in 2021)

COMMUNITY NOTIFICATION

California currently publicizes juveniles on the registry, but in 2022, juveniles will be removed from the public internet website.

CAL. PENAL CODE §§ 290.45, .46 (amended 2019, amendment to take effect in 2022)

FEE

None

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to comply is either a misdemeanor or a felony.

CAL. PENAL CODE § 290.018

EXPUNGEMENT

California allows for record sealing of certain juvenile sex offenses five years after court jurisdiction ends or when the youth turns 18. Some juvenile sex offenses cannot be sealed if the youth was over 14 at the time of the offense.

CAL. WELF. & INST. CODE § 781(a)(1)(F)

MECHANISMS FOR REMOVAL FROM REGISTRY

A youth can petition for a certificate of rehabilitation to be relieved from registration requirements.

CAL. PENAL CODE § 290.5

CHILDREN REQUIRED TO REGISTER

Youth adjudicated delinquent or who receive a deferred adjudication for unlawful sexual behavior are required to register.

COLO. REV. STAT. § 16-22-102(3), -103(4)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory, but the court can thereafter relieve a youth of registration requirements.

COLO. REV. STAT. § 16-22-102(3), -103(4)-(5)

OFFENSES REQUIRING REGISTRATION

An extensive list of offenses invokes the registration statute.

COLO. REV. STAT. §§ 16-22-102, -103 (1)-(5)

DURATION

Youth are required to register for life by default, but can petition for removal from the registry after the completion of their sentence, or after 5 years, 10 years, or 20 years depending on the underlying offense.

COLO. REV. STAT. §§ 16-22-113(1)(a)-(c),(e)

COMMUNITY NOTIFICATION

Juveniles are posted on the public website when they are adjudicated delinquent for unlawful sexual behavior for a second time or when they fail to register.

COLO. REV. STAT. § 16-22-112

FEE

Registration fees are to reflect the actual costs incurred by law enforcement and should not exceed \$75. Any other registration fees are not exceed \$25.

COLO. REV. STAT. § 16-22-108

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to comply can be either a felony or misdemeanor and it includes a 30-45 day period of incarceration which raises to a one-year minimum upon a subsequent conviction.

COLO. REV. STAT. § 18-3-412.5

EXPUNGEMENT

Expungement is not possible for any crimes involving felony unlawful sexual behavior.

Expungement is possible for misdemeanor sex offenses, and when a youth successfully completes a deferred sentence.

COLO. REV. STAT. § 19-1-306 (4)(a)-(8)

MECHANISMS FOR REMOVAL FROM REGISTRY

Individuals can petition the Court for an order to discontinue their registration requirements after 20, 10, or 5 years depending on the offense.

COLO. REV. STAT. §§ 16-22-113(1)(a)-(c),1(e)

CONNECTICUT

CHILDREN REQUIRED TO REGISTER

Youth adjudicated delinquent are not required to register as sexual offenders.

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

None

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

Registration is mandatory for youth at least 14 years old who commit certain offenses, and discretionary for other youth.

DEL. CODE ANN. tit. 11, § 4123

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for youth at least 14 years old who commit certain offenses, and discretionary for other youth.

DEL. CODE ANN. tit. 11, § 4123

OFFENSES REQUIRING REGISTRATION

Registration is mandatory for an extensive list of sexual offenses and is discretionary for an extensive list of sexual offenses for which registration is not mandatory.

DEL. CODE ANN. tit 11, §§ 4121, 4123

DURATION

Registration is for life for Tier III offenders, 25 years for Tier II offenders, and 15 years for Tier I offenders.

DEL. CODE ANN. tit. 11, § 4121

COMMUNITY NOTIFICATION

Notification is given to community members, schools, and law enforcement in local jurisdictions where Tier II and III offenders reside and may be posted on a searchable public website.

DEL. CODE ANN. tit. 11, § 4121(a)(1), (3)

FEE

There is a \$30 annual fee for all registrants.

DEL. CODE ANN. tit. 11, § 4120

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to comply is a Class G felony.

DEL. CODE ANN. tit. 11, § 4120(K)

EXPUNGEMENT

Juvenile sex offenses can be expunged after 3, 5, or 7 years.

DEL. CODE ANN. tit. 10, § 1018

MECHANISMS FOR REMOVAL FROM REGISTRY

Juveniles convicted of certain offenses may petition for a review hearing to be relieved of registration and notification requirements.

DEL. CODE ANN. tit. 11, § 4123(D)

CHILDREN REQUIRED TO REGISTER

Youth adjudicated of specified offenses who were 14 years or older at the time have to register.
FLA. STAT. § 943.0435(1)(h)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory. A person is eligible to be removed from the registry via an exception based on the ages of the individual adjudicated and the victim.
FLA. STAT. §§ 943.0435, .04354

OFFENSES REQUIRING REGISTRATION

The registration requirement is triggered based on the commission of enumerated offenses.
FLA. STAT. § 943.0435(1)(h)

DURATION

Registration is for life, with exceptions for removal.
FLA. STAT. § 943.0435

COMMUNITY NOTIFICATION

Notification is given to any institution of higher education where the individual is enrolled, employed, or a volunteer. Additionally, information about registered youth is made available on the registration database.
FLA. STAT. § 985.4815

FEE

Those registering have to pay the costs assessed for a specialty driver license or identification card.
FLA. STAT. § 943.0435

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to register is a felony in the third degree, resulting in a term of imprisonment, a \$5,000 fine, both, or various levels of electronic monitoring.”
FLA. STAT. §§ 775.082–.084, 943.0435(9), 985.4815(13)(b)

EXPUNGEMENT

Youth adjudicated delinquent for offenses requiring registration are not allowed to expunge the offenses.
FLA. STAT. § 943.0515

MECHANISMS FOR REMOVAL FROM REGISTRY

Some individuals can petition for removal from the registry but only for certain offenses.
FLA. STAT. § 943.04354

CHILDREN REQUIRED TO REGISTER

Only youth adjudicated in adult court are required to register.
GA. CODE ANN. § 42-1-12

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

None

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

Juveniles are not required to register unless they are convicted in adult court.
HAW. REV. STAT. § 846E-1

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

None

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

Youth adjudicated are on a separate registry for juveniles. “Juvenile sex offenders” are defined as persons adjudicated delinquent of a sex offense between the ages of 14 to 18.

IDAHO CODE §§ 18-8403, -8404

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for anyone who is labeled “juvenile sex offender,” other than individuals in detention.

IDAHO CODE §§ 18-8407

OFFENSES REQUIRING REGISTRATION

The list of offenses included is seemingly all encompassing of any sexually related offense.

IDAHO CODE § 18-8304, -8403

DURATION

A youth labeled as a juvenile offender has to register until they reach the age of 21; from there the prosecutor may petition for the child to be on the adult registry.

IDAHO CODE § 18-8410

COMMUNITY NOTIFICATION

Information is required to be disclosed to superintendents of public institutions. There is a registry accessible to agencies and the public.

IDAHO CODE §§ 18-8323, -8404, -8408

FEE

There is an \$80 annual registration fee, which may be waived on a finding of indigency.

IDAHO CODE § 18-8307

COLLATERAL CONSEQUENCES

Registered youth are prohibited from working at a day care facility or remaining on the premises of such a facility while children are present unless there to pick up the youth’s own child.

IDAHO CODE § 18-8414

FAILURE TO COMPLY

Failure to register is a misdemeanor. Additionally, a parent whose child fails to register may be convicted of misdemeanor failure to supervise.

IDAHO CODE § 18-8409

EXPUNGEMENT

Many sexual offenses are not able to be expunged.

IDAHO CODE § 20-525A

MECHANISMS FOR REMOVAL FROM REGISTRY

Juveniles are on the registry until they reach age 21.

IDAHO CODE § 18-8410

CHILDREN REQUIRED TO REGISTER

Juveniles adjudicated delinquent for sexual offenses are required to register.
730 ILL. COMP. STAT. 150/2

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for any youth adjudicated delinquent under the definition of “sex offender.”
730 ILL. COMP. STAT. 150/3-5

OFFENSES REQUIRING REGISTRATION

There are no exceptions for youth to the list of sexual offenses that require registration.
730 ILL. COMP. STAT. 150/2

DURATION

Registration is for either a minimum of 5 or 2 years.
730 ILL. COMP. STAT. 150/3-5

COMMUNITY NOTIFICATION

Community notification of juveniles labeled as offenders is discretionary from the Department of State Police and any law enforcement agency based on the safety of others. Also, the local law enforcement agency shall provide a copy of the sex offender registration form to the administration of the registered individual's school.
730 ILL. COMP. STAT. 152/121

FEE

Initial \$100 registration fee and a \$100 annual renewal fee with an indigency waiver.
730 ILL. COMP. STAT. § 150/3

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

Felony liability and \$500 fine.
730 ILL. COMP. STAT. 150/10

EXPUNGEMENT

Although expungement and sealing are automatic in Illinois, there is a long list of excluded offenses – including sexually-based offenses.
705 ILL. COMP. STAT. § 405/5-915(2)

MECHANISMS FOR REMOVAL FROM REGISTRY

Juveniles can petition after a certain number of years (5 for if an offense would be a felony for an adult, 2 for a misdemeanor).
730 ILL. COMP. STAT. 150/3-5

CHILDREN REQUIRED TO REGISTER

Youth who are at least age 14 and have been found by the court to be likely to repeat the act they have been adjudicated of are required to register.

IND. CODE § 11-8-8-5

MANDATORY OR DISCRETIONARY REGISTRATION

Discretionary – youth at least age 14 years old may have to register based on whether they are found likely to be a repeat offender or not.

IND. CODE § 11-8-8-5

OFFENSES REQUIRING REGISTRATION

Youth are required to register for all sex offenses that adults are required to register for.

IND. CODE § 11-8-8-5

DURATION

Registration is required for either 10 years or life.

IND. CODE § 11-8-8-19

COMMUNITY NOTIFICATION

There is a public internet registry website that includes the photo and information of anyone adjudicated.

IND. CODE §§ 11-8-8-7, 36-2-13-5.5

FEE

Counties have the option of requiring an annual sex offender registration fee or a sex offender address change fee.

IND. CODE § 36-2-13-5.6

COLLATERAL CONSEQUENCES

All individuals required to register have to keep a valid driver's license or photo identification card.

IND. CODE § 11-8-8-15

FAILURE TO COMPLY

Failure to register is a Level 5 or 6 felony.

IND. CODE § 11-8-8-17

EXPUNGEMENT

All juvenile offenses, including registerable offenses, are eligible for expungement.

IND. CODE § 31-39-8-2

MECHANISMS FOR REMOVAL FROM REGISTRY

There is not a petition process for individuals required to register for life, however some individuals have their duty to register terminated after 10 years.

IND. CODE § 11-8-8-19

CHILDREN REQUIRED TO REGISTER

All youth adjudicated for qualifying sex offenses, no minimum age.

IOWA CODE § 692A.103 (1)(3-6)

MANDATORY OR DISCRETIONARY REGISTRATION

A juvenile is required to register, however the court has discretion to waive registration. The judge cannot waive registration if the adjudicated individual is 14 years of age or older at the time of the offense, and the offense was committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntarily drugging of the victim.

IOWA CODE § 692A.103(3)(4)

OFFENSES REQUIRING REGISTRATION

All sex offenses classified as Tiers I–III are required to register.

IOWA CODE §§ 629A.102(a)–(c), .103(1)

DURATION

Registration can be from 10 years to life, with the court having discretion to shorten the term.

IOWA CODE § 692A.106(1), (6)

COMMUNITY NOTIFICATION

Information is publicly available online about individuals on the registry. Youth who were adjudicated of sexual abuse in the third degree are exempt from the public registry.

IOWA CODE § 629A.121

FEE

Individuals required to register generally have to pay a civil penalty of \$250 to the court, and annually pays \$25 for their residence registration.

IOWA CODE § 692A.110

COLLATERAL CONSEQUENCES

An individual on the registry must not live or be at all present near a school or library and is limited from working in various fields that may lead to interacting with children.

IOWA CODE § 692A.113

FAILURE TO COMPLY

Failure to register is an aggravated misdemeanor or a class C or D felony (dependent on the original offense the person was adjudicated delinquent for, and whether the failure to comply is a first or subsequent violation).

IOWA CODE § 692A.111

EXPUNGEMENT

The juvenile record-sealing statute does not specifically reference sexual offenses or registration, however juvenile sexual offenses qualify as aggravated misdemeanors or felonies and are therefore not sealed unless a hearing finds the sealing in the best interests of the person and public.

IOWA CODE § 232.150(b)

MECHANISMS FOR REMOVAL FROM REGISTRY

Juveniles may make a motion to be removed from the registry, unless the juvenile was over age 14 at the time of their offense and their offense involved force or the threat of serious violence by rendering the victim unconscious or involuntarily drugging of the victim.

IOWA CODE § 692A.103

CHILDREN REQUIRED TO REGISTER

Youth adjudicated delinquent in juvenile court are subject to registration.

KAN. STAT. ANN. § 22-4902

MANDATORY OR DISCRETIONARY REGISTRATION

For individuals under the age of 14, registration is discretionary and will be until the age of 18 or for 5 years (whichever is longer). For individuals over the age of 14 registration is either discretionary (if required to register, until the age of 18 or 5 years) or for life based on the offense adjudicated.

KAN. STAT. ANN. § 22-4906

OFFENSES REQUIRING REGISTRATION

The court has discretion to require registration for someone who committed any offense under the age of 14. For someone who is over the age of 14, registration is mandatory for certain specific violent offenses and discretionary for all other offenses.

KAN. STAT. ANN. § 22-4906

DURATION

The duration of registration is dependent on an individual's age and the offense they are adjudicated delinquent. For youth under the age of 14, registration is for either five years or until the age of 18. For an individual over the age of 14, registration is either for five years, until the age of 18, or for life.

KAN. STAT. ANN. § 22-4906

COMMUNITY NOTIFICATION

Juvenile registries are not open inspection by the public or posted on any internet website.

KAN. STAT. ANN. § 22-4906

FEE

Individuals have to pay \$20 to initially register.

KAN. STAT. ANN. § 22-4905(l)

COLLATERAL CONSEQUENCES

Individuals required to register must update their driver's license/identification card annually and must give up any driver's licenses or identification cards from other places.

KAN. STAT. ANN. § 22-4905

FAILURE TO COMPLY

Failure to comply with registration requirements is a felony requiring presumptive imprisonment.

KAN. STAT. ANN. § 22-4903

EXPUNGEMENT

Individuals cannot apply for expungement while they are still on the registry.

KAN. STAT. ANN. §§ 22-4909, 38-2312

MECHANISMS FOR REMOVAL FROM REGISTRY

If required to register, an individual either has to wait for the termination at age 18 or at the expiration of 5 years from the date of adjudication, or (if confined) from release from confinement, whichever date is later.

KAN. STAT. ANN. § 22-4906

CHILDREN REQUIRED TO REGISTER

Youth adjudicated delinquent are not required to register as sex offenders.

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

None

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

Children of any age are required to register for a sex offense except for simple or third degree rape; children over the age of 14 will have to register for the adjudication of an enumerated list of sexual offenses.

LA. STAT. ANN. § 15:542

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for enumerated offenses.

LA. STAT. ANN. § 15:542

OFFENSES REQUIRING REGISTRATION

Almost all sexual offenses are registrable (enumerated in statute), with some exceptions for juveniles under the age of 14.

LA. STAT. ANN. § 15:542

DURATION

Registration for a juvenile can be 15 or 25 years, or for a lifetime.

LA. STAT. ANN. § 15:544

COMMUNITY NOTIFICATION

Juveniles are generally exempted from notification requirements of the registry except for that they will have to have their name posted on the door of a recreational building they provide instruction in.

LA. STAT. ANN. § 15:542.1

FEE

Every individual required to register has to pay \$60 annually to register.

LA. STAT. ANN. § 15:542

COLLATERAL CONSEQUENCES

There are employment restrictions for anyone required to register: operating multiple transportation vehicles, working as a service worker, operating a carnival ride, working door-to-door. Additionally, individuals are prohibited from using online networking websites.

LA. STAT. ANN. § 15:533

FAILURE TO COMPLY

Failure to register is punishable by imprisonment of 2 to 10 years.

LA. STAT. ANN. § 15:542.1.4

EXPUNGEMENT

Expungement of adjudications for sex crimes that require registration can occur only when 5 or more years has passed, the person has had no firearm charges, and there is no pending indictment.

LA. CHILD. CODE ANN. art. 918

MECHANISMS FOR REMOVAL FROM REGISTRY

Both the 15-year and lifetime registrations can be petitioned to be shortened.

LA. STAT. ANN. § 15:544

CHILDREN REQUIRED TO REGISTER

Youth adjudicated delinquent are not required to register as sex offenders.

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

None

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

Youth are included on a registry of juvenile sex offenders if they were at least 14 years old at the time of the act; there is also a process for transitioning youth adjudicated delinquent for sex offenses onto the adult registry when they turn 18 years old.

MD. CODE ANN., CRIM. PROC. §§ 11-704, -704.1

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for individuals who commit rape in the first or second degree or sexual offenses in the third degree, if they were at least 14 years old at the time the delinquent act was committed.

MD. CODE ANN., CRIM. PROC. § 11-704.1

OFFENSES REQUIRING REGISTRATION

Rape in the first or second degree or sexual offenses in the third degree trigger registration.

MD. CODE ANN., CRIM. PROC. § 11-704.1

DURATION

A juvenile who is adjudicated delinquent likely stays on the registry until age 21 (when juvenile court's jurisdiction is terminated). There is a mechanism for them to be placed on the adult registry.

MD. CODE ANN., CRIM. PROC. §§ 11-704, -704.1; MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-07

COMMUNITY NOTIFICATION

The juvenile registry is exclusively available to law enforcement, not the community.

MD. CODE ANN., CRIM. PROC. § 11-704.1

FEE

Not found

COLLATERAL CONSEQUENCES

Youth may be prohibited from attending the same school or riding the same school bus as a victim of a reportable sexual offense.

MD. CODE ANN., EDUC. § 7-303

FAILURE TO COMPLY

The first failure to register is a misdemeanor, and subsequent failures to register are felonies.

MD. CODE ANN., CRIM. PROC. § 11-721

EXPUNGEMENT

Courts cannot order expungements for juvenile records requiring sex offender registry.

MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-27.1 (amended 2019)

MECHANISMS FOR REMOVAL FROM REGISTRY

Juveniles are removed from the registry at the age of 21, when the juvenile court no longer has jurisdiction over them.

MD. CODE ANN., CRIM. PROC. § 11-704.1

MASSACHUSETTS

CHILDREN REQUIRED TO REGISTER

Juveniles of any age are labeled sex offenders if they are adjudicated delinquent for sex offenders, and all sex offenders are included on the sex offender registry.

MASS. GEN. LAWS ch. 6, § 178C

MANDATORY OR DISCRETIONARY REGISTRATION

Although registration is presumed mandatory, juveniles can make a motion to be relieved from the obligation to register if they are determined to not be a danger to the public or risk reoffense.

MASS. GEN. LAWS ch. 6, §§ 178D, 178E

OFFENSES REQUIRING REGISTRATION

Sex offenses listed in the statute include all sexually based offenses.

MASS. GEN. LAWS ch. 6, § 178C

DURATION

Registration is for 20 years or for life (life for individuals who have been convicted of two or more sex offenses).

MASS. GEN. LAWS ch. 6, § 178G

COMMUNITY NOTIFICATION

The registry is generally available to the public however level 1 offenders do not have their information available to the public; the level determination takes into consideration whether an individual was a juvenile at the time of their offense.

MASS. GEN. LAWS ch. 6, §§ 178D, 178I, 178K

FEE

Annual registration costs \$75.

MASS. GEN. LAWS ch. 6, § 178Q

COLLATERAL CONSEQUENCES

If an individual is classified as both homeless and as a sexual offender, they have to wear a GPS monitoring device.

MASS. GEN. LAWS ch. 6, § 178F 3/4

FAILURE TO COMPLY

Non-compliance leads to an immediate arrest without a warrant and a fine and imprisonment.

MASS. GEN. LAWS ch. 6, §§ 178H, 178P

EXPUNGEMENT

Massachusetts does not have an expungement statute however the statute for sealing juvenile records does not exclude any offenses.

MASS. GEN. LAWS ch. 276, § 100B

MECHANISMS FOR REMOVAL FROM REGISTRY

Individuals can make a motion to terminate their registration 10 years post-adjudication.

MASS. GEN. LAWS ch. 6, § 178G

CHILDREN REQUIRED TO REGISTER

Juveniles are generally required to register if they are over 14 however whether they are on the public registry or not depends on age.

MICH. COMP. LAWS §§ 28.722, .723, .723a, .728

MANDATORY OR DISCRETIONARY REGISTRATION

Juvenile adjudications require registration, with exceptions for certain offenses based on the age difference of the individuals involved and whether the victim was consenting. A juvenile can dispute having to register and a hearing will then be held.

MICH. COMP. LAWS §§ 28.722, .723, .723a

OFFENSES REQUIRING REGISTRATION

A long list of the various offenses require registration labeling an individual as a Tier I–III offender

MICH. COMP. LAWS § 28.722

DURATION

Individuals may be required to register for either 15 or 25 years, or for life.

MICH. COMP. LAWS § 28.725

COMMUNITY NOTIFICATION

Youth have to notify institutions of higher learning of their status if they live on campus.

MICH. COMP. LAWS §§ 28.724a, .728, .730

FEE

A \$50 dollar fee is assessed upon initial registration and annually.

MICH. COMP. LAWS § 28.725a(6)

COLLATERAL CONSEQUENCES

Employment, residency, and loitering restrictions are imposed depending on the age of the youth at the time of the offense, and the offense.

MICH. COMP. LAWS § 28.734

FAILURE TO COMPLY

Failure to comply with registration is either a misdemeanor or felony, and is punishable by incarceration or fine, depending on the violation.

MICH. COMP. LAWS § 28.729

EXPUNGEMENT

Youth sex offenses can be sealed one year after disposition of the offense or when the youth turns 18, whichever is later. The court can only seal up to three delinquency adjudications, one of which may qualify as a felony if committed by an adult.

MICH. COMP. LAWS § 712A.18e

MECHANISMS FOR REMOVAL FROM REGISTRY

Youth can petition the court for an order of removal from the registry if certain criteria are met which are dependent on the offense and tier classification.

MICH. COMP. LAWS § 28.728c

CHILDREN REQUIRED TO REGISTER

Any youth of any age who is adjudicated for a sexual offense is required to register.
MINN. STAT. § 243.166

MANDATORY OR DISCRETIONARY REGISTRATION

Any individual who is adjudicated of certain offenses “shall” register, making registration mandatory. There are not exceptions listed.
MINN. STAT. § 243.166

OFFENSES REQUIRING REGISTRATION

Registration is required for all sexual offenses and there are not exceptions listed.
MINN. STAT. § 243.166

DURATION

Individuals must register for either 10 years or for their term of probation, whichever is longer.
MINN. STAT. § 243.166

COMMUNITY NOTIFICATION

The registry is not public unless an individual is over 16 years old and out of compliance with the registration requirements. Then, it becomes publicly available.
MINN. STAT. § 243.166

FEE

Not found

COLLATERAL CONSEQUENCES

A child who is adjudicated delinquent for a sex offense can be prohibited from living within a certain distance of the alleged victim. Additionally, any individual who is on the registry has to have their status as an offender disclosed to many people when entering a health care facility or home care services from a home care provider.
MINN. STAT. § 243.166

FAILURE TO COMPLY

Knowingly violating registration requirements is a felony with sentencing of not more than 5 years of incarceration or paying a fine not more than \$10,000, or both.
MINN. STAT. § 243.166

EXPUNGEMENT

All juvenile records can be expunged based on a variety of mitigating factors.
MINN. STAT. § 260B.198

MECHANISMS FOR REMOVAL FROM REGISTRY

There is not a petition to be removed from the registry early, however there is a procedure to be taken off the public registry after being put onto it for non-compliance.
MINN. STAT. § 243.166

CHILDREN REQUIRED TO REGISTER

All youth 14 years of age and older have to register.
MISS. CODE ANN. § 45-33-25

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for anyone over the age of 14.
MISS. CODE ANN. § 45-33-25

OFFENSES REQUIRING REGISTRATION

Offenses are sorted by tier, and tier dictates the time period for registration.
MISS. CODE ANN. § 45-33-47

DURATION

Registration for a youth adjudicated delinquent is between 15 years to life; however, youth who offended one time can petition for lifetime removal after 25 years of registration.
MISS. CODE ANN. § 45-33-47

COMMUNITY NOTIFICATION

The registry is available to law enforcement agencies who then maintain and make available information about individuals on the registry both at the police station and online.
MISS. CODE ANN. §§ 45-33-49, -59

FEE

The Department of Public Safety may adopt regulations to establish fees.
MISS. CODE ANN. § 45-33-57

COLLATERAL CONSEQUENCES

Anyone on the registry cannot loiter or be present around a school building unless they attend the school or get special permission if their child attends. Additionally, individuals on the registry cannot visit a public beach or campground. There are additional notification procedures/requirements for volunteering with an organization that serves children.
MISS. CODE ANN. §§ 45-33-26, -32

FAILURE TO COMPLY

Failure to comply is a felony offense punishable by 5 years imprisonment and/or a \$5,000 fine.
MISS. CODE ANN. § 45-33-33

EXPUNGEMENT

The court can expunge any juvenile records, without limitations for certain offenses.
MISS. CODE ANN. § 43-21-265

MECHANISMS FOR REMOVAL FROM REGISTRY

A child over the age of 14 who is adjudicated delinquent must register for at least 25 years before they can petition for removal.
MISS. CODE ANN. § 45-33-47

CHILDREN REQUIRED TO REGISTER

Any youth adjudicated delinquent for a sexual offense has to register as a juvenile sex offender; if a youth is over the age of 14 and is adjudicated delinquent of a more serious offense, they may have to register as an adult.

Mo. REV. STAT. § 211.425

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory.

Mo. REV. STAT. § 211.425

OFFENSES REQUIRING REGISTRATION

Any juvenile offense that would be a felony sexual offense requires registration.

Mo. REV. STAT. § 211.425

DURATION

Individuals labeled as “juvenile sex offenders” have their obligation to register terminated at age 21.

Mo. REV. STAT. § 211.425

COMMUNITY NOTIFICATION

Registration information about individuals labeled “juvenile offenders” is not public.

Mo. REV. STAT. § 211.425

FEE

The fee for initial registration is \$10 and \$5 for any changes.

Mo. REV. STAT. § 589.400

COLLATERAL CONSEQUENCES

Any individual on the registry has specific Halloween-related activity restrictions.

Mo. REV. STAT. § 589.426

FAILURE TO COMPLY

A first failure to register is a class E felony (the least serious felony that entails imprisonment or fines, but may have probation as an option).

Mo. REV. STAT. § 589.425

EXPUNGEMENT

Missouri’s expungement law does not mention juvenile offenses specifically but does state that any offense that requires registration as a sex offender is not expungeable.

Mo. REV. STAT. § 610.140

MECHANISMS FOR REMOVAL FROM REGISTRY

Registration terminates when a juvenile is 21 (if required to register for the juvenile registry); children who are required to register as adults can petition after a designated number of years.

Mo. REV. STAT. § 589.401

CHILDREN REQUIRED TO REGISTER

All youth adjudicated delinquent for a sexual offense may be required to register.

MONT. CODE ANN. § 46-23-502(10), (11)

MANDATORY OR DISCRETIONARY REGISTRATION

Discretionary registration. Although a youth is generally exempt from the duty to register as a sexual offender, the court will require registration if the youth previously committed a sexual offense or if the court determines that registration is necessary for protection of the public and in the public's best interest.

MONT. CODE ANN. § 41-5-1513(1)(d)

OFFENSES REQUIRING REGISTRATION

A youth who has been adjudicated for a sexual offense, including the attempt, solicitation, or conspiracy to commit a sexual offense may be required to register. Sexual offenses that youth may be adjudicated for are unlawful restraint, kidnaping, aggravated kidnaping, sexual assault, sexual intercourse without consent, indecent exposure, indecent exposure to a minor, incest, aggravated sexual intercourse without consent, aggravated promotion of child prostitution, sexual servitude or patronizing a victim of sexual servitude. Many of these offenses require a minimum age gap between the offender and the victim to be subject to registration. Registration is also required for violation of "reasonably equivalent" laws in other jurisdictions.

MONT. CODE ANN. § 46-23-502(9), (10)

DURATION

Registration is for life with limited opportunities for youth to petition for removal from the registry.

MONT. CODE ANN. § 46-23-506(1)

COMMUNITY NOTIFICATION

Individuals are labeled as being a level 1, 2, or 3 offender, and the information publicly reported about them varies with each level. How information is disseminated about an individual is determined by the level of risk posed to the public.

MONT. CODE ANN. § 46-23-508(1)(a), 1(b)(ii)-(iv), (1)(c), (3), (4)

FEE

The youth is responsible for all fees associated with registration. Fees are established by the Montana Department of Justice.

MONT. CODE ANN. § 46-23-504(8)

COLLATERAL CONSEQUENCES

A judge has discretion to impose reasonable employment prohibitions when sentencing any person for a sexual offense, and a judge must impose residency restrictions regarding proximity to schools etc. for an individual who is designated as a level 3 offender and is convicted of a sexual offense involving a minor.

MONT. CODE ANN. § 46-18-255(1), (2)

FAILURE TO COMPLY

Non-compliance can result in a felony conviction requiring up to 5 years of imprisonment, up to a \$10,000 fine, or both.

MONT. CODE ANN. § 46-23-507

EXPUNGEMENT

If a sexual offense conviction is reversed, the records are then expunged. The statute requiring sealing of juvenile records specifically excludes the records of youth required to register as sex offenders.

MONT. CODE ANN. §§ 46-23-510, 41-5-216(4)

MECHANISMS FOR REMOVAL FROM REGISTRY

Youth may petition for removal after either 10 years if assessed as a level 1 risk or 25 years if assessed as a level 2 risk. The court may grant the petition if the youth has remained a law-abiding citizen and continued registration is not necessary for public safety or in the best interest of society. Youth adjudicated for certain offenses (forceful sexual intercourse without consent, etc.), designated as a sexually violent predator, or adjudicated or convicted of a subsequent sex offense may not petition for removal.

MONT. CODE ANN. § 46-23-506(3)(b), (5)

CHILDREN REQUIRED TO REGISTER

Youth adjudicated delinquent in Nebraska are not required to register. However, the Nebraska Supreme Court has interpreted its registration statute to mean that a youth required to register as a sexual offender based on a juvenile adjudication in another state who subsequently moves to Nebraska is required to register in Nebraska.

NEB. REV. STAT. § 29-4003, 272; NEB. ADMIN. CODE § 19-003.04; State v. Clemens, 915 N.W.2d 550 (Neb. 2018)

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

None

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

All youth adjudicated delinquent for enumerated sexual offenses committed when the youth was age 14 or older are required to register.

NEV. REV. STAT. §§ 62F.300, 179D.035

MANDATORY OR DISCRETIONARY REGISTRATION

All youth age 14 and older adjudicated delinquent for an act that would be a sexual offense if committed by an adult must register with the juvenile court, director of juvenile services, or Youth Parole Bureau and are placed on the Central Repository. When the youth turns 21, their placement on the adult registry is discretionary.

NEV. REV. STAT. §§ 62F.300, .340

OFFENSES REQUIRING REGISTRATION

Offenses requiring registration include commission or attempt to commit sexual assault, offenses involving child pornography, or lewdness with a child, or commission of a sexually motivated offense or an aggravated sexual offense. However, a youth does not have to register where the sexual contact was consensual and the youth was not more than 4 years older than a victim who was at least 13 years old.

NEV. REV. STAT. §§ 62F.207, .225

DURATION

Youth are required to register until age 21 and if the juvenile court determines the youth should continue to be registered as an adult, the youth may be required to register for 15 years, 25 years, or life.

NEV. REV. STAT. §§ 179D.010, .490

COMMUNITY NOTIFICATION

A youth's registration information is disseminated to local law enforcement, the school, religious organizations, and public housing authority where the youth is a student, resides, or works, as well as child welfare services, volunteer organizations that make contact with children, and sometimes members of the public likely to come in contact with the youth. Additionally, information about registered youth is provided on the state's public online registry. However, the youth can make a motion to be excluded from community notification and the website.

NEV. REV. STAT. §§ 62F.320, 179B.250, 179D.475

FEE

Not found

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to register is a felony punishable by 1 to 4 years imprisonment and, at the courts discretion, a fine of not more than \$5,000.

NEV. REV. STAT. §§ 179D.550, 193.130

EXPUNGEMENT

Although juvenile records can generally be sealed, a child's record cannot be sealed while the child is subject to registration and community notification.

NEV. REV. STAT. § 62F.360

MECHANISMS FOR REMOVAL FROM REGISTRY

Any child adjudicated in juvenile court will have a hearing at age 21 to determine if they should be relieved of the requirement to register. Additionally, youth registered as Tier I offenders may petition for removal after 10 years and youth registered as Tier III offenders may petition for removal after 25 years if they satisfy certain statutory requirements.

NEV. REV. STAT. §§ 62F.340, 179D.490

CHILDREN REQUIRED TO REGISTER

Youth adjudicated delinquent of a sexual offense in New Hampshire or another jurisdiction are required to register.

N.H. REV. STAT. ANN. § 651-B:1.XI(a)(3), (4)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is discretionary. The court may order a juvenile to register until age 18 if the court determines that the youth presents a public safety risk.

N.H. REV. STAT. ANN. § 169-B:19(l)(k)

OFFENSES REQUIRING REGISTRATION

Sexual offenses against an adult where a court may find that a juvenile is required to register include first degree murder, aggravated felonious sexual assault, felonious sexual assault, sexual assault, violation of privacy, or a second offense for indecent exposure and lewdness. Sexual offenses against a minor where a court may find that a juvenile is required to register additionally include kidnapping, criminal restraint, false imprisonment, indecent exposure, and lewdness or prostitution.

N.H. REV. STAT. ANN. § 651-B:1(V), (VII)

DURATION

Youth may be required to register until they reach the age of either 17 or 18.

N.H. REV. STAT. ANN. §§ 651-B:6(IV), 169-B:19(l)(k)

COMMUNITY NOTIFICATION

The public registry does not include juvenile registrants.

N.H. REV. STAT. ANN. § 651-B:7(III)(c)(5)

FEE

An offender must pay a \$50 registration fee within 10 days of registration. They may request a fee waiver if they cannot afford the fee.

N.H. REV. STAT. ANN. § 651-B:11

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

The general penalties for registration non-compliance do not apply to juveniles. The juvenile court may impose an “appropriate disposition” for a registration violation.

N.H. REV. STAT. ANN. § 651-B:9

EXPUNGEMENT

Juvenile records are automatically closed and placed in an inactive file when the juvenile reaches 21 years of age.

N.H. REV. STAT. ANN. § 169-B:35

MECHANISMS FOR REMOVAL FROM REGISTRY

Not found

CHILDREN REQUIRED TO REGISTER

All youth adjudicated for sex offenses, no minimum age are required to register. The statute treats youth adjudicated delinquent the same as adult offenders.

N.J. STAT. ANN. § 2C:7-2(a)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for offenses.

N.J. STAT. ANN. § 2C:7-2(a), (c)

OFFENSES REQUIRING REGISTRATION

Registration is required for many sex offenses. Certain offenses only require registration if the victim is a minor.

N.J. STAT. ANN. § 2C:7-2(b)(2)

DURATION

Offenders must register for at least 15 years, but there is no maximum term of years listed.

N.J. STAT. ANN. § 2C:7-2(f)

COMMUNITY NOTIFICATION

Community notification via an internet registry depends on the level of the offense (high, moderate, or low risk of re-offense) and a juvenile's adjudication is not published if it is their only offense.

N.J. STAT. ANN. § 2C:7-13

FEE

Not found

COLLATERAL CONSEQUENCES

Collateral consequences include electronic monitoring and restricted internet access.

N.J. STAT. ANN. §§ 30:4-12.89, 2C:43-6.6

FAILURE TO COMPLY

Non-compliance is a crime that carries a penalty of 3 to 5 years of incarceration.

N.J. STAT. ANN. §§ 2C:7-2(a)(3), :43-6

EXPUNGEMENT

Juvenile adjudications are analyzed as adult convictions for purposes of expungements, and sexually based offenses cannot be expunged.

N.J. STAT. ANN. §§ 2C:52-4.1, -2

MECHANISMS FOR REMOVAL FROM REGISTRY

Early removal from the registry is discretionary after 15 years if the registrant committed only one offense.

N.J. STAT. ANN. § 2C:7-2(f), (g)

NEW MEXICO

CHILDREN REQUIRED TO REGISTER

Children adjudicated delinquent in juvenile court are not required to register as sex offenders.

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

None

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

Youth adjudicated delinquent do not have to register.
N.Y. CORRECT. LAW § 168-a; N.Y. FAM. CT. ACT § 301.2

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

None

MECHANISMS FOR REMOVAL FROM REGISTRY

None

NORTH CAROLINA

CHILDREN REQUIRED TO REGISTER

Youth over 11 years old who have committed one of the enumerated offenses and are found to be a “danger to the community” may be ordered to register.

N.C. GEN. STAT. § 7B-2509, N.C. GEN. STAT. § 14-208.26(a)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is discretionary. A juvenile may only be required to register if the court first determines that the juvenile is a danger to the community.

N.C. GEN. STAT. § 7B-2509, N.C. GEN. STAT. § 14-208.26(a)

OFFENSES REQUIRING REGISTRATION

Registration for juveniles adjudicated delinquent is only available for certain statutorily enumerated offenses.

N.C. GEN. STAT. § 7B-2509, N.C. GEN. STAT. § 14-208.26(a)

DURATION

Registration automatically terminates on the youth’s eighteenth birthday or when juvenile court jurisdiction ends, whichever comes first.

N.C. GEN. STAT. § 14-208.30

COMMUNITY NOTIFICATION

Juvenile registration information is not public record. It can only be released to law enforcement agencies and local boards of education.

N.C. GEN. STAT. § 14-208.29

FEE

Parents of youth who receive examinations/treatments can be required to pay such costs. If the parent is unable to pay, the county will pay the costs of examination/treatment.

N.C. GEN. STAT. § 7B-2502

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Non-compliance with the registry is a Class F felony.

N.C. GEN. STAT. § 14-208.11

NORTH CAROLINA

EXPUNGEMENT

North Carolina does allow expungement of juvenile records, but not for charges that, if committed by an adult, would be specific classes of felonies, including some registerable offenses from expungement. Furthermore, the Department of Public Safety is required to maintain registration information permanently, even after the reporting requirement expires.

N.C. GEN. STAT. §§ 7B-3200 (amended 2019), 14-208.31

MECHANISMS FOR REMOVAL FROM REGISTRY

There is no mechanism to be removed from the juvenile registry.

CHILDREN REQUIRED TO REGISTER

Juveniles adjudicated delinquent of specified offenses are required to register.
N.D. CENT. CODE § 12.1-32-15(1)(g)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for anyone guilty of a felonious sexual offense, however registration is discretionary for a juvenile delinquent for a misdemeanor sex offense.
N.D. CENT. CODE § 12.1-32-15

OFFENSES REQUIRING REGISTRATION

Felonies require mandatory registration, whereas misdemeanors require discretionary registration.
N.D. CENT. CODE § 12.1-32-15

DURATION

An individual who has been adjudicated on two or more occasions, committed certain offenses, or been assigned a high risk label is required to register for life; an individual designated as a moderate risk, is required to register for 25 years; all other offenders are required to register for 15 years.
N.D. CENT. CODE § 12.1-32-15

COMMUNITY NOTIFICATION

Individuals labeled as moderate or high risk will have their information disclosed to the public if the local law enforcement agency determines the disclosure is necessary for public protection; the schools juveniles attend are notified specifically.
N.D. CENT. CODE § 12.1-32-15

FEE

Not found

COLLATERAL CONSEQUENCES

Individuals assessed as high-risk may not reside within 500 feet of a school.
N.D. CENT. CODE § 12.1-32-15

FAILURE TO COMPLY

Non-compliance is a felony. However, juveniles can be exempted from serving mandatory prison time for a failure to register.
N.D. CENT. CODE § 12.1-32-15

EXPUNGEMENT

All records of sexual offenses have to be retained for 25 years although North Dakota generally expunges juvenile records automatically.
N.D. CENT. CODE §§ 25-03.3-04 , 27-20-54(1), Rule 19-N.D.R.Juv.P.

MECHANISMS FOR REMOVAL FROM REGISTRY

Individuals can petition for removal if the underlying offense occurred prior to 8/1/1999 and their registration is no longer mandatory.
N.D. CENT. CODE § 12.1-32-15

CHILDREN REQUIRED TO REGISTER

Youth ages 14 to 17 who are adjudicated delinquent for a sexually oriented offense or a child victim offense who have previously been adjudicated for a sexually oriented or child-victim oriented offense are subject to registration.

OHIO REV. CODE ANN. § 2152.82

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for youth who meet certain criteria. However, a judge has discretion on whether the youth's registration information is made public, which is a decision made pursuant to hearing.

OHIO REV. CODE ANN. § 2152.82(A), (B)

OFFENSES REQUIRING REGISTRATION

Youth must register if they are over 14 and have committed a second sexually oriented offense or a child-victim offense. "Sexually oriented" offenses and "child-victim" offenses are statutorily enumerated.

OHIO REV. CODE ANN. §§ 2152.82(A), 2950.01(B),(C)

DURATION

Tier 1 offenders must register for 10 years, Tier 2 for 20 years, and Tier 3 for life. Tiering is determined at a hearing.

OHIO REV. CODE ANN. § 2950.07

COMMUNITY NOTIFICATION

Children who are adjudicated delinquent of certain "serious" classified offenses will be on the internet registry that is visible to the public.

OHIO REV. CODE ANN. § 2950.01

FEE

There is a \$100 registration fee, and additional fees of unspecified amounts can apply.

OHIO REV. CODE ANN. §§ 311.172, 2950.012

COLLATERAL CONSEQUENCES

The statute provides that offenders may not live within 1,000 feet of schools and daycares, however, an Ohio attorney general opinion clarifies that it does not apply to youth adjudicated delinquent of sex offenses.

OHIO REV. CODE ANN. § 2950.034, OHIO OP. ATT'Y GEN. NO. 2009-029 (2009)

FAILURE TO COMPLY

A failure-to-register violation triggers criminal prosecution if the individual is over the age of 18; if the individual is under the age of 18 then they are not subject to criminal prosecution but instead are subject to "Serious youthful dispositional sentence."

OHIO REV. CODE ANN. § 2950.99

EXPUNGEMENT

Expungement is available 5 years after a sealing order or upon the individual's 23rd birthday; however, a juvenile cannot have a record of rape expunged.

OHIO REV. CODE ANN. §§ 2151.356(C)(1), .358.

MECHANISMS FOR REMOVAL FROM REGISTRY

A juvenile who is required to register can motion to be removed from the registry after 25 years.

OHIO REV. CODE ANN. § 2950.15

CHILDREN REQUIRED TO REGISTER

Youth who committed a sex offense between ages 14 and 18 in Oklahoma, or committed a registry-offense in another state are required to register as sex offenders.

OKLA. STAT. tit. 10A, § 2-8-102

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is discretionary. When a juvenile is adjudicated for a sex offense, the district attorney may apply for the juvenile to be included in the registry. The court will determine whether the youth should be required to register based on an evaluation prepared by two qualified sex offender treatment providers.

OKLA. STAT. tit. 10A, § 2-8-104

OFFENSES REQUIRING REGISTRATION

The qualifying offenses for registration are forcible sodomy, rape, rape by instrumentation, and rape in the first or second degree.

OKLA. STAT. tit. 10A, § 2-8-102

DURATION

The requirement to register terminates when a juvenile turns 21, unless the district attorney petitions the court to transfer the youth's registration to the adult sex offender registry.

OKLA. STAT. tit. 10A, § 2-8-108

COMMUNITY NOTIFICATION

The court has discretion to order the release of juvenile registry information to any individual or the public at large when the evaluation report indicates a "likelihood of an ongoing serious or aggressive threat to the public or children under sixteen (16) years of age."

OKLA. STAT. tit. 10A, §§ 2-8-103, -104

FEE

Not found

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to register results in a misdemeanor for the youth. Additionally, a parent whose child fails to register may be convicted of misdemeanor failure to supervise and be fined a maximum fine of \$1,000.

OKLA. STAT. tit. 10A, § 2-8-107

EXPUNGEMENT

Juvenile records can be petitioned to be expunged if an individual is 21 years or older, has no adult criminal offenses, and all requirements of the juvenile proceeding have been completed.

OKLA. STAT. tit. 10A, § 2-6-109

MECHANISMS FOR REMOVAL FROM REGISTRY

Individuals are automatically removed from the registry when they turn 21, unless a petition is filed to transfer them to the adult registry.

OKLA. STAT. tit. 10A, § 2-8-108

CHILDREN REQUIRED TO REGISTER

Youth adjudicated delinquent for an offense that, if committed by an adult, would be a felony sex crime.
OR. REV. STAT. § 163A.025(1) (amended 2019, amendment to take effect in 2021)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is discretionary. The court must hold a hearing (regardless of whether a petition is filed) on whether the juvenile should be required to report as a sex offender. The juvenile has a right to six-months notice and a court appointed attorney at this hearing. The juvenile has the burden of proving by clear and convincing evidence that they are rehabilitated and do not pose a threat to public safety. In making the determination, the court is instructed to consider a number of factors including the nature and extent of the offense, the age and injuries of the victim, and the offender's willingness to engage in treatment and education, among others.

OR. REV. STAT. §§ 163A.030, 163A.025 (amended 2019, amendment to take effect in 2021)

OFFENSES REQUIRING REGISTRATION

Youth can be required to register for any offense that would be a felony sex crime if committed by an adult.

OR. REV. STAT. §§ 163A.005, .025

DURATION

Not found

COMMUNITY NOTIFICATION

Information is public on an internet site, even for first time offenders. Additional information is available upon request to the police departments.

OR. REV. STAT. § 163A-225

FEE

Registered youth must pay a \$70 annual fee.

OR. REV. STAT. § 163A.035

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to comply with registration requirements is either a Class A misdemeanor or a Class C felony depending on the adjudicated offense and the reporting requirement the youth failed to meet.

OR. REV. STAT. § 163A.040

EXPUNGEMENT

Some sex offenses can be expunged once an individual is no longer on the registry, however certain offenses cannot be expunged.

OR. REV. STAT. § 419A.262

MECHANISMS FOR REMOVAL FROM REGISTRY

Individuals adjudicated delinquent in juvenile court can petition to be removed within two different time frames (based on the offense).

OR. REV. STAT. § 163A.115

CHILDREN REQUIRED TO REGISTER

Juveniles adjudicated delinquent are not required to register as sex offenders. However, if the child has been labeled a sexually violent delinquent child (SVDC) by judicial order and pursuant to an evaluation by the Sex Offender Assessment Board, that child will be required to be placed on the sex offender registry.

In re J.B., 107 A.3d 1 (Pa. 2014); 42 PA. CONS. STAT. §§ 9799.15, .16

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for SVDC's.

42 PA. CONS. STAT. § 9799.15

OFFENSES REQUIRING REGISTRATION

Any sex offense requires registration if the child is labeled a SVDC.

42 PA. CONS. STAT. § 9799.15

DURATION

Registration is for life for SVDC's.

42 PA. CONS. STAT. § 9799.15

COMMUNITY NOTIFICATION

Registered SVDC's are posted on a public internet website.

42 PA. CONS. STAT. § 9799.16

FEE

Individuals have to pay fees for mandated counseling; they can get an exception if they can prove they cannot pay.

42 PA. CONS. STAT. § 9799.36

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

SVDC's who fail to register or comply with registration requirements are subject to felony prosecution.

18 PA. CONS. STAT. § 4915.1

EXPUNGEMENT

Sexually based offenses for youth over the age of 14 cannot be expunged.

18 PA. CONS. STAT. § 9123

MECHANISMS FOR REMOVAL FROM REGISTRY

SVDC's can petition for removal from the registry 25 years after their adjudication.

42 PA. CONS. STAT. § 9799.15

CHILDREN REQUIRED TO REGISTER

Youth who are adjudicated delinquent for a sexual offense against a minor or a sexually violent offense, labeled as “sexually violent predators,” or “recidivists” must register as sex offenders.

11 R.I. GEN. LAWS § 11-37-1.2-3

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory.

11 R.I. GEN. LAWS §§ 11-37.1-2, -3, -4

OFFENSES REQUIRING REGISTRATION

Youth who are adjudicated delinquent for a sexual offense against a minor or a sexually violent offense, labeled as “sexually violent predators,” or “recidivists” must register as sex offenders.

11 R.I. GEN. LAWS § 11-37.1-2-3

DURATION

Juveniles adjudicated delinquent for a sexual offense involving a minor or a violent sexual offense must register annually for ten years. Individuals labeled sexually violent delinquent predators or recidivists must register for life.

11 R.I. GEN. LAWS § 11-37.1-4

COMMUNITY NOTIFICATION

Pursuant to a risk assessment by the Sex Offender Review Board, individuals deemed a moderate or high risk offense will be required to notify their community.

11 R.I. GEN. LAWS § 11-37.1-11, -12, -13

FEE

Not found

COLLATERAL CONSEQUENCES

Individuals at a homeless shelter who are on the registry are required to report their label to the shelter who is then obligated to report the location of the individual to law enforcement. There are residency restrictions on individuals labeled within certain tiers. High risk sex offenders may not reside within 300 feet of a school.

11 R.I. GEN. LAWS § 11-37.1-10, -21

FAILURE TO COMPLY

Failure to comply is a felony resulting in either 10 years of incarceration, a \$10,000 fine, or both.

11 R.I. GEN. LAWS § 11-37.1-10

EXPUNGEMENT

Crimes of violence are excluded from the expungement statute.

12 R.I. GEN. LAWS § 12-1.3-2

MECHANISMS FOR REMOVAL FROM REGISTRY

There is not a specified process for removal from the registry however there is a process to have the label of “sexually violent predator” removed/to object to community notification.

11 R.I. GEN. LAWS §§ 11-37.1-14, -15, -20

SOUTH CAROLINA

CHILDREN REQUIRED TO REGISTER

All youth adjudicated delinquent for specified offenses will be required to register as sex offenders.
S.C. CODE ANN. § 23-3-430(A)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory.
S.C. CODE ANN. § 23-3-430(A)

OFFENSES REQUIRING REGISTRATION

All sexually-based offenses require registration.
S.C. CODE ANN. § 23-3-430(C)

DURATION

Registration is for life.
S.C. CODE ANN. § 23-3-460

COMMUNITY NOTIFICATION

The registry is provided to a local newspaper, and is available to the public upon request.
S.C. CODE ANN. § 23-3-490

FEE

Not found

COLLATERAL CONSEQUENCES

Individuals required to register cannot live in campus student housing and cannot live within 1000 feet of various places that often have kids present. Additionally, individuals on the registry have to report their internet accounts.
S.C. CODE ANN. §§ 23-3-465, -535, -555

FAILURE TO COMPLY

Non-compliance brings about either a fine, incarceration, or both.
S.C. CODE ANN. § 23-3-475

EXPUNGEMENT

The expungement statute only includes misdemeanors and status offenses, so registerable offenses are not eligible for expungement.
S.C. CODE ANN. § 63-19-2050

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

Youth age 14 and older adjudicated delinquent for rape or youth adjudicated for an offense in another jurisdiction that is subject to registration.

S.D. CODIFIED LAWS § 22-24B-2

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is generally mandatory however a juvenile can have their adjudication suspended and discharged, allowing them to not register.

S.D. CODIFIED LAWS § 22-24B-2

OFFENSES REQUIRING REGISTRATION

Registration for juveniles is limited to those adjudicated of rape or an out-of-state offense that requires them to register in that state.

S.D. CODIFIED LAWS § 22-24B-2

DURATION

A juvenile adjudication labels someone as a Tier I offender, which requires ten years of registration.

S.D. CODIFIED LAWS § 22-24B-19

COMMUNITY NOTIFICATION

Individuals on the registry are posted on an internet site.

S.D. CODIFIED LAWS § 22-24B-21

FEE

Not found

COLLATERAL CONSEQUENCES

Not found.

FAILURE TO COMPLY

Failure to register is a felony which may require incarceration or a fine.

S.D. CODIFIED LAWS § 22-24B-8

EXPUNGEMENT

Following the end of a youth's registration, they can petition for expungement if there are no additional charges against them at the time of petitioning.

S.D. CODIFIED LAWS § 26-7A-115

MECHANISMS FOR REMOVAL FROM REGISTRY

Youth can petition for removal after being on the registry for 5 years.

S.D. CODIFIED LAWS § 22-24B-19

CHILDREN REQUIRED TO REGISTER

Youth who are adjudicated for an act that is a violent juvenile sexual offense are required to register; the offense must have occurred when the youth is at least 14.

TENN. CODE ANN. § 40-39-202

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for offenses labeled violent juvenile sexual offenses.

TENN. CODE ANN. § 40-39-202

OFFENSES REQUIRING REGISTRATION

Rape, aggravated sexual battery, or attempt to commit these offenses are violent juvenile sexual offenses.

TENN. CODE ANN. § 40-39-202

DURATION

Registration for individuals labeled violent juvenile sexual offenders who have to register and then have a subsequent adjudication requires registration for life. Otherwise, individuals may apply for removal from the registry once they reach age 25.

TENN. CODE ANN. § 40-39-207

COMMUNITY NOTIFICATION

The community notification statute does not exempt juveniles from registration as established by local governments. However, juveniles are exempted from their information in the state's centralized record system being shared.

TENN. CODE ANN. §§ 40-39-217, -206

FEE

\$150 annual registration fee.

TENN. CODE ANN. § 40-39-204

COLLATERAL CONSEQUENCES

There are significant residential and employment restrictions for individuals on the registry such as not living or working near a school or near a victim or their family. There is an exception if an individual is a student at the school they reside near.

TENN. CODE ANN. § 40-39-211

FAILURE TO COMPLY

Failure to register leads to a tolling of the registration term and a felony.

TENN. CODE ANN. §§ 40-39-207, -208

EXPUNGEMENT

The general expungement statute disallows expungement for sexual offenses. However there is a mechanism especially for sexual offenses to be expunged through the sexual offenses statute at the court's discretion.

TENN. CODE ANN. §§ 37-1-153 , 40-39-207

MECHANISMS FOR REMOVAL FROM REGISTRY

Any individual required to register can petition for removal after 10 years of registering. Individuals labeled violent juvenile sexual offenders can petition upon reaching the age of 25 if they have not been adjudicated delinquent or convicted of any subsequent sexual offense.

TENN. CODE ANN. § 40-39-207

CHILDREN REQUIRED TO REGISTER

All youth adjudicated delinquent for a sexual offense with no minimum age requirement.
TEX. CODE CRIM. PROC. ANN. art. 62.051–.052

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is discretionary based on hearing to determine whether the interest of the public require registration.
TEX. CODE CRIM. PROC. ANN. art. 62.301, .351–.352

OFFENSES REQUIRING REGISTRATION

Registration may be required if a juvenile is adjudicated delinquent for a number of different statutorily enumerated offenses.
TEX. CODE CRIM. PROC. ANN. art. 62.001(5)(A)–(L)

DURATION

Youth are required to register either for ten years or for life.
TEX. CODE CRIM. PROC. ANN. art. 62.101(b)–(c)

COMMUNITY NOTIFICATION

Youth registry information is included on the public registry, although the youth may petition for it to not be public and restricted to use by law enforcement and criminal justice agencies, the Council on Sex Offender Treatment, and public or private institutions of higher education.
TEX. CODE CRIM. PROC. ANN. art. 62.005, .352

FEE

Not found

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Consequences depend on the statute requiring an individual to register (offense-based), and all results include incarceration.
TEX. CODE CRIM. PROC. ANN. art. 62.102

EXPUNGEMENT

Juvenile sex offender records are exempted from the sealing and expungement statutes.
TEX. FAM. CODE ANN. §§ 58.003, .202

MECHANISMS FOR REMOVAL FROM REGISTRY

A juvenile required to register is entitled to a hearing to determine if their registration is in the interest of the public and if they should be removed from the registry.
TEX. CODE CRIM. PROC. ANN. art. 62.351–.352

CHILDREN REQUIRED TO REGISTER

Juveniles adjudicated delinquent for a sex offense who were sentenced to custody and remain in custody until 30 days prior to their 21st birthday.

UTAH CODE ANN. § 77-41-102

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for enumerated offenses.

UTAH CODE ANN. § 77-41-102

OFFENSES REQUIRING REGISTRATION

Registration is required for a juvenile adjudicated delinquent for one or more of the enumerated sex offenses and confined until 30 days prior to their 21st birthday.

UTAH CODE ANN. § 77-41-102

DURATION

The length of registration is 10 years.

UTAH CODE ANN. § 77-41-105(3)

COMMUNITY NOTIFICATION

The department must maintain a public sex offender registration website.

UTAH CODE ANN. § 77-41-110

FEE

There is a \$100 annual fee to the department plus an annual fee of up to \$25 assessed by the registering agency.

UTAH CODE ANN. § 77-41-111

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to register results in either a third degree felony or a class A misdemeanor. Both are punishable by a minimum of 30 days incarceration and 1 year. Failure to register would prohibit petitioning to be removed from the registry, because one of the requirements to petition is not being convicted of any other offense other than a traffic offense after registering.

UTAH CODE ANN. § 77-41-107

EXPUNGEMENT

Sex offenses can be expunged; the juvenile expungement statute only forbids expungement of adjudications for murder but does not mention sex offenses.

UTAH CODE ANN. § 78A-6-1105

MECHANISMS FOR REMOVAL FROM REGISTRY

Youth can petition for removal from the sex offender registry for adjudications of specific enumerated offenses after 5 years.

UTAH CODE ANN. § 77-41-112

CHILDREN REQUIRED TO REGISTER

Individuals adjudicated delinquent for sex offenses in juvenile court are not required to register.
VT. STAT. ANN. tit. 13, § 5401

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

Juvenile sex offenses are automatically ordered sealed unless there has been more than one adjudication for a sexual offense.

VT STAT. ANN. tit. 33, § 5119

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

Youth who are 14 or older may be required to register upon a motion by the attorney for the Commonwealth.

VA. CODE ANN. §§ 9.1-901 to -902

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is discretionary. A judge makes the determination after consideration of several factors.

VA. CODE ANN. § 9.1-902

OFFENSES REQUIRING REGISTRATION

Sexually violent offenses, which includes most if not all sexual offenses, require registration.

VA. CODE ANN. § 9.1-902

DURATION

Registration is for life.

VA. CODE ANN. § 9.1-908

COMMUNITY NOTIFICATION

A registry is available to the public on the internet. Certain entities can sign up to be notified by the police if they do not have access to the electronic registry. Youth labeled as sex offenders are not required to notify their communities of their status.

VA. CODE ANN. § 9.1-913 to -914

FEE

Not found

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Non-compliance leads to an investigation and potential indictment.

VA. CODE ANN. § 9.1-907

EXPUNGEMENT

The Virginia juvenile expungement statute does not specifically reference/disallow expungement for sexually based offenses.

VA. CODE ANN. § 16.1-306

MECHANISMS FOR REMOVAL FROM REGISTRY

Dependent on the conviction, an individual can petition after 3 or 5 years.

VA. CODE ANN. § 9.1-909

CHILDREN REQUIRED TO REGISTER

All youth convicted of enumerated sex offenses must register.

WASH. REV. CODE § 9A.44.130

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory for all juveniles found to have committed any sex offense or kidnapping.

WASH. REV. CODE § 9A.44.130

OFFENSES REQUIRING REGISTRATION

Registration is required for any youth found to have committed any sex offense.

WASH. REV. CODE § 9A.44.128(10)

DURATION

The duty to register is 10 years for a person convicted of a class C felony with no prior sex offense or kidnapping convictions, 15 years for a class B felony with no prior sex offense or kidnapping convictions, and for life for a class A felony or anyone convicted who has a prior sex offense or kidnapping offense.

WASH. REV. CODE § 9A.44.140

COMMUNITY NOTIFICATION

The state police is required to notify school district and the school principal if a registered youth will be attending school, required to create and maintain a statewide registered kidnapping and sex offender web site open to the public that includes youth convicted of sex offenses. In addition to the statutorily required disclosures, the police are authorized to release relevant information that is necessary to protect the public concerning juveniles adjudicated of sex offenses.

WASH. REV. CODE §§ 4.24.550, 9A.44.138, 13.40.217

FEE

Not found

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Failure to register is a felony.

WASH. REV. CODE § 9A.44.132

EXPUNGEMENT

Expungement of records is seemingly only available when an individual engaged in diversion programs, but a youth's records may be sealed if they are no longer required to register as a sex offender.

WASH. REV. CODE § 13.50.260

MECHANISMS FOR REMOVAL FROM REGISTRY

Youth who are required to register, but who have not been determined to be a sexually violent predator, may petition the court to be relieved of the duty to register after statutorily defined periods of time depending on the offense (either 24 months or 60 months).

WASH. REV. CODE § 9A.44.142

CHILDREN REQUIRED TO REGISTER

Individuals adjudicated delinquent in juvenile court are not required to register as sex offenders as they are not included in the statute and the Supreme Court of Appeals of West Virginia determined the statute does not apply to juveniles.

State v. J.E., 796 S.E.2d 880 (W. Va. 2017); W. VA. CODE § 15-12-2

MANDATORY OR DISCRETIONARY REGISTRATION

None

OFFENSES REQUIRING REGISTRATION

None

DURATION

None

COMMUNITY NOTIFICATION

None

FEE

None

COLLATERAL CONSEQUENCES

None

FAILURE TO COMPLY

None

EXPUNGEMENT

None

MECHANISMS FOR REMOVAL FROM REGISTRY

None

CHILDREN REQUIRED TO REGISTER

All youth who are adjudicated delinquent, on supervision in Wisconsin, reside/work/attend school in Wisconsin and had a sex offense conviction in another state, or are ordered by the court to register.
WIS. STAT. § 301.45(1)(g)

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory.
WIS. STAT. § 301.45

OFFENSES REQUIRING REGISTRATION

Registration is required for all sex offenses, and “sex offenses” is defined as a large and encompassing phrase.
WIS. STAT. § 301.45

DURATION

Youth must register for 15 years.
WIS. STAT. § 301.45(5)

COMMUNITY NOTIFICATION

Not found

FEE

Law enforcement departments can set an annual fee to charge registrants at their discretion but it cannot exceed \$100.
WIS. STAT. § 301.45

COLLATERAL CONSEQUENCES

An individual on the registry cannot be on the premises of any school with some exceptions for if the individual is a student and is being monitored there, or if the registrant’s child is a student and they report their registrant status to the school.
WIS. STAT. § 301.475

FAILURE TO COMPLY

Non-compliance is a felony leading to a \$10,000 fine, 9 months in prison, or both depending on the circumstances.
WIS. STAT. § 301.45

EXPUNGEMENT

Expungement is possible for adjudications if a court determines that an individual does not have to comply with registration requirements.
WIS. STAT. § 301.45

MECHANISMS FOR REMOVAL FROM REGISTRY

A person required to register for life can petition for removal after 25 years.
WIS. STAT. § 301.45

CHILDREN REQUIRED TO REGISTER

All youth adjudicated delinquent for specified offenses must register.

WYO. STAT. ANN. § 7-19-309

MANDATORY OR DISCRETIONARY REGISTRATION

Registration is mandatory but the type of registration/notification requirement varies.

WYO. STAT. ANN. § 7-19-309

OFFENSES REQUIRING REGISTRATION

Any juveniles adjudicated delinquent of a listing of (seemingly all) sexually based offenses.

WYO. STAT. ANN. § 7-19-302

DURATION

Registration is for life.

WYO. STAT. ANN. § 7-19-304

COMMUNITY NOTIFICATION

Community notification level depends on the risk of reoffense; for a moderate or high risk of reoffense, notification will be distributed broadly whereas for a low risk of reoffense, notification is available the same way other criminal records can be available upon request to certain parties.

WYO. STAT. ANN. § 7-19-303

FEE

Initial registrants pay \$120 and then \$25 for each subsequent registration; there are exceptions and procedures for indigent individuals to get their fees waived.

WYO. STAT. ANN. § 7-19-302

COLLATERAL CONSEQUENCES

Not found

FAILURE TO COMPLY

Non-compliance extends the time an individual is not able to petition for removal or expungement, and constitutes a felony with a fine up to (\$1000), up to 5 years in prison, or both.

WYO. STAT. ANN. § 7-19-307

EXPUNGEMENT

Juveniles who are adjudicated delinquent for sexual assault in the first or second degree or sexual abuse of a minor are excluded from expunging their adjudications under the juvenile expungement statute.

WYO. STAT. ANN. § 14-6-241

MECHANISMS FOR REMOVAL FROM REGISTRY

Dependent on the offense, a juvenile who has been adjudicated delinquent can be relieved of the duty to register via petition after 10 or 25 years.

WYO. STAT. ANN. § 7-19-304

www.JLC.org

 Juvenile Law Center   @JuvLaw1975

Appendix C

(Retrieved from the Minnesota Department of Corrections 1/24/22.)

October 19, 2021 Data

Those currently incarcerated in the DOC with a Failure to Register conviction commit to prison in their history.

Assigned Level, Pending Level, Level not applicable due to registration based solely on juvenile adjudication (NA Juvenile), or Registration Not Applicable (RNA).

N = 151 cases			N = 114 individuals	
Level 1	45		37	
Level 2	44		31	
Level 3	18		13	
Pending Level	10		7	
NA Juvenile	33	21.9%	25	21.9%
RNA	1		1	

Corrections Operations Management System (COMS) – Intake Tracking Module

Minnesota Department of Corrections

Residency Restriction Ordinances in Minnesota

These are known Minnesota cities (and two counties) that have an ordinance that restricts to some degree where those subject to registration under Minnesota Statutes 243.166 or 243.167 may live in proximity to identified locations. Most but not all of these ordinances are based on the registration status of the targeted person. Some (47) apply to only Level 3* and some apply to both Level 3 and those with a minor victim regardless of risk level including non-risk level probation cases and those not even subject to registration. Not all ordinances are considered enforceable either in their entirety or in selective areas by local jurisdictions so they must be reviewed on a case-by-case basis for actual applicability in any specific residential decision. The variety of restrictions and extent of restrictions is inconsistent throughout these ordinances so caution should be noted when making decisions about applicability for any specific ordinance or registrant. Ordinances may have been changed since last reviewed. There is no comprehensive way to search these local ordinances so individual contact is sometimes necessary to get the most up-to-date information. Use of this list alone to deny a residential choice by anyone is inappropriate.

1. Ada*(Norman Co)
2. Albertville (Wright Co)
3. Andover*(Anoka Co)
4. Anoka*(Anoka Co)
5. Apple Valley (Dakota Co) (Fed Court Challenge pending)
6. Askov (Pine Co)
7. Audubon (Becker Co)
8. Benson (Swift Co)
9. Battle Lake (Otter Tail Co)
10. Big Lake* (Sherburne Co)
11. Birchwood*(Washington Co)
12. Blomkest (Kandiyohi Co)
13. Brainerd* -only concentration prohibited – 1000’ (Crow Wing Co)
14. Brooklyn Center* (Hennepin Co)
15. Chisago City (Chisago Co)
16. Chisago County*
17. Clear Lake*(Sherburne Co)
18. Cleveland* (Le Sueur Co)
19. Cloquet* (Carlton Co) – concentration and proximity
20. Cohasset (Itasca Co)
21. Columbia Heights*(Anoka Co)
22. Coon Rapids*(Anoka Co)
23. Corcoran (Hennepin Co)
24. Cosmos* (Meeker Co)
25. Cuyuna (Crow Wing Co)
26. Dayton (Hennepin Co) – *(void and invalid by 12/11/2018 4th District Judgement)*
27. Deephaven (Hennepin Co)
28. Detroit Lakes* (Becker Co)
29. Duluth*- with exceptions (St. Louis Co)
30. Eagle Lake (Blue Earth Co) – transitional housing restriction
31. Elizabeth (Otter Tail Co.)
32. Elysian* (Le Sueur and Waseca Co)

Residency Restriction Ordinances in Minnesota

33. Excelsior (Hennepin Co)
34. Farmington (Dakota Co)
35. Fergus Falls*(Otter Tail Co)
36. Finlayson (Pine Co)
37. Grand Rapids*(Itasca Co)
38. Grasston (Kanabec Co)
39. Greenwood (Hennepin Co)
40. Hastings* (Dakota Co)
41. Hermantown (St. Louis Co)
42. Hillman (Morrison Co)
43. Hilltop *(Anoka Co)
44. Independence* (Hennepin Co)
45. Inver Grove Heights* (Dakota Co)
46. Kilkenny (Le Sueur Co)
47. Lake Crystal* (all supervised individuals in state supported housing) (Blue Earth Co)
48. Lauderdale* (Ramsey Co.)
49. Le Center* (Le Sueur Co) (all registrants in housing)
50. Le Sueur* (Le Sueur Co)
51. Le Sueur County*
52. Lindstrom (Chisago Co)
53. Linwood Township (Anoka Co)
54. Little Canada* (Ramsey Co.) (amended to include only Level 3)
55. Lonsdale (Rice Co)
56. Mahtomedi * (Washington Co)
57. Mankato (all supervised individuals in state supported housing) (Blue Earth Co)
58. Maple Grove* (Hennepin Co)
59. Maple Plain (Hennepin Co)
60. Mapleton (Blue Earth Co)
61. Mendota Heights (Dakota Co)
62. Minnesota Lake* (Faribault and Blue Earth Co)
63. Moose Lake (Carlton Co)
64. Morristown (all supervised Level 2 or 3 individuals in supported housing) (Rice Co)
65. Mounds View* (Ramsey Co.)
66. New Prague* (Scott and Le Sueur Co)
67. Newport*(Washington Co)
68. North Branch* (North Branch)
69. North Mankato (all supervised individuals in state supported housing) (Nicollet and Blue Earth Co)
70. Orono* (Hennepin Co)
71. Otsego (2009) (Wright Co)
72. Pelican Rapids* (Otter Tail Co)
73. Pine Island* (Goodhue and Olmsted Co)
74. Proctor* (only with minor victims) (St. Louis Co)
75. Ramsey* (Anoka Co)
76. Rochester (all supervised individuals in state supported housing) – with exceptions (Olmsted Co)
77. Rosemount* (Dakota Co)
78. Rush City (Chisago Co)

Residency Restriction Ordinances in Minnesota

79. Sandstone (Pine Co)
80. Shorewood (Hennepin Co)
81. St. Francis* (Anoka Co)
82. St. Michael* (Wright Co)
83. South St. Paul (Dakota Co)
84. Taylors Falls (Chisago Co)
85. Tonka Bay (Hennepin Co)
86. Vadnais Heights* (Ramsey Co)
87. Victoria (Carver Co)
88. Wabasha (Wabasha Co)
89. Watertown* (Carver Co)
90. West St. Paul (Dakota Co) (Amended in response to Jan 25, 2018 preliminary federal court injunction)
91. Willmar*(Kandiyohi Co)
92. Wyoming (Chisago Co)

Comparisons based on race

Race	Minnesota Population ¹	Registrations ²	Prison Population ³	Failure to Register Convictions ⁴
White	83.2%	69.2%	51.8%	57.2% includes Hispanic ethnicity
Black	8.5%	21.5%	36.6%	31.8%
Asian/Pac Island*	6.5%	2.7%	2.7%	1.9%
Native Amer/Alaska	2.8%	6.2%	8.6%	9.0%
Other Race	5.6%			

* includes 0.2% Native Hawaiian and Other Pacific Islander

¹ United States Census Bureau – Minnesota 2020 Census – racial groups alone or in combinations (results in more than 100%)

² Bureau of Criminal Apprehension Presentation to POR Working Group – Aug 3, 2021 data

³ Minnesota Department of Corrections Adult Prison Population Summary – July 01, 2021

⁴ Minnesota Sentencing Guidelines Commission Failure to Register as Predatory Offender: Sentenced 2015-2019 report to POR Working Group – Oct 27, 2021

As of January 21, 2022 Minnesota Bureau of Criminal Apprehension

17,684 males

405 females

White	12,500
Black	3,902
Am Indian or Alaskan Native	1,115
Asian or Pacific Islander	477
Unknown	95
14-15 years old	10
16-17	40
90-above	6
80-89	104
70-79	474
60-69	1,594
50-59	3,194
40-49	4,564
30-39	5,249
21-30	2,619
18-20	235
Risk levels	8,438
Not Assigned	9,651 (includes those subject to risk level assign but not yet assigned)
Total	18,089

MINNESOTA DEPARTMENT OF CORRECTIONS
ADULT PRISON POPULATION SUMMARY

AS OF 07/01/2021 *(unless noted)*



Section Contents

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Section 2. Admissions and Releases
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**Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108-5219
(651) 361-7200
TTY (800) 627-3529**

July 1, 2021

Section 1. Adult Prison Population Summary as of 07/01/2021

POPULATION:

Males	6,948	94.3%
Females	<u>421</u>	5.7%
Total	7,369	

OFFENSES (top six total 5,668):

Criminal Sexual Conduct	1,489	20.2%
Homicide	1,419	19.3%
Drugs	1,202	16.3%
Assault	606	8.2%
Weapons	604	8.2%
Robbery	348	4.7%

Note: Percentages are based on the total population of 7,369.

TYPE OF OFFENSES:

Person	4,328	58.7%
Drugs	1,202	16.3%
Weapons	604	8.2%
Property	527	7.2%
Other	356	4.8%
DWI	330	4.5%
PSI Holds	<u>22</u>	0.3%
Total	7,369	

NUMBER OF LIFERS: 608 (634 including Non-Minnesota)

Note: Of the 608 Minnesota lifers:

- 149 have a sentence of life without parole; and
- 95 were not incarcerated in a Minnesota prison.

AVERAGE AGE (in years): 38.9

CURRENT INMATES AGE 50 OR OLDER: 1,288

CURRENT INMATES UNDER AGE 18: 6

AVERAGE POPULATION FY2021: 7,663

INMATES CERTIFIED AS ADULTS AT SENTENCING: 137

MINNCOR INDUSTRY – INMATES EMPLOYED: 1,376

Section 1. Adult Prison Population Summary as of 07/01/2021

RACE:

White	3,818	51.8%
Black	2,694	36.6%
American Indian	635	8.6%
Asian	198	2.7%
Unknown/Other	24	0.3%
Total	<u>7,369</u>	

Note: 404 (5.5%) of the above are of Hispanic ethnicity.

EDUCATIONAL LEVEL:

Grades 0 – 8	195	2.6%
Grades 9 – 11	1,643	22.3%
High School Graduate	2,180	29.6%
GED	1,842	25.0%
College and Up	1,384	18.8%
Other/unknown	125	1.7%
Total	<u>7,369</u>	

MARITAL STATUS:

Single	5,237	71.1%
Married	886	12.0%
Divorced/Separated	844	11.5%
Other/Unknown	402	5.5%
Total	<u>7,369</u>	

RELIGION:

Unknown/No Preference	2,358	32.0%
Other Christian	2,090	28.4%
Other Religions	859	11.7%
Catholic	638	8.7%
Muslim	456	6.2%
Native American Religions	373	5.1%
Lutheran	366	5.0%
Baptist	229	3.1%
Total	<u>7,369</u>	

COUNTY OF COMMITMENT (top six total 3,962):

Hennepin	1,906	25.9%
Ramsey	814	11.0%
St. Louis	344	4.7%
Dakota	336	4.6%
Stearns	290	3.9%
Anoka	272	3.7%

Note: Percentages are based on total population of 7,369.

Section 1. Adult Prison Population Summary as of 07/01/2021

POPULATION BY FACILITY/LOCATION:

Faribault	1,640	22.3%
Stillwater	1,301	17.7%
Lino Lakes	969	13.1%
Rush City	865	11.7%
Moose Lake	801	10.9%
St. Cloud	610	8.3%
Shakopee	398	5.4%
Oak Park Heights	345	4.7%
Willow River	118	1.6%
Togo	72	1.0%
Red Wing	29	0.4%
Work Release	177	2.4%
County Jail/Federal Prison (Contract)	0	0.0%
Institution Community Work Crews	27	0.4%
Non-DOC Correctional Facility (Short Term)	17	0.2%
Total	<u>7,369</u>	

Section 2. Admissions and Releases for FY2021

ADMISSIONS (FY2021):

New Commitments	2,285	60.9%
Release Return Without New Sentence	1,232	32.8%
Release Return With New Sentence	<u>235</u>	6.3%
Total	3,752	

Note: The above includes admissions of all offenders committed to the commissioner of corrections. Because offenders can be admitted more than once in a given year, the above measures the total number of prison admissions, not the total number of individual offenders admitted to prison.

COMMITMENTS	<u>FY2020</u>	<u>FY2021</u>	<i>Change</i>
July-December	2,133	1,213	-43.1%
January-June	<u>1,510</u>	<u>1,307</u>	-13.4%
Total	3,643	2,520	-30.8%

Note: Includes new commitments and release return with new sentence by fiscal year.

RELEASES (FY2021):

Supervised Release/Parole	3,683	73.6%
Community Programs	731	14.6%
Discharge	285	5.7%
Work Release - Covid	154	3.1%
Cond Med Rel/Supv Release - Covid	79	1.6%
Other	<u>73</u>	1.5%
Total	5,005	

Note: The above includes releases from prison as well as releases from community programs (i.e., work release) to supervised release. Because offenders can be released from either prison or a community program more than once in a given year, the above measures the total number of transitions to a release status, not the total number of individual offenders who exit a prison facility.

Failure to Register as Predatory Offender: Sentenced 2015-2019

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are offender-based, meaning cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

Information Requested: This data request consists of four parts: Part 1: A three-column table is requested. Scope: 243.166 cases sentenced 2015-2019 Column 1: Cases without a mitigated dispositional departure Column 2: Cases with a mitigated dispositional departure Column 3: All cases Row 1: Average annual case volume (i.e., case volume divided by 5) Row 2: Percentage distribution of the first two columns (column 3 = 100%). Row 3: Among those committed to DOC, average prison duration (mo.) Row 4: Among those not committed to DOC, average local confinement duration (days) Rows 5-6: Percentage distribution by sex (total of rows = 100%) Rows 7-11: Percentage distribution by race (total of rows = 100%) Rows 12-18: Percentage distribution by age category (total of rows = 100%) Rows 19-24: Percentage distribution by type of custody (total of rows = 100%) Rows 25-31: Percentage distribution by criminal history score (total of rows = 100%) Row 32: Percent sentenced under 243.166.5(c) (second or subsequent) or whatever your data field is Row 33: Percent with true prior sex offense (with a definition of true prior sex offense in the table notes) Part 2: A table identical to Table 7 in the 2021 Report to the Legislature is requested, but limited to 243.166 cases sentenced in 2019 without a mitigated dispositional departure. Part 3: A table identical to Table 7 in the 2021 Report to the Legislature is requested but limited to 243.166 cases sentenced in 2019 with a mitigated dispositional departure. Part 4: A table identical to Table 7 in the 2021 Report to the Legislature is requested but limited to 243.166 cases sentenced in 2019 (total).

Analysis:

- Sentenced 2015-2019
- Failure to Register as Predatory Offender (FRPO) under Minn. Stat. § 243.166
- Excludes attempts under Minn. Stat. § 609.17 (four cases)

From 2015-2019, 1,995 offenders were sentenced for FRPO under Minn. Stat. § 243.166 – 1,453 (73%) were convicted under subdivision 5(b) (first FRPO offense) and 542 (27%) were convicted under subdivision 5(c) (subsequent FRPO offense). 943 (47%) of the 1,995 offenders received a mitigated dispositional departure.

Table 1. Failure to Register as Predatory Offender (FRPO) Cases, Sentenced 2015-2019

		Dispositional Departure		All Cases
		None	Mitigated	
Total	Average Annual Case Volume	210.4	188.6	399 cases
	Percent	52.7	47.3	100 percent
	Average Prison Duration ¹	21.2 mos.	NA	1,047 cases
	Average Local Confinement Duration ²³	NA	110.2 days	784 cases
Sex	Male	98.7	96.4	97.6 percent
	Female	1.3	3.6	2.4 percent
Race/Ethnic.	White	46.8	53.9	50.1 percent
	Black	31.8	31.8	31.8 percent
	American Indian	11.0	6.7	9.0 percent
	Hispanic	8.4	5.6	7.1 percent
	Asian	1.9	1.9	1.9 percent
Age Category	18-21	6.3	10.3	8.2 percent
	22-25	13.9	13.7	13.8 percent
	26-30	18.3	17.3	17.8 percent
	31-40	35.5	29.1	32.4 percent
	41-50	16.6	16.5	16.6 percent
	51+	9.5	13.1	11.2 percent
Custody Status	None	37.1	59.6	47.7 percent
	Probation	34.1	27.6	31.0 percent
	Parole/Supervised Release	23.1	9.0	16.4 percent
	Confined	0.2	0.0	0.1 percent
	Release Pending Sentencing	1.6	1.5	1.6 percent
	Extended Jurisdiction Juvenile (EJJ)*	0.3	0.1	0.2 percent
	Within Original Probation Term*	1.1	1.2	1.2 percent
	Conditional Release	2.5	1.1	1.8 percent
CHS	CHS 0	2.6	16.0	8.9 percent
	CHS 1	7.2	15.0	10.9 percent
	CHS 2	13.8	20.4	16.9 percent
	CHS 3	19.4	15.6	17.6 percent
	CHS 4	18.0	13.7	15.9 percent
	CHS 5	15.3	8.4	12.0 percent
	CHS 6+	23.8	11.0	17.7 percent
Other	Subdivision 5(b) (first FRPO offense)	65.8	79.7	72.4 percent
	Subdivision 5(c) (subsequent FRPO)	34.2	20.3	27.6 percent
	True Prior Sex Offense ⁴	50.9	40.2	45.8 percent

* EJJ and within original probation term are no longer eligible for custody status.

¹ The average prison duration excludes four cases that received a consecutive sentence.

² The average local confinement duration is based on cases that received jail as a condition of probation (785 cases) and does not include cases that received other sanctions (137 cases) or a jail sentence (21 cases).

³ The average local confinement duration excludes one case that received a consecutive sentence.

⁴ A "true prior" is defined as an offense with a disposition date before the date the FRPO offense was committed. "True prior," within the meaning of this report, is not a statutory or Guidelines term, and may or may not correlate with statutory or Guidelines terms such as "prior," "previous," or "subsequent."

Table 2 compares, by the categories of sex, race or ethnicity, and judicial district, the population of felony FRPO cases sentenced in 2019 that did not receive a mitigated dispositional departure with the 2019 estimated state adult population. Within those comparison categories, Table 2 also calculates the rate of cases sentenced in 2019 per 100,000 Minnesota residents age 18 and older on July 1 of the respective year.

Table 2. FRPO Cases Sentenced, Received Presumptive Disposition (Prison), 2019, by Gender, Race/Ethnicity, and Judicial District, Compared to 2019 Estimated Adult Population

	Cases Sentenced in 2019		U.S. Census Category	2019 Estimated Adult Population		Cases Sentenced per 100,000	
	MSGC Category	Number		Percent	Number		Percent
	Male	204	98.6%	Male	2,144,041	49.4%	9.5
	Female	3	1.4%	Female	2,192,434	50.6%	0.1
Race & Ethnicity	White	108	52.2%	White*	3,629,537	83.7%	3.0
	Black	65	31.4%	Black or African American*	278,909	6.4%	23.3
	American Indian	15	7.2%	American Indian*	66,414	1.5%	22.6
	Hispanic**	17	8.2%	Hispanic**	197,548	4.6%	8.6
	Asian	2	1.0%	Asian*	228,242	5.3%	0.9
	Other/Unknown	0	0.0%	Native Hawaiian/Other Pacific Islander*	4,975	0.1%	0.0
Judicial District***	First	16	7.7%	First	608,254	14.0%	2.6
	Second	36	17.4%	Second	422,368	9.7%	8.5
	Third	21	10.1%	Third	372,086	8.6%	5.6
	Fourth	31	15.0%	Fourth	989,707	22.8%	3.1
	Fifth	26	12.6%	Fifth	221,404	5.1%	11.7
	Sixth	11	5.3%	Sixth	202,578	4.7%	5.4
	Seventh	20	9.7%	Seventh	379,092	8.7%	5.3
	Eighth	9	4.3%	Eighth	122,619	2.8%	7.3
	Ninth	17	8.2%	Ninth	264,123	6.1%	6.4
	Tenth	20	9.7%	Tenth	754,244	17.4%	2.7
	Total	207	100.0%	Total	4,336,475	100.0%	4.8

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2020).

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.6%) because residents of more than one race are counted in more than one category.

**Table 2 lists all Hispanic offenders and residents as Hispanic, regardless of race.

***The MSGC category of "Other/Unknown" is not a valid comparison group to the U.S. Census category of "Native Hawaiian/Other Pacific Islander."

Table 3 compares, by the categories of sex, race or ethnicity, and judicial district, the population of felony FRPO cases sentenced in 2019 that received a mitigated dispositional departure with the 2019 estimated state adult population. Within those comparison categories, Table 3 also calculates the rate of cases sentenced in 2019 per 100,000 Minnesota residents age 18 and older on July 1 of the respective year.

Table 3. FRPO Cases that Received a Mitigated Dispositional Departure, 2019, by Gender, Race/Ethnicity, and Judicial District, Compared to 2019 Estimated Adult Population

	MSGC Category	Cases Sentenced in 2019		U.S. Census Category	2019 Estimated Adult Population		Cases Sentenced per 100,000
		Number	Percent		Number	Percent	
	Male	195	98.5%	Male	2,144,041	49.4%	9.1
	Female	3	1.5%	Female	2,192,434	50.6%	0.1
Race & Ethnicity	White	108	54.5%	White*	3,629,537	83.7%	3.0
	Black	62	31.3%	Black or African American*	278,909	6.4%	22.2
	American Indian	14	7.1%	American Indian*	66,414	1.5%	21.1
	Hispanic**	13	6.6%	Hispanic**	197,548	4.6%	6.6
	Asian	1	0.5%	Asian*	228,242	5.3%	0.4
	Other/Unknown	0	0.0%	Native Hawaiian/Other Pacific Islander*	4,975	0.1%	0.0
Judicial District***	First	17	8.6%	First	608,254	14.0%	2.8
	Second	40	20.2%	Second	422,368	9.7%	9.5
	Third	24	12.1%	Third	372,086	8.6%	6.5
	Fourth	28	14.1%	Fourth	989,707	22.8%	2.8
	Fifth	24	12.1%	Fifth	221,404	5.1%	10.8
	Sixth	4	2.0%	Sixth	202,578	4.7%	2.0
	Seventh	12	6.1%	Seventh	379,092	8.7%	3.2
	Eighth	10	5.1%	Eighth	122,619	2.8%	8.2
	Ninth	14	7.1%	Ninth	264,123	6.1%	5.3
	Tenth	25	12.6%	Tenth	754,244	17.4%	3.3
	Total	198	100.0%	Total	4,336,475	100.0%	4.6

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2020).

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.6%) because residents of more than one race are counted in more than one category.

**Table 3 lists all Hispanic offenders and residents as Hispanic, regardless of race.

***The MSGC category of "Other/Unknown" is not a valid comparison group to the U.S. Census category of "Native Hawaiian/Other Pacific Islander."

Table 4 compares, by the categories of sex, race or ethnicity, and judicial district, the population of all felony FRPO cases sentenced in 2019 with the 2019 estimated state adult population. Within those comparison categories, Table 4 also calculates the rate of cases sentenced in 2019 per 100,000 Minnesota residents age 18 and older on July 1 of the respective year.

Table 4. FRPO Cases Sentenced, 2019, by Gender, Race/Ethnicity, and Judicial District, Compared to 2019 Estimated Adult Population

	MSGC Category	Cases Sentenced in 2019		U.S. Census Category	2019 Estimated Adult Population		Cases Sentenced per 100,000
		Number	Percent		Number	Percent	
	Male	399	98.5%	Male	2,144,041	49.4%	18.6
	Female	6	1.5%	Female	2,192,434	50.6%	0.3
Race & Ethnicity	White	216	53.3%	White*	3,629,537	83.7%	6.0
	Black	127	31.4%	Black or African American*	278,909	6.4%	45.5
	American Indian	29	7.2%	American Indian*	66,414	1.5%	43.7
	Hispanic**	30	7.4%	Hispanic**	197,548	4.6%	15.2
	Asian	3	0.7%	Asian*	228,242	5.3%	1.3
	Other/Unknown	0	0.0%	Native Hawaiian/Other Pacific Islander*	4,975	0.1%	0.0
	Judicial District***	First	33	8.1%	First	608,254	14.0%
Second		76	18.8%	Second	422,368	9.7%	18.0
Third		45	11.1%	Third	372,086	8.6%	12.1
Fourth		59	14.6%	Fourth	989,707	22.8%	6.0
Fifth		50	12.3%	Fifth	221,404	5.1%	22.6
Sixth		15	3.7%	Sixth	202,578	4.7%	7.4
Seventh		32	7.9%	Seventh	379,092	8.7%	8.4
Eighth		19	4.7%	Eighth	122,619	2.8%	15.5
Ninth		31	7.7%	Ninth	264,123	6.1%	11.7
Tenth		45	11.1%	Tenth	754,244	17.4%	6.0
	Total	405	100.0%	Total	4,336,475	100.0%	9.3

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2020).

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.6%) because residents of more than one race are counted in more than one category.

**Table 4 lists all Hispanic offenders and residents as Hispanic, regardless of race.

***The MSGC category of "Other/Unknown" is not a valid comparison group to the U.S. Census category of "Native Hawaiian/Other Pacific Islander."



September 2016

SORNA Substantial Implementation Review State of Minnesota

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 the State of Minnesota 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 Minnesota's SORNA substantial implementation packet and has found the State of Minnesota to have not substantially implemented SORNA.

In November 2015, the Minnesota Bureau of Criminal Apprehension, Department of Public Safety, submitted to the SMART Office for review a SORNA substantial implementation package, consisting of a completed SORNA Substantial Implementation Checklist, all relevant state statutes and codes, and a series of memos detailing the state's tribal agreements and points of contact.

Our review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, and contains 15 sections addressing the SORNA requirements. Under each section, we indicate whether Minnesota 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. Minnesota 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, Minnesota 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 state has not met SORNA standards. We encourage you to review the information below, share it with relevant stakeholders in the state, 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 (within 3 business days) 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.

Minnesota notifies other state law enforcement agencies, including Indian Tribes located within the state (U.S. territories and the District of Columbia are not included in the definition of “state”), and updates the FBI databases when an offender initially registers and/or updates information. However, Minnesota only updates its public sex offender registry website when an offender is deemed non-compliant or upon changes to photographs or through the annual verification process (see Section X for further information). Further, Minnesota defines “immediate” as three to seven days.

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 be 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 be included in a jurisdiction’s registration scheme.

A. Minnesota Offenses

Minnesota captures most of the offenses for which SORNA requires registration, with the exception of video voyeurism involving a minor.

B. Offenses of Other SORNA Registration Jurisdictions

In Minnesota, registration is required for any offender if the offense committed in another state is comparable to a Minnesota registerable offense.

C. Federal Offenses

In Minnesota, registration is required for any offender if the offense committed in another jurisdiction is comparable to a Minnesota registerable offense. Additionally, if a person is registered in another state for an offense, then that person must register in Minnesota. While this scheme will include many of the federal offenses requiring registration, Minnesota does not require registration for the following federal offenses:

- 18 U.S.C. §1801 (Video Voyeurism of a Minor)
- 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. §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)

D. Military Offenses

Minnesota requires offenders to register if they committed offenses requiring registration under military law, if the offense committed is comparable to a Minnesota sex offense. Minnesota 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 Minnesota law and, therefore, would not be registered under Minnesota's existing scheme.

E. Foreign Offenses

Minnesota does not require registration for offenses committed in foreign countries.

F. Juvenile Adjudications

Minnesota requires all juveniles adjudicated delinquent for sex offenses to register.

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

III. Tiering of Offenses

SORNA requires that offenses be classified based on the nature of the offense of conviction. Minnesota's registration and notification scheme deviates from SORNA requirements in that it requires all sex offenders to register for either 10 years or life (see Section IX for information about frequency of reporting and duration of registration requirements). For clarification purposes, the SMART Office has reviewed all statutes identified in Minnesota's registration and notification scheme and has placed these statutes within the SORNA three tier levels (see Appendix: Minnesota Offense Tiering Review for a detailed analysis regarding this subsection of the review).

The following Minnesota offenses require 10 year registration and annual verification; these offenses are equivalent to SORNA Tier II offenses requiring registration for 15 years with annual appearances:

- 609.3451 (Subdivision 3) Criminal Sexual Conduct in the Fifth Degree
- 609.255 (Subdivision 2) False Imprisonment
- 617.247 Possession of pictorial representations of minors
- 609.2325 (Subdivision 1) Criminal Abuse (committed on or after 8/1/2011)

The following Minnesota offenses require 10 year registration and annual verification; these offenses are equivalent to SORNA Tier II offenses requiring registration for 25 years with twice-yearly appearances:

- 609.322 or 609.324 Soliciting a minor to engage in prostitution
- 609.344(e), (f) Criminal Sexual Conduct in the Third Degree
- 609.344 (h), (i), (l), (n), (o) Criminal Sexual Conduct in the Third Degree (victim age 16-17)
- 609.345 (b),¹ (e), (f), (g) Criminal Sexual Conduct in the Fourth Degree
- 609.345(c), (d), (h), (i), (j), (k), (l), (m), (n), (o) Criminal Sexual Conduct in the Fourth Degree (victim age 13-17)
- 609.352 Soliciting a minor to engage in sexual conduct
- 617.246 Using a minor in a sexual performance
- 617.247 (Subdivision 3) Possession of pornographic work involving minors

The following Minnesota offenses require 10 year registration and annual verification; these offenses are equivalent to SORNA Tier III offenses requiring lifetime registration with quarterly appearances:

- 609.25 Kidnapping
- 609.342 (b) Criminal Sexual Conduct in the First Degree
- 609.344 (d), (j), (k), (m) Criminal Sexual Conduct in the Third Degree
- 609.344 (h), (i), (l), (n), (o) Criminal Sexual Conduct in the Third Degree (victim age less than 16)
- 609.345 (d) Criminal Sexual Conduct in the Fourth Degree (victim under age 13)

Minnesota does not meet the SORNA requirements in 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. Minnesota captures some of the required information, with the following exceptions:

- Driver's license number or ID card
- Employer: transient day labor employment information
- Internet identifiers
- Passports and immigration documents
- Photographs: updated as needed
- Professional licenses
- Purported social security numbers

¹ Under 42 U.S.C. §16911(5)(c), SORNA does not require registration for any sexual contact or sexual act where the victim is at least 13, the offender is no more than 4 years older than the victim, and the act/contact is consensual.

- Temporary lodging information
- Vehicle information: registration number for aircraft and watercraft, including permanent or frequent location where all vehicles are kept

Minnesota does not meet 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.

Minnesota meets all of 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.

While Minnesota meets most of the requirements in this section, the state requires individuals released without a period of incarceration to register with a corrections agent as soon as the agent is assigned to the person; if the person does not have an assigned corrections agent, the person shall register with the law enforcement authority that has jurisdiction in the area of the person's primary address. This timeframe is not prescribed by the state, but typically assignation is done at sentencing. Additionally, if the person is registered as a sex offender in another state, Minnesota requires that they report for registration within five days after the person enters the state to take up residence or begin school, employment or his or her vocation.

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).

Minnesota first passed its registration law in 1991, which was prospective. Minnesota does require registration for those applicable individuals who reenter the jurisdiction's criminal justice system because of a conviction for a crimes against person offense.

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

VIII. Keeping the Registration Current

SORNA requires that when a registered sex offender resides in a jurisdiction, the 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, the 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 notifies 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 (USMS), and immediately update NCIC/NSOR.

In Minnesota, registered sex offenders must immediately (within three to seven days) report changes in name, address, employment and school information, and vehicle information to law enforcement; sex offenders are not required to update law enforcement of any other changes in registration information. While Minnesota does not directly notify the USMS of international travel or relocation, USMS does have access to the state's registry. Furthermore, Minnesota does not require offenders to report 21 days in advance of travel outside the United States.

Because Minnesota does not require offenders to report 21 days in advance of international travel, Minnesota 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 Minnesota, all individuals convicted or adjudicated delinquent for sex offenses are required to register for 10 years. Any registrant that fails to comply with the statute is required to register for an additional five years.² Minnesota requires lifetime registration in the following instances:

- If an individual is convicted or adjudicated delinquent for committing First Degree Murder or a second registerable offense, committed after August 1, 2000.
- If the person is required to register pursuant to a court commitment under the state's sexual psychopathic personalities and sexually dangerous persons law³ or a similar law of another state or federal law.
- Adult offenders convicted for any of the following offenses after August 1, 2000:
 - 609.342 (a), (c), (d), (e), (f), or (h) Criminal Sexual Conduct in the First Degree
 - 609.343 (a), (c), (d), (e), (f), or (h) Criminal Sexual Conduct in the Second Degree
 - 609.344 (a), (c), or (g) Criminal Sexual Conduct in the Third Degree
 - 609.345 (a), (c), or (g) Criminal Sexual Conduct in the Fourth Degree
 - Or a comparable federal offense or a comparable offense in another state.
- If the person is required to register for life in another jurisdiction, then he/she will also be required to register for life in Minnesota.

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 Minnesota, registrants must update and verify their registry information at least once per year. Individuals required to register pursuant to a court commitment under the state's sexual psychopathic personalities and sexually dangerous persons law or a similar law of another state or a similar federal law must update and verify their registry information every 90 days.

² Fails to report for registration, fails to update registration information, or fails to return registration verification form.

³ Minnesota Statutes 2015, Chapter 253D. Civil Commitment and Treatment of Sex Offenders.

C. Reduction of Registration Periods

SORNA creates certain requirements under which a jurisdiction can allow an offender to have a reduced registration period.

In Minnesota, sex offenders are not allowed reductions in their registration periods.

Because Minnesota does not register offenders for the appropriate durations or frequency of reporting, Minnesota 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.

Minnesota's public registry website displays information about only risk assessed Level 3 offenders and non-compliant (for more than 30 days) offenders. Minnesota's website is only updated when an offender is found to be non-compliant or information (i.e., photograph, address) has changed; this is done in accordance with annual verification procedures. Furthermore, Minnesota's website is not searchable by geographic radius. While Minnesota displays some of the SORNA required information about registered sex offender, several important items of information are not relayed to the public, including:

- Criminal history
- Employer address
- School address
- Vehicle information

Because Minnesota only posts information about a narrow class of registered offenders, only updates the website under certain circumstances, and does not post the necessary address information, Minnesota does not meet the SORNA requirements of 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.

Minnesota monitors and responds to relocation notices on the SORNA Exchange Portal; however, law enforcement does not send relocation notices to other jurisdictions. The State is

currently developing a database solution that will allow for both sending and receiving tasks through the Exchange Portal. Minnesota appropriately notifies (or allows access to State law enforcement databases) other law enforcement agencies and federal databases of changes to offenders' registration information.

In Minnesota, only those registrants assigned a risk level 3 by the End of Confinement Review Committee (ECRC), Department of Corrections, are subject to general community notification. Only certain sex offenders are subject to ECRC review, including those:

- Released from a state prison in Minnesota;
- Released from a state prison in another state who move to Minnesota under supervision;
- Released from a federal prison and intending to reside in Minnesota
- Released from confinement who were committed as sexually dangerous persons, sexually psychopathic personalities or mentally ill and dangerous; or
- Designated (and upon request) by local law enforcement, if released from a federal prison or another state's prison and not under supervision.

Thus, only a portion of registered offenders in Minnesota are subject to assessment by the ECRC and then only those assigned a level 3 are subject to community notification.

Furthermore, Minnesota does not provide the public with any direct notification of registered offenders who live, work or attend school in proximity to their address. Access to information about level 3 offenders is only available through the public registry website and upon request to law enforcement, via community meetings.

Because Minnesota only notifies the public of assessed level 3 sex offenders and does not provide a method of direct notification to the public, Minnesota does not meet the SORNA requirements of 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.

Minnesota meets 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.

Minnesota meets all of 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 Minnesota, each local law enforcement agency handles the monitoring and tracking of the registrants in differently. When an agency discovers that an offender is no longer living, working or attending school at the registered address, they contact the central registry at the State Bureau of Criminal Apprehension (BCA) to pursue failure to register charges. Local law enforcement agencies are encouraged to seek warrants for non-compliant registrants; however, this is not required. Furthermore, the United States Marshals Service is not directly notified of registration violations, but they do have access to the BCA database (registry), which lists all non-compliant registrants.

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

XV. Tribal Considerations

There are two Indian Tribes that have chosen to adopt SORNA located within the boundaries of Minnesota: the Bois Forte Reservation Business Committee and the Red Lake Band of Chippewa Indians of Minnesota. The Bois Forte Tribe has been found to have substantially implemented SORNA and has a strong working relationship with the State of Minnesota, including a formalized Memorandum of Agreement (MOA) for access to the BCA and NCIC databases and submission of DNA samples for entry into NDIS. The Red Lake Band has entered into a MOA for access to the BCA and NCIC databases and has submitted a substantial implementation package to the SMART Office for review.

Additionally, the state has entered into MOAs with several other Indian tribes located within the state that allow access to the BCA and NCIC databases.

Conclusion

We encourage Minnesota 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 Minnesota 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.

Appendix: Minnesota Offense Tiering Review

The SMART Office has reviewed all Minnesota statutes identified in its substantial implementation package and has identified Minnesota'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). 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 Minnesota.

In reviewing Minnesota Revised Statutes, the SMART Office understands that Minnesota essentially has two categories of registrants:

1. Individuals convicted or adjudicated delinquent for most sex offenses are required to register for 10 years. Any registrant in violation of the statute is required to register for an additional five years.
2. Lifetime registration in the following instances:
 - If an individual is convicted or adjudicated delinquent for committing First Degree Murder or a second registerable offense, committed after August 1, 2000.
 - If the person is required to register pursuant to a court commitment under the state's sexual psychopathic personalities and sexually dangerous persons law or a similar law of another state or federal law.
 - Adult offenders convicted for any of the following offenses after August 1, 2000:
 - 609.342 (a), (c), (d), (e), (f), or (h) Criminal Sexual Conduct in the First Degree
 - 609.343 (a), (c), (d), (e), (f), or (h) Criminal Sexual Conduct in the Second Degree
 - 609.344 (a), (c), or (g) Criminal Sexual Conduct in the Third Degree
 - 609.345 (a), (c), or (g) Criminal Sexual Conduct in the Fourth Degree
 - Or a comparable federal offense or a comparable offense in another state.
 - If the person is required to register for life in another jurisdiction, then he/she will also be required to register for life in Minnesota.

SORNA Tier I Offenses

SORNA requires that Tier I offenders register for a minimum of 15 years and annually verify registration information. The following offenses listed in Minnesota Statutes would require, at a minimum, Tier I registration requirements under SORNA.

- 609.345(c), (d), (h), (i), (j), (k), (l), (m), (n), (o) Criminal Sexual Conduct in the Fourth Degree (adult victim)
- 609.3451 (Subdivision 3) Criminal Sexual Conduct in the Fifth Degree
- 609.255 (Subdivision 2) False Imprisonment
- 617.247 Possession of pictorial representations of minors
- 609.2325 (Subdivision 1) Criminal Abuse (committed on or after 8/1/2011)

SORNA Tier II Offenses

SORNA requires that Tier II offenders register for a minimum of 25 years and semi-annually verify registration information. The following offenses listed in Minnesota Statutes would require, at a minimum, Tier II registration requirements under SORNA.

- 609.322 or 609.324 Soliciting a minor to engage in prostitution
- 609.343 Criminal Sexual Conduct in the Second Degree (victim age 13-18)
- 609.344(e), (f) Criminal Sexual Conduct in the Third Degree
- 609.344(h), (i), (l), (n), (o) Criminal Sexual Conduct in the Third Degree (victim age 16-17)
- 609.345(b)*, (e), (f), (g) Criminal Sexual Conduct in the Fourth Degree
 - 609.345(c), (d), (h), (i), (j), (k), (l), (m), (n), (o) Criminal Sexual Conduct in the Fourth Degree (victim age 13-17)
- 609.352 Soliciting a minor to engage in sexual conduct
- 617.246 Using a minor in a sexual performance
- 617.247 (Subdivision 3) Possession of pornographic work involving minors

SORNA Tier III Offenses

SORNA requires that Tier I offenders register for life and quarterly verify registration information. The following offenses listed in Minnesota Statutes would require, at a minimum, Tier III registration requirements under SORNA.

- 609.185(a)(2) First Degree Murder
- 609.25 Kidnapping
- 609.342 Criminal Sexual Conduct in the First Degree
- 609.343 Criminal Sexual Conduct in the Second Degree (victim under age 13)
- 609.344(c), (d), (g), (j), (k), (m) Criminal Sexual Conduct in the Third Degree
- 609.344(h), (i), (l), (n), (o) Criminal Sexual Conduct in the Third Degree (victim age less than 16)
- 609.345(c), (d) Criminal Sexual Conduct in the Fourth Degree (victim under age 13)

Further Review

Minnesota registers the following offenses; however, those offenses, without the commission of (or the attempt or conspiracy to commit) a sexual offense, do not require registration under SORNA:

- 609.344(a), (b)* Criminal Sexual Conduct in the Third Degree

* Under 42 U.S.C. §16911(5)(c), SORNA does not require registration for any sexual contact or sexual act where the victim is at least 13, the offender is no more than 4 years older than the victim, and the act/contact is consensual.

- 609.344(h), (i), (l), (n), (o) Criminal Sexual Conduct in the Third Degree (adult victim)
- 609.345(a) Criminal Sexual Conduct in the Fourth Degree
- 617.23 Indecent Exposure



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Review article

Adolescent Neurodevelopment

Linda Patia Spear, Ph.D.*

Department of Psychology, Center for Development and Behavioral Neuroscience, Binghamton University, Binghamton, New York
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 A B S T R A C T

Purpose: The purpose of this article is to outline notable alterations occurring in the adolescent brain, and to consider potential ramifications of these developmental transformations for public policy and programs involving adolescents.

Methods: Developmental changes in the adolescent brain obtained from human imaging work are reviewed, along with results of basic science studies.

Results: Adolescent brain transformations include both progressive and regressive changes that are regionally specific and serve to refine brain functional connectivity. Along with still-maturing inhibitory control systems that can be overcome under emotional circumstances, the adolescent brain is associated with sometimes elevated activation of reward-relevant brain regions, whereas sensitivity to aversive stimuli may be attenuated. At this time, the developmental shift from greater brain plasticity early in life to the relative stability of the mature brain is still tilted more toward plasticity than seen in adulthood, perhaps providing an opportunity for some experience-influenced sculpting of the adolescent brain.

Conclusions: Normal developmental transformations in brain reward/aversive systems, areas critical for inhibitory control, and regions activated by emotional, exciting, and stressful stimuli may promote some normative degree of adolescent risk taking. These findings have a number of potential implications for public policies and programs focused on adolescent health and well-being.

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Development of the brain is far from complete at the time of birth, with maturation continuing through childhood and adolescence, and even some age-related changes in brain organization and function (including the generation of modest numbers of brain cells) into adult life [1]. Studies conducted over the past several decades have revealed adolescence as a time of particularly notable morphological and functional transformations in the brain that, along with increasing hormone levels and other biological changes, interact with cultural, economic, and psychosocial forces to shape how adolescents think, feel, and behave [2]. The purpose of this article is to outline some of the more notable alterations occurring in the adolescent brain, and briefly consider some potential ramifications of these normal developmental

transformations for public policies and programs involving adolescents.

Understanding of adolescent brain development continues to escalate rapidly, aided considerably by increasingly informative insight into normal developing human brains provided by continued improvements in imaging technologies. Magnetic resonance imaging (MRI) and other imaging technologies have proved valuable for detailing the size of [3,4] and connectivity across [5,6] brain regions at different ages, as well as for indexing relative changes in regional activation patterns during performance of target risk taking, decision making, or other tasks [7]. However, space and movement constraints limit task-related responses possible within scanners, making it a challenge to relate these findings to the social and emotionally arousing situations in which adolescents often engage in risky behavior. Dissecting causal relationships and the precise morphological and molecular underpinnings of observed age differences typically requires approaches and levels of analyses largely unavailable

* Address correspondence to: Linda Spear, Ph.D., Department of Psychology, Box 6000, Binghamton University, Binghamton, NY 13902-6000.
 E-mail address: lspear@binghamton.edu (L.P. Spear).

with imaging, but more amenable to study using animal models of adolescence. Although the human brain and the behavior it supports are far more complex than those of other species, relevance of research using simple mammalian models of adolescence is aided by considerable across-species similarities in behavior and biology seen between humans and other mammalian species. The basics of brain structure and function arose millions of years ago, and the relative timing of regional brain development has been evolutionarily conserved as well [8]. Common behavioral proclivities seen in human adolescents and their counterparts in other species include elevations in peer-directed social interactions along with occasional increases in fighting with parents [9–11], increases in novelty seeking, sensation seeking, and risk taking [12–15], and greater per-occasion alcohol use [16,17]. These across-species similarities support the suggestion that certain neurobehavioral characteristics of adolescence may be tethered in part by biological roots embedded in the evolutionary past [18].

Recent Advances in Understanding of Adolescent Brain Development

Synaptic pruning and myelination

Brain development is a mix of expansion and regression. Many more brain cells specialized for processing and transmitting information (neurons) and their synaptic connections are produced than will ultimately be retained [19,20]. This overproduction and pruning are thought to ensure that appropriate connectivity is established, with neurons and synapses that fail to make appropriate connections being lost [21]. Although such regressive processes are most prevalent during early brain development, they continue to some extent throughout life, with synaptic pruning, in particular, being a hallmark of the brain transformations of adolescence. Pruning during adolescence is highly specific and can be pronounced, resulting in a loss of approximately 50% of the synaptic connections in some regions, but with little decline in others [21]. Pruning has been speculated to help with the “rewiring” of brain connections into adult-typical patterns, and could potentially represent relatively late opportunities for brain plasticity, as discussed later in the text. Synapses are energetically costly, and declines in their numbers likely contribute to the increases in brain efficiency seen during adolescence, reflected by the declines in brain energy use seen through adolescence in humans and other species [22,23].

Not all brain changes during adolescence are regressive, with some neurons continuing to grow processes and establish new synaptic connections [1]. There are also major shifts in the speed and timing of information flow across the brain that influence functional connectivity across brain regions during adolescence [24]. Speed and efficiency of information flow across relatively distant regions are accelerated during adolescence because neuronal axons interconnecting certain brain areas become insulated with a white, fat-enriched substance called myelin, thereby markedly increasing the speed of electrical transmission along axons and at the same time reducing the energy needed to maintain this process. Although myelination begins early in life and continues into adulthood, its production escalates notably during adolescence [25], thereby speeding information flow across distant regions and magnifying its impact [26].

These processes of myelination and synaptic pruning help to reconfigure brain connectivity into the adult form and are

thought to contribute to the developmental “thinning” that occurs in the neocortex, that is, the decline in thickness of outer layers of the brain that are most evolutionarily advanced in humans and are thought to play particularly important roles in higher levels of information processing and orchestrating actions. The thinning of cortical “gray matter” regions enriched in neurons, synapses, and support cells with maturation may be related not only to declines in the number of synaptic processes but also to increases in myelinated “white matter” tracts that pass underneath cortical gray matter, decreasing relative gray matter to white matter volume [27].

Regional specificity, changes in connectivity, and refinement of networks

Cortical development generally proceeds in “waves,” with the timing of gray matter thinning occurring well before adolescence in cortical regions involved in basic sensory and motor function, whereas thinning continues throughout adolescence in prefrontal cortex (PFC) and other frontal cortical regions implicated in advanced cognitive functions. Development in noncortical areas is also thought to contribute to adolescent-characteristic behaviors. Subcortical regions receiving notable attention, which will be reviewed later in the text, include areas modulating social, aversive, and emotional stimuli, such as the amygdala, and regions implicated in the processing of rewarding stimuli, as exemplified later by neurons releasing the neurotransmitter dopamine (DA) and regions receiving this input, such as the ventral striatum. Developmental changes in these areas will be considered in conjunction with cognitive and behavioral data to support the suggestion that enhanced proclivities for risk taking, sensation seeking, and alcohol/drug use often seen during adolescence are influenced in part by immature cognitive control capacities, which can be overwhelmed by enhanced reactivity (and perhaps cross-reactivity) to social and emotional stimuli and to rewards under certain circumstances, along with sometimes attenuated reactivity to aversive stimuli/consequences.

However, development of the brain is not simply a chronology of developmental immaturities, with different areas coming online at different times. Rather, contemporary views of brain maturation consider it to be a dynamic process by which separate networks of functionally related regions become more strongly linked over time [24,28,29] via weakening connections between different networks while intensifying within-network connections, particularly those linking more distant network regions [30]—the latter presumably aided by the preferential myelination of longer axonal tracts as discussed previously. Such increases in network cohesion may contribute to developmental changes in patterns of brain activation, with activation in task-relevant regions often becoming less diffuse and more focal (distinct) with development [31].

Prefrontal areas and development of cognitive control

Theories of adolescent brain development generally concur on the importance of delayed maturation of the PFC and other frontal regions for developmental immaturities in cognitive control, attentional regulation, response inhibition, and other relatively advanced cognitive functions [7]. Although youth can perform well on tasks tapping these cognitive functions under certain conditions, performance impairments often emerge with increases in task demands, or under conditions of heightened

arousal and emotions. Indeed, stressful and emotionally arousing situations have been shown to attenuate activity in PFC and other frontal regions [32], and at the same time to increase activity in subcortical regions modulating emotional reactivity, such as the amygdala, as discussed later in the text.

Evidence for delayed maturation of frontal regions is evident in terms of cortical thinning [33], as well as via switches from more diffuse to greater focal activation of frontal regions during performance on tasks requiring inhibitory self-control [31,34]. Maturation of inhibitory control during adolescence is also associated with increasing involvement of frontal/PFC regions within networks linking these control regions with other areas [35,36]. Development of frontal regions into late adolescence/early adulthood is thought to result in relatively late maturation of “top-down” control systems that gradually strengthen their control over early emerging, largely subcortical “bottom-up” systems that are highly responsive to rewarding and emotional stimuli [7]. Development of these “bottom-up” systems will be considered next.

DA, the ventral striatum, and adolescent-related alterations in reward sensitivity

Novel stimuli, exciting and risky situations, and alcohol, nicotine, and other drugs of potential abuse tap into complex and ancient brain reward circuitry that is critical for seeking, finding, and “consuming” survival-essential natural rewards such as food, water, warmth, sexual partners, and other social stimuli [37]. This reward circuitry includes the DA neurotransmitter system and its projections to reward-relevant subcortical regions, such as the ventral striatum [38]. As examples of these marked transformations, in some reward-relevant areas, there is a loss of up to 50% of some types of receptors that are necessary to respond to DA, whereas in other areas, ongoing levels of DA activity may increase two- to sevenfold during adolescence [39,40].

Consistent with the diversity and complexity of the developmental transformations in these reward-relevant regions, evidence is mounting rapidly that these areas respond differently to rewarding stimuli during adolescence than in adulthood, although the age differences observed are complex. On one hand, adolescents sometimes [41–43], although not always [44], show greater activation in ventral striatum while receiving rewards than do children or adults. Type of task, context, and reward intensity might contribute to differences seen across studies [45], with adolescents, for instance, found to show greater ventral striatum responses to larger rewards but weaker responses to relatively small rewards [41]. In contrast to the sometimes exaggerated ventral striatum responses to rewards, adolescents often show a reduced ventral striatal response when anticipating a reward or when shown cues predicting the reward [44,46]. Ostensibly, these data might seem counter to the avidity with which adolescents pursue rewards. Yet, attenuated activations of ventral striatum during reward anticipation are associated with greater risk-taking biases among adolescents [47] and with elevated levels of impulsivity among alcoholics compared with a group of adult control subjects [48]. Thus, attenuated ventral striatal activation during reward anticipation may normally be evident to some extent among adolescents, with this insensitivity to anticipatory activation particularly pronounced among adolescents with stronger propensities for risk taking, perhaps serving as a risk factor for later problematic alcohol/drug use.

Consistent with adolescent-typical alterations in reward-relevant brain regions and reminiscent of the sometimes heightened ventral striatal response of adolescents to the receipt of rewards, behavioral sensitivity to rewards has often been reported to peak during adolescence. For instance, reward seeking (indexed via self-report or sensitivity to positive feedback in a gambling task) was found to increase and peak in midadolescence (i.e., approximately 14–15 years) and then to gradually decline into adulthood [15,49,50]. Even sensitivity to a basic reward—sweet substances—was likewise higher at this time (11–15 years of age) than during late adolescence and emerging adulthood (19–25 years) [51]. Data supporting a strong biological component to this enhanced reward responsiveness have been obtained using simple animal models, with adolescent rats likewise often found to be more sensitive than adults to the rewarding properties of stimuli, which range from desirable tastes, social peers, and novelty, to drugs of abuse, including cocaine, amphetamine, nicotine, and alcohol [38].

Neurobehavioral response of adolescents to aversive stimuli

Aversive stimuli and negative consequences typically signal dangerous circumstances, with various regions throughout the brain sensitively responding to such stimuli. Adolescents often appear less “harm avoidant” than adults when indexed via neural responding to aversive stimuli, threats, and penalties [52]. For instance, the amygdala of adolescents is activated less than that of adults in response to aversive outcomes (reward omission) [52]. Likewise, a region of frontal cortex that monitors penalties and conflict was activated by the threat of both mild and high penalties in adults, but only by the threat of high penalty in adolescents, suggesting that this area is less sensitive to penalties in adolescents than adults [53]. These data are consistent with other emerging evidence that neural responses to negative feedback may mature later than responses to positive feedback [54,55].

A reduced responsiveness to aversive stimuli during adolescence is often [50,56,57], although not always [58], evident behaviorally. For instance, sensitivity to negative feedback in a gambling task was found to be low during early to midadolescence, and to increase gradually thereafter [50,57]. Similar behavioral findings have emerged in animal studies, supporting a biological basis for adolescent insensitivities to aversive stimuli. For instance, adolescent rats are often less sensitive than adults to aversive properties of both nondrug and drug stimuli, with the latter emerging at higher doses of the same drugs that, at lower doses, they conversely find more reinforcing than adults (cocaine, amphetamine, nicotine, and alcohol) [38,59,60]. In the case of alcohol, this adolescent insensitivity includes various intoxicating effects of alcohol, such as motor incoordination, social impairment, and sedation—effects likely serving as cues to moderate intake [61]. Adolescent-typical insensitivities to aversive stimuli in the presence of greater reward sensitivity could contribute to the proclivity of adolescents to associate more benefit and less cost to alcohol and drug use, as well as other risk behaviors [62].

The amygdala, social behavior, and “hot” cognitions

There is considerable overlap between systems processing aversive stimuli and those responsive to emotions and social stimuli, such as the amygdala. Indeed, aversive stimuli often

produce negative emotions, and social stimuli are exquisitely effective in inducing both positive and negative emotions. Given the often heightened emotionality and peer focus of adolescents, developmental studies have frequently assessed activation of the amygdala to emotional (often fearful) faces relative to neutral faces. In some [63,64], but not all [65], studies, adolescents were found to exhibit greater amygdala activation to emotional faces than adults (and children, when studied), with data supporting the suggestion that adolescents show increased neural reactivity to emotional properties of social stimuli.

This social/emotional bias may alter attention to other situational or task features. For example, greater amygdala activation to emotional faces was correlated with slower reaction times during performance of a response inhibition task that used these faces as stimuli [64]. Indeed, although the rational decision making of adolescents reaches adult-typical levels by midadolescence, this capacity can be reduced under stressful, emotionally charged, and arousing circumstances [49]—a phenomenon called “hot cognitions” [66]. For instance, when both emotional and nonemotional versions of a risk-taking task were examined, adolescents exhibited more risk-taking behavior than adults only under the emotional version of the task [67]. Social peers seem particularly effective in inducing “hot” emotional states during adolescence, with adolescents showing markedly more risk taking than adults when tested in a computerized risk-taking task in the presence of peers; however, this was not the case when individuals at both ages were tested alone [68]. Adolescent engagement in risky behaviors commonly occurs in social situations [57].

Adolescent brain plasticity

As an organ specialized for processing and using information to modify cognitions and behavior, the brain must maintain some degree of functional stability while still being sufficiently malleable to adapt to new experiences throughout life. The balance between plasticity and stability is tilted toward plasticity early in life, a time when there are many opportunities for the brain to be sculpted by experiences ranging from initial sensory experiences to early nutrient exposure/restriction or developmental adversities [69–71]. At maturity, the balance is shifted toward greater stability of neural circuits, although the capacity for plasticity is still present in a restricted form [72]. There is evidence that some heightened developmental plasticity extends into adolescence, thereby potentially providing a relatively late opportunity for the brain to be customized to match the activities and experiences of the adolescent. Whether this adolescent brain plasticity is unique or merely reflects an intermediate transition in the developmental shift from the heightened neural plasticity seen early in life to the greater neural stability of the mature brain is yet unknown and may vary with the brain systems and functions under investigation, as well as the stimuli precipitating adaptations in these systems. Effective stimuli may include not only the environment and experiences of the adolescent but pubertal hormones as well. Increases in gonadal steroids (e.g., estrogen, testosterone) at puberty have been shown to influence maturation of brain regions critical for reproductive behavior, thereby helping to program sex-typical responses to gonadal hormones in adulthood [73].

Likely neural targets for experience-related plasticity during adolescence may be developmental transformations normally occurring in the brain at this time. Synapses in the adolescent

brain are notably more dynamic than they are in adulthood, with axons growing and retracting and new synapses being formed and others eliminated at notably greater rates than seen in the mature brain [74,75]. Some of the synaptic pruning that is seen during adolescence appears in part experience dependent [75], as does the process of myelination, with axonal myelination driven partly by the amount of electrical activity passing along to-be-myelinated axons [76]. Findings consistent with experience-dependent myelination are beginning to emerge from human imaging studies as well. For instance, in a study of professional musicians, the amount of white matter development in performance-relevant tract pathways was correlated with the amount of time spent practicing, especially practice time during childhood and during early/midadolescence [77]. Myelination is thought to be one of the negative regulators of plasticity, raising the possibility that experience-related increases in myelination may serve to stabilize relevant axonal pathways at the cost of their further plasticity [78].

Basic science studies have also revealed evidence for 4–5 times higher rates of formation of new neurons during adolescence than in adulthood [79]. Formation of modest amounts of new neurons throughout life is restricted to a few brain regions, but is thought to be important for some forms of learning, for repair after brain damage, and as one possible mediator of beneficial effects of exercise and enriched environments [80]. Such beneficial effects have been seen after exposures during adolescence [81] and in adulthood [82], although studies have yet to include age comparisons to determine whether the brain of the adolescent is more sensitive to these effects than the adult brain.

Indeed, finding that the adolescent brain is sensitive to environmental manipulations is not the same as showing that adolescence represents a critical period, or time of special vulnerability and opportunity, for brain plasticity. For at least some kinds of experiences, it is possible that similar brain plasticity might extend into adulthood. However, even if adolescence does not represent a critical period for neuroplasticity, it is possible that environmental experiences might prove particularly critical for altering trajectories away from or toward certain problematic outcomes at this time of relatively rapid neural, behavioral, and cognitive change.

Broad implications of recent research for adolescent policy and programs

It is a leap from the science of adolescent brain development to public policy, particularly given that most relevant data are derived from human imaging studies that largely do not address causal or mechanistic relationships, or from research using simple animal models whose relevance to human adolescents often remains to be established. Nevertheless, converging data and emerging consensus in certain instances may be sufficient to help inform adolescent policy discussions.

Adolescents often seem to view rewarding and aversive stimuli differently than adults do, showing a shift toward enhanced sensitivity to rewards but attenuated aversive sensitivities that may extend to alcohol and other drugs. Such hedonic shifts could encourage the pursuit of, continued engagement in, and escalation of risky and exciting activities, particularly when previous activities proved rewarding and without disastrous consequences. Indeed, risk taking has been viewed as “one dimension of the drive for thrills and excitement” [83, p.296]. Attenuated aversive consequences in the face of a potential for greater re-

warding benefits could combine with genetic and environmental risk factors to promote relatively high levels of reward “consumption,” leading to problematic involvements with alcohol, other drugs, or other rewarding or risky stimuli.

Turning to potential policy ramifications, evidence for enhanced sensitivity to strong rewards during adolescence could be used to support policies to limit access to or discourage excessive use of highly rewarding substances during adolescence (e.g., pricing elevations; age restrictions to limit access to cigarettes, alcohol, and gambling; restricting availability of high-caloric/low-nutritional capacity food and drinks in schools). In contrast, taking into account consideration of adolescent-associated attenuations in aversive sensitivity, policies could be developed to help insulate and scaffold adolescents in risky situations that include exploration of negative experiences, given that adolescents are perhaps less likely to attribute negative outcomes to those experiences [56].

Context plays a particularly dramatic role in influencing adolescent behavior, with stressful, exciting, and emotionally arousing circumstances not only increasing activity in subcortical regions modulating reactivity to socioemotional and rewarding stimuli, but also attenuating activity in the frontal cortical regions critical for logical thinking and cognitive control, thereby promoting “hot cognitions” and potentially leading to risky activities. Such findings have been used to support different ages for informed consent under conditions favoring “cold” cognitions versus for culpability to illegal acts occurring under conditions favoring “hot” cognitions [84]. Adolescent-typical proclivities for developing hot cognitions also could be used to support policies to restrict the access of adolescents to contexts that are particularly likely to promote risky behaviors. Graduated driving licenses are but one example.

Programs to reduce stress levels within typical contexts of adolescence could be promoted to help adolescents increase their capacity to cope with stressors and reduce their propensity to exhibit “hot cognitions.” Recent data demonstrating that sleep deprivation likewise shifts brain activation toward “hot cognitions” [85], taken together with evidence for a partially biologically driven phase shift toward delayed sleep onset and later awakening that usually leads to some sleep deprivation during the school week [86], could serve to add further impetus to policies shifting to later school start times for adolescents than younger individuals.

Adolescent-typical ways of thinking and behaving appear in part neurobiologically based. Given such strong biological roots, it perhaps should not be surprising that some degree of sensation seeking and risk taking is often normative during adolescence [57] and perhaps even rational under some circumstances [56]. Rather than trying to eliminate adolescent risk taking via abstinence programs or training in social skills or social norms—strategies that have not proved successful to date [57]—a better tactic might be to reduce the costs of adolescent risk taking by limiting access to particularly harmful risk-taking situations, while perhaps providing opportunities to engage in risky and exciting activities under circumstances designed to lessen changes for harm.

Recommendations for future research

One critical area for future research is that of individual differences and the degree to which adolescent neurobehavioral function is influenced by genetic background and previous exper-

iences. Many youth traverse adolescence relatively easily, with their risk-taking behaviors limited and without notable adverse consequences (sometimes perhaps more by happenstance than design). However, for other individuals, adolescent behavioral choices have severe consequences, including lasting alcohol/drug abuse, incarceration, or even death, with mortality rates increasing two- to fourfold during the otherwise healthy adolescent period [87]. For some adolescents, adjustment problems may evolve into psychological disorders, with increases in the incidence of a variety of disorders during adolescence [88]. Little is known of how development of the adolescent brain influences expression of individual differences across the course of adolescence, or of the role of environmental experiences in the emergence of resiliencies and vulnerabilities among individual adolescents. Additional knowledge of individual variation in such resiliencies/vulnerabilities (and how to detect these using behavioral or biomarkers) is essential for developing individually targeted prevention and intervention strategies that are likely to be more beneficial than more broad-based strategies aimed at large populations of adolescents.

Another exciting area for future research with significant policy implications is the issue of adolescent brain plasticity. Although it is clear that environmental circumstances of the adolescent matter, and that the maturing brain during adolescence is sensitive to these experiences, many critical questions remain:

- To what degree do adolescent experiences (including those provided by adolescent risk-taking) customize the maturing brain in ways commensurate with those experiences?
- What experiences are effective, how much experience is necessary, and to what degree are these experience-dependent adaptations beneficial or detrimental?
- How long lasting are these effects?
- Can the plasticity of adolescent brain be “exploited” to train adolescents to enhance their self-control under emotional circumstances, or to accelerate neural maturation of regions critical for cognitive control? If such training is effective, would training to minimize the natural course of adolescence be advisable?
- And, importantly, does adolescence represent a critical period for experience-dependent brain sculpting, or does this plasticity merely reflect a capacity for neuroadaptations that continues relatively unabated throughout life?

Answers to questions such as these will help determine the degree to which communities, schools, and families should focus efforts to promote specific contexts and experiences for adolescents while discouraging others. Even modest adjustments of developmental trajectories that are slightly offtrack during adolescence may yield substantially more benefit than waiting until those trajectories have diverged considerably later in life.

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Paying the Piper: The Cost of Compliance with the Federal Sex Offender Registration and Notification Act

JENNIFER N. WANG

New York Law School, 2014

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JENNIFER N. WANG

Paying the Piper: The Cost of Compliance with the Federal Sex Offender Registration and Notification Act

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ABOUT THE AUTHOR: Jennifer N. Wang was an Executive Editor of the 2013–2014 *New York Law School Law Review* and received her J.D. from New York Law School in 2014.

PAYING THE PIPER: THE COST OF COMPLIANCE WITH SORNA

Every piece of sex offender legislation has a compelling political backstory. No different is the Sex Offender Registration and Notification Act of 2006 (SORNA), which aims to build a comprehensive national sex offender registry in the United States. However, lost in the passionate determination to eliminate sexual crime is a rational cost-benefit analysis of state compliance. This note describes the long-standing problem of compliance with SORNA and identifies cost as a key contributor to state noncompliance. With the principal purpose of SORNA in mind, this note then proposes different approaches to addressing the financial barriers to SORNA and evaluates each response in light of compliance. Ultimately, this note calls for a change of focus in the way that politicians and legislators look at implementing SORNA, as well as other sex offender legislation in the United States.

I. INTRODUCTION

Eleven days into trial, former New York Governor George E. Pataki was on the witness stand.¹ At 6 feet, 5 inches, Pataki—even while seated—exuded an impressive presence that was felt by the courtroom’s attentive listeners. Pataki’s lawyer, Abbe Lowell, prompted his client to describe a “personal incident” to the jury, and Pataki responded:

My wife and I would always . . . go hiking in the state parks where we live, and we went for a hike with my youngest child, my son, and three or four neighbor kids and another neighbor. Sometime in either '95 or '96, in thousands of acres of wilderness, there was one individual, a male who, when no one else was around, would continually stand and walk right next to us, and we would even go off the trail for a view. He would walk right out and stand next to the kids. I was a governor, so the State Police were down the trail, so I called them and the State Police came, and they started asking the man why he was following us and following the children.

I was advised later on that he . . . had been convicted of sexual crimes in the Rochester area.²

Pataki went on to explain that the incident brought to his attention “not just . . . the horrors of these [sexual] crimes, but the immediacy of the[ir] possibility.”³

-
1. Much of the anecdote that follows is based on my own observation. From June to August 2013, I served as a legal intern in the Litigation Bureau of the Office of the New York State Attorney General. During my internship, I worked exclusively on *Bailey v. Pataki*, 708 F.3d 391 (2d Cir. 2013). The *Bailey* trial began on July 9, 2013, and concluded with the jury’s verdict on July 31, 2013. Judge Jed S. Rakoff of the U.S. District Court, Southern District of New York, presided.
 2. Transcript of Trial at 2113, *Bailey v. Pataki*, No. 08-CV-8563 (S.D.N.Y. July 23, 2013).
 3. *Id.* at 2113–14. Pataki told the jury: “I had [state] troopers, but I couldn’t help but think of a mother in a walk in the park with a child or a child at a playground . . .” *Id.* at 2113.

In 2008, the plaintiffs in *Bailey v. Pataki* filed a complaint against the former governor and a number of other high-ranking New York State executives.⁴ The six convicted sex offenders claimed that their constitutional due process rights were violated when the Pataki administration implemented the Sexually Violent Predator Initiative (“SVP Initiative”) in 2005.⁵ Specifically, the plaintiffs alleged that they were unlawfully confined to state mental hospitals at the conclusion of their prison sentences for committing sexually violent crimes.⁶

Along with Pataki, five of the six plaintiffs testified when the case went to trial in August of 2013.⁷ During plaintiff Robert Warren’s cross-examination, he was questioned about his sex offender registration status:

Q. Mr. Warren, you are required to register as a sex offender in the State of New York, right?

A. Well, that depends on the state I have residency. Wherever you reside, that’s where you’re required to register. So I reside here right now, so I register here. If I moved to Oregon, when I have been there, I [was] required to register in Oregon and not in New York.

Q. You are currently registered in Oregon. Is that true?

A. I am currently registered in New York.

Q. And information concerning your Sex Offender Registry is available to the public, isn’t it . . . ?

A. Not in Oregon, it is not. In Oregon, it is not.

Q. In New York it is?

A. I think so, yes. I am not a resident of New York State right now.⁸

Plaintiff Louis Massei was also questioned about his registration status as a sex offender:

Q. Now, Mr. Massei, as a result of your rape conviction, you’re required to register under the Sex Offender Registration Act. Is that true?

A. That is correct, too.

Q. As a result of having to register, you have to register your address at least once a year with Albany. Is that correct?

A. No. I don’t live in New York. I don’t register with Albany.

4. See Amended Complaint for Damages, *Bailey v. Pataki*, No. 08-Civ-8563 (S.D.N.Y. Jan. 22, 2009).

5. See Amended Complaint for Damages, *supra* note 4, at 1–3; see also Benjamin Weiser, *At Trial, Pataki Says Sex Offender Trained Family*, N.Y. TIMES, July 24, 2013, at A18, available at <http://www.nytimes.com/2013/07/24/nyregion/in-trial-over-confinement-pataki-says-sex-offender-trained-his-family-on-hike.html>.

6. See Weiser, *supra* note 5. Plaintiffs’ main claim was that their procedural due process rights were violated when they were committed without: notice, psychiatric examinations by court-appointed physicians, or a judicial hearing prior to commitment. See *Bailey*, 708 F.3d at 398.

7. Plaintiff Jorge Burgos was deceased at the time of trial and was thus unable to testify.

8. Transcript of Trial, *supra* note 2, at 1472–73.

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Q. You have to register where you live?

A. Right.

Q. You have to register at least once a year?

A. Yes.

Q. If you move, you have to provide them with a new address?

A. Whenever I move, I just provide them with whatever address I live at.

Q. And information relating to your conviction is available to the public?

....

A. In the State of New York, my information is available. Because I live in the State of North Dakota, and I wasn't convicted under their system, I am not listed on their system because I was not given a level hearing. I am not listed where I live. I am listed in New York. In North Dakota if someone wants to know about me, they put me in the system. I don't come up as a sex offender in the State of North Dakota or Oregon.

THE COURT: We get the idea.⁹

The plaintiffs' testimony during the *Bailey* trial revealed the complexity and possibility for error in a fragmented sex offender registration system comprised of fifty individual states, the District of Columbia, the five principal U.S. territories, and Indian tribes.¹⁰ What are the cracks in the system and how often do these breakdowns occur? I was curious, and commenced a line of research to learn the nature and structure of sex offender registration and notification in the United States.

In addition to government programs such as the SVP Initiative, sex offenders are regulated by extensive federal and state legislation.¹¹ One of these laws is the Adam Walsh Child Protection and Safety Act (AWA),¹² which establishes a standardized, offense-based classification system for sex offenders.¹³ The AWA specifically aims to strengthen the national network of sex offender registration and notification programs, thus potentially closing the registration loopholes highlighted by the plaintiffs'

9. *Id.* at 1341–43.

10. This note focuses primarily on the issue of state compliance with the Sex Offender Registration and Notification Act (SORNA). However, many of the arguments concerning state compliance with SORNA may equally apply to the U.S. territories and Indian tribes.

11. *See* discussion *infra* Part II.

12. Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 587 (codified as amended at 42 U.S.C. §§ 16901–16991 (2013)).

13. *See* U.S. DEP'T OF JUSTICE, THE NATIONAL GUIDELINES FOR SEX OFFENDER REGISTRATION AND NOTIFICATION 21–26 (2008) [hereinafter SORNA GUIDELINES], available at http://www.smart.gov/pdfs/final_sornaguidelines.pdf.

testimony in *Bailey*.¹⁴ However, this federal law, which has been described as “ambitious,” has been met with much resistance from the states.¹⁵

This note focuses on Title I of the AWA—the Sex Offender Registration and Notification Act (SORNA)¹⁶—and examines through an economic and financial lens the widespread failure of states to fully comply with the law. A number of SORNA requirements are highly expensive to implement—in particular, the directive to change from a risk assessment classification system to a tier-based offense system.¹⁷ State legislatures must weigh the benefits of complying with SORNA’s requirements to determine whether they are worth the potential cost of implementation.¹⁸

Part II of this note presents a historical background of sex offender legislation, including an extensive overview of SORNA and the AWA. Part III examines state SORNA compliance and identifies cost as a key contributor to state noncompliance. Part IV proposes and assesses viable solutions to address the economic and financial difficulties that SORNA poses. Part V adds yet another layer to the discussion with a brief analysis of SORNA’s federalism implications. Part VI concludes this note.

II. THE HISTORY AND BACKGROUND OF SORNA

Historically, society’s view of sex offenders has been “one of intolerance rather than compassion.”¹⁹ The roots of U.S. sex offender laws can be traced back to the United Kingdom’s dangerous offender legislation, which applied predominantly to property offenses in the 1900s.²⁰ By the 1930s, the focus of sex offender legislation had “shifted to perverts whose sexual urges caused increasingly violent behavior.”²¹

14. *See id.* at 4.

15. *See Adam Walsh Act Update: State Resistance to Comply and Federal Leniency in Compliance Review*, NAT’L JUV. JUST. NETWORK (Aug. 5, 2011), <http://www.njjn.org/uploads/digital-library/Update%20on%20State%20Compliance%20with%20AWA%208%205%2011.pdf> (“States have resisted implementing the Act for numerous reasons including: confidence in their current state registration laws[,] . . . concern about the legislation’s high costs of implementation[,] . . . and concern over the negative public safety and rehabilitation effects of placing youth on any registry, public or private.”).

16. Sex Offender Registration and Notification Act, Pub. L. No. 109-248, 120 Stat. 590 (2006) (codified as amended at 42 U.S.C. §§ 16901–16962).

17. *See* discussion *infra* Part IV.C.1.

18. This note does not address the effectiveness of the sex offender registration systems in protecting the public from sexual predators, but focuses instead on the fiscal problems facing SORNA implementation in the United States. Supporters of sex offender registration maintain that registries are a law enforcement tool—“an ability to allow the public to take measures to protect themselves”—while critics argue that community notification creates barriers to successful treatment and can destabilize offenders. *See* Emanuella Grinberg, *5 Years Later, States Struggle to Comply with Federal Sex Offender Law*, CNN (July 28, 2011, 11:51 AM), <http://www.cnn.com/2011/CRIME/07/28/sex.offender.adam.walsh.act/>.

19. Melissa Wangenheim, Note, “*To Catch a Predator, Are We Casting Our Nets Too Far?: Constitutional Concerns Regarding the Civil Commitment of Sex Offenders*,” 62 RUTGERS L. REV. 559, 568 (2010).

20. *See* LAURA J. ZILNEY & LISA ANNE ZILNEY, PERVERTS AND PREDATORS: THE MAKING OF SEXUAL OFFENDING LAWS 66 (2009) (“At this time the notion of a ‘sexual psychopath’ was equated with immorality, and thus the focus was primarily placed on gay men and other ‘indecent’ offenses.”).

21. *Id.* at 66–67 (internal quotation marks omitted).

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The ideology during this era focused on rehabilitation, and viewed sex offenders as “mentally sick” individuals.²² Sexual psychopath laws developed, calling for the “involuntary” and “indefinite” commitment of offenders to psychiatric facilities.²³ The concept of registering offenders also originated in the 1930s.²⁴ In 1937, Florida was the first state to adopt a registration law, but only required registration for persons convicted of felonies involving “moral turpitude.”²⁵

Initially, the enactment and enforcement of sex offender registration laws largely remained with the states.²⁶ In 1947, California enacted the first set of registration laws, requiring law enforcement agencies to compile a list of sex offenders to be used as an enforcement tool.²⁷ By 1989, only twelve states had registration laws targeting convicted sex offenders.²⁸ During the 1990s, high-profile sexual assaults and murders of children encouraged a “renewed interest in harsh sex offender legislation” at both the state and federal level.²⁹ In 1990, Washington became the first state to enact a law requiring sex offenders to register in a public registry not limited to law enforcement use.³⁰

On September 13, 1994, President Bill Clinton signed into law the first set of federal sex offender laws in the United States, remarking:

From now on, every State in the country will be required by law to tell a community when a dangerous sexual predator enters its midst. We respect people’s rights, but today America proclaims there is no greater right than a parent’s right to raise a child in safety and love.³¹

The Jacob Wetterling Crimes Against Children Sex Offender Registration Act (“Wetterling Act”)³² “served as the backbone and catalyst for federal sex offender

22. *Id.* at 71.

23. *Id.* (noting that Michigan passed the United States’ first sexual psychopath law in 1937).

24. Wayne A. Logan, *Sex Offender Registration and Community Notification: Past, Present, and Future*, 34 *NEW ENG. J. ON CRIM. & CIV. CONFINEMENT*, Winter 2008, at 4. State and local governments were concerned about offenders seeking “anonymous refuge within their growing populations” and enacted registration laws in response. *Id.*

25. *Id.* at 5.

26. Richard A. Paladino, Note, *The Adam Walsh Act as Applied to Juveniles: One Size Does Not Fit All*, 40 *HOFSTRA L. REV.* 269, 273 (2011).

27. *See id.* at 273–74. For nearly the next fifty years, sex offender registry information was accessible only by law enforcement personnel. *Id.* at 274.

28. Logan, *supra* note 24, at 5.

29. ZILNEY & ZILNEY, *supra* note 20, at 83; *see also* Logan, *supra* note 24, at 5 (“From 1990 onward, however, public policy radically changed when a handful of high-profile sexual assaults of children by ex-offenders inspired legislative attention.”).

30. Logan, *supra* note 24, at 5. Washington’s registration law permitted “dissemination of identifying information on registrants to communities in which registrants lived.” *Id.*

31. Paladino, *supra* note 26, at 277.

32. Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L. No. 103-322, 108 Stat. 2038 (1994) (codified as amended at 42 U.S.C. §§ 14071–14703 (2006 & Supp.

registration laws.”³³ The Wetterling Act, which had the complete bipartisan support of Congress, mandated that all states implement a sex-offender registry³⁴ and sought to better safeguard the public against sexual predators by requiring sex offenders to register with their state at the completion of their prison, jail, or parole sentences.³⁵ Although twenty-four states had already enacted sex offender registration laws, Congress sought to impose uniform federal registration standards to prevent offenders from simply relocating to states that did not require registration.³⁶ The Wetterling Act generally set out the minimum standards for state sex offender registration programs³⁷ and, by 1996, every state had enacted a form of sex offender registration law.³⁸

While allowing for community notification, the Wetterling Act did not require it.³⁹ In July of 1994, shortly before its enactment, the brutal murder of seven-year-old Megan Kanka led New Jersey legislators to “cobble[] together a bill requiring the state to assess sex offenders regarding their dangerousness to the community and to subsequently give notice to the community when that level of dangerousness rose to a serious enough level.”⁴⁰ Two years later, a 1996 amendment, dubbed “Megan’s Law,”⁴¹ mandated that every sex offender register for community notification and

III 2010)), *repealed by* Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 587 (codified as amended at 42 U.S.C. §§ 16901–16991).

33. Paladino, *supra* note 26, at 274–75.

34. *See id.* at 275.

35. *Id.*

36. *Id.* at 275–76. Congress could not mandate that the states enact the Wetterling Act, so it “backed its directive with a threat to withhold ten percent of otherwise allocated federal funding if states did not adopt and implement registration and community notification laws.” Logan, *supra* note 24, at 5–6.

37. *See* U.S. DEP’T OF JUSTICE, MEGAN’S LAW; FINAL GUIDELINES FOR THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT, AS AMENDED, A.G. ORDER No. 2196-98 (1998), *available at* <http://cl.bna.com/cl/19990120/2196.htm>.

38. *See* Logan, *supra* note 24, at 6.

39. Brittany Enniss, Note, *Quickly Assuaging Public Fear: How the Well-Intended Adam Walsh Act Led to Unintended Consequences*, 2008 UTAH L. REV. 697, 700. “As of 1996, only seventeen states allowed for notification, either via public inspection or direct community notification.” Logan, *supra* note 24, at 6.

40. Enniss, *supra* note 39; *see also* Logan, *supra* note 24, at 5 (“New Jersey’s rapid adoption of registration and notification, in the wake of Megan Kanka’s sexual abuse and murder by a convicted sex offender living nearby, fueled national interest in the social control strategies. The laws quickly swept the nation, with legislatures often adopting in verbatim from one another’s legislative findings.”). I interviewed Dr. Louis Schlesinger, a psychologist who was appointed by the president of the New Jersey Senate and acting governor to serve as a member of a Senate Task Force that rewrote Megan’s Law in 2001. Dr. Schlesinger, who is still in contact with Megan Kanka’s parents, explained that Maureen Kanka would not have allowed her daughter to walk around her neighborhood freely if she had known that a previously convicted sex offender lived on her street. Telephone Interview with Louis B. Schlesinger, Ph.D., Professor of Forensic Psychology at John Jay Coll. of Criminal Justice (Dec. 5, 2013) [hereinafter Schlesinger Interview]; *see also* Paladino, *supra* note 26, at 276 (“It was believed that had Megan’s parents been aware and notified that their neighbor was a sex offender, they would have taken the proper steps necessary to prevent Megan’s death.”); *Our Mission*, MEGAN NICOLE KANKA FOUND., <http://www.megannicolekankafoundation.org/mission.htm> (last visited Apr. 25, 2015).

41. Megan’s Law, Pub. L. No. 104-145, 110 Stat. 1345 (1996) (amending 42 U.S.C. § 14071(d) (1994)).

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“required states to release relevant information to the community” by some method.⁴² Although Megan’s Law was adopted in some shape or form in all fifty states,⁴³ the interpretation of what “relevant information” entailed varied from state to state.⁴⁴

Federal law did not impose criminal liability on individuals who violated Megan’s Law until July 27, 2006 when the AWA⁴⁵ was signed into law by President George W. Bush.⁴⁶ The AWA, passed in the memory of six-year-old victim Adam Walsh, aimed to establish a comprehensive national registration system “[i]n order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators.”⁴⁷ The co-sponsor of the bill’s original Senate version, then-Delaware Senator Joseph Biden, stated: “Plain and simple, this legislation, I can say with certainty, will save children’s lives.”⁴⁸

SORNA provides a comprehensive set of minimum standards⁴⁹ for sex offender⁵⁰ registration and notification in the United States,⁵¹ aiming to close potential gaps and loopholes⁵² that existed under prior federal law, as well as “strengthen[ing] the nationwide network of sex offender registration and notification programs.”⁵³ The underlying goals of SORNA are to “curb recidivism once an initial penalty has been served and to make it easier for law enforcement authorities to track post-conviction offenders.”⁵⁴ Practically, SORNA seeks to realize an effective and comprehensive

42. Enniss, *supra* note 39, at 700 (internal quotation marks omitted).

43. See FRANKLIN E. ZIMRING, *AN AMERICAN TRAVESTY: LEGAL RESPONSES TO ADOLESCENT SEXUAL OFFENDING* 5 (2009).

44. See Enniss, *supra* note 39.

45. Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 587 (codified as amended at 42 U.S.C. §§ 16901–16991 (2013)).

46. See Paladino, *supra* note 26, at 277–78.

47. 42 U.S.C. § 16901.

48. Paladino, *supra* note 26, at 279.

49. SORNA “sets a floor, not a ceiling,” for jurisdictions’ sex offender registration and notification programs. SORNA GUIDELINES, *supra* note 13, at 6.

50. Under the Adam Walsh Child Protection and Safety Act (AWA), a sex offender is defined as any “individual who was convicted of a sex offense.” 42 U.S.C. § 16911.

51. See SORNA GUIDELINES, *supra* note 13, at 3.

52. [T]he AWA . . . contains the most ambitious requirements to date. This zenith resulted from congressional concern that state registration and community notification laws were “weak” and fraught with “loopholes,” and that their diverse nature created a “patchwork” permitting registrants to evade continued scrutiny, especially as a result of inter-state travel.

Wayne A. Logan, *Criminal Justice Federalism and National Sex Offender Policy*, 6 OHIO ST. J. CRIM. L. 51, 84 (2008).

53. SORNA, OFFICE JUSTICE PROGRAMS, <http://www.smart.gov/sorna.htm> (last visited Apr. 25, 2015) [hereinafter *SORNA*].

54. Jacob Frumkin, Note & Comment, *Perennial Punishment? Why the Sex Offender Registration and Notification Act Needs Reconsideration*, 17 J.L. & POL’Y 313, 314 (2008).

national system of sex offender registration through the cooperative effort of each of the fifty states, the District of Columbia, the U.S. territories, and Indian tribal governments.⁵⁵

SORNA creates a national registry by mandating that each jurisdiction⁵⁶ maintain a jurisdiction-wide sex offender registry. It outlines the registry requirements, establishes three tiers of sex offenders that are subject to these requirements,⁵⁷ and instructs the U.S. attorney general to issue specific guidelines and regulations on how to implement it.⁵⁸ SORNA also creates the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (“SMART Office”), which administers the registration and notification standards and assists jurisdictions with their implementation.⁵⁹

A sex offender must register in the jurisdiction in which the offender was convicted, resides, is employed, and attends school.⁶⁰ The offender must keep current his or her registration information and is given only three business days to update a change of name, residence, employment, or student status.⁶¹ Additionally, each offender must provide personal information to the National Sex Offender Registry, including: the offender’s name, Social Security number, address, name and address of employer, school name and location, license plate number and vehicle description, as well as any additional information required by the attorney general.⁶² The information is retained in a national database at the Federal Bureau of Investigation, and the public can access this information via the “Dru Sjodin National Sex Offender Public Website.”⁶³

55. See SORNA GUIDELINES, *supra* note 13, at 5. SORNA “[e]xtends the jurisdictions in which registration is required beyond the 50 states, the District of Columbia, and the principal U.S. territories, to include also federally recognized Indian tribes.” SORNA, *supra* note 53.

56. For purposes of sex offender registration and notification, and thus the discussion in this note, “jurisdiction” refers to each of the fifty states, the District of Columbia, and the five principal U.S. territories and federally recognized Indian tribes that elect to function as registration jurisdictions. See SORNA, *supra* note 53; see also 42 U.S.C. § 16911 (2013).

57. See *id.* § 16911(2)–(4). For more information on the three-tiered system and how each tier is defined, see *infra* note 140. The main effects of SORNA include the incorporation of “a more comprehensive group of sex offenders and sex offenses for which registration is required,” as well as “more extensive registration information” available to the public. SORNA, *supra* note 53. SORNA also requires sex offenders to make periodic in-person appearances and increases the required minimum duration of registration. *Id.*

58. Paladino, *supra* note 26, at 279. The U.S. Department of Justice released tentative guidelines on May 17, 2007. See *Summary of Final National Guidelines for Sex Offender Registration and Notification for Implementation of SORNA*, NAT’L CONF. ST. LEGISLATURES (Jan. 2009), <http://www.ncsl.org/research/civil-and-criminal-justice/summary-of-final-national-guidelines-sorna.aspx>. Final guidelines were subsequently released in July 2008. See *id.*

59. See SORNA GUIDELINES, *supra* note 13, at 3.

60. 42 U.S.C. § 16913(a).

61. *Id.* § 16913(c).

62. *Id.* § 16914(a)(1)–(7).

63. Paladino, *supra* note 26, at 280. The National Sex Offender registry provides “a physical description of the sex offender, the criminal offense that the sex offender is registered for, the criminal history of the

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The AWA directs states to impose criminal penalties on an offender who fails to comply with the registry requirements.⁶⁴ Additionally, state-convicted sex offenders who knowingly fail to properly register may be subject to prosecution under a new federal statute that subjects them to fines and up to ten years imprisonment.⁶⁵ Thus, failing to register can potentially cause an offender to be sentenced for a longer prison term than that imposed for the initial sex crime itself.⁶⁶ SORNA also mandates a community notification program, which requires the appropriate official in the jurisdiction to notify the U.S. attorney general, law enforcement agencies, schools, and public housing agencies in the state(s) in which the offender is registered.⁶⁷

Behind SORNA and virtually every piece of U.S. sex offender legislation is a compelling political backstory.⁶⁸

Citizens cannot understand a sex attack on a child, and this incomprehensibly fuels reactions of fear. . . . The attack and investigation become front-page news . . . describing the failure of the justice system to protect vulnerable persons, which fuels a strong public reaction. . . . Government officials then feel compelled to act.⁶⁹

sex offender[,] . . . a current photograph of the offender, [a] DNA sample of the sex offender, and fingerprints of the sex offender.” *Id.*

64. 42 U.S.C. § 16913(e) (“Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this subchapter.”). To be considered compliant with SORNA, a jurisdiction must meet this requirement. *See* U.S. DEP’T OF JUSTICE, SEX OFFENDER REGISTRATION AND NOTIFICATION ACT: SUBSTANTIAL IMPLEMENTATION CHECKLIST 24 [hereinafter SORNA CHECKLIST], available at <http://www.smart.gov/FillableChecklistwSuppGuidelines.doc>. However, states that have not yet substantially implemented SORNA may nonetheless have penalties within their own existing systems that meet the federal standard. For example, the New York Sex Offender Registration Act provides:

Any sex offender required to register or to verify pursuant to the provisions of this article who fails to register or verify in the manner and within the time periods provided for in this article shall be guilty of a class E felony upon conviction for the first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony.

N.Y. CORRECT. LAW § 168-t (McKinney 2007). For more on SORNA’s “substantial implementation” standard, see discussion *infra* Part III.

65. 18 U.S.C. § 2250(a) (2013). If such sex offender had also committed a violent crime under federal law, he or she may face up to thirty years imprisonment, separate from the ten-year maximum imprisonment provided under subsection (a). *See id.* § 2250(c)(1)–(2); *see also* Frumkin, *supra* note 54, at 317 (“[P]rosecutions based on violations of SORNA’s criminal provision have been challenged vigorously in federal district courts.”).
66. Frumkin, *supra* note 54, at 318.
67. Paladino, *supra* note 26, at 280. The official must also notify “any organization, company, or individual who requests notification.” *Id.*
68. *See, e.g.*, Weiser, *supra* note 5. Governor Pataki also testified about the June 2005 murder of a woman in the parking garage of the Galleria mall in White Plains, New York, at the hands of a recently paroled sex offender. *Id.*; *see also* Bailey v. Pataki, 708 F.3d 391, 393 (2d Cir. 2013).
69. ZILNEY & ZILNEY, *supra* note 20, at 83–84 (alterations in original) (quoting Roxanne Lieb et al., *Sexual Predators and Social Policy*, 23 CRIME & JUSTICE, 1998, at 43, 59).

Since the mid-1970s, anxiety over child sexual abuse has continued to mount to the point where Americans now “live in a culture of child abuse.”⁷⁰

Due to this upsurge of “moral panic,”⁷¹ many have argued that sex offender laws have been passed rather hurriedly and, at times, rely insufficiently on empirical evidence.⁷² Still, these laws easily garnered the overwhelming support of the public, comprised of citizens who, understandably, hope to protect society’s women and children from sex crimes.⁷³ Due to an increased and intense media coverage of sex crimes, “the public came to believe there was an epidemic of sexual offending,” and thus associated sexual offenses with violence and murder.⁷⁴ In the 1990s, the public developed a “renewed awareness and hatred for sex offenders,”⁷⁵ evidenced by enactment of extensive new protections targeting pedophiles who prey on children over the Internet.⁷⁶

70. Amy Adler, *The Perverse Law of Child Pornography*, 101 COLUM. L. REV. 209, 223 (2001) (internal quotation marks omitted).

71. ZILNEY & ZILNEY, *supra* note 20, at 68–69 (2009) (“Using the language of ‘moral panic’ to discuss societal responses to sexual offenses is not meant to minimize the consequences to those victimized by such offenses. It is instead meant to denote the exaggerated and misdirected nature of societal fear and as a response the misdirected policies that have been created that do not serve to effectively prevent sexual violence.”).

72. *Id.* at 83 (“The reality is that sex offenders are a great political target, but that doesn’t mean any law under the sun is appropriate.” (internal quotation marks omitted) (quoting *Illinois Measure Would Move Some from Sex Offender List*, ASSOCIATED PRESS, June 24, 2006)). Even Dr. Schlesinger, a member of the 2001 Senate Task Force that rewrote Megan’s Law in New Jersey, called the legislation a “feel good law.” Schlesinger Interview, *supra* note 40. He further commented, “No one really knows if it works or not.” *Id.*

73. See ZILNEY & ZILNEY, *supra* note 20, at 84; see also JOEL BEST, DAMNED LIES AND STATISTICS: UNTANGLING NUMBERS FROM THE MEDIA, POLITICIANS, AND ACTIVISTS 7 (rev. ed. 2012) (arguing that much of the general public accepts at face value the statistics presented in the media even though statistics are “products of our social arrangements”); Robin Morse, Note, *Federalism Challenges to the Adam Walsh Act*, 89 B.U. L. REV. 1753, 1793 (2009) (“Crimes of sexual violence, particularly against children, justifiably provoke extreme public rage.”).

74. ZILNEY & ZILNEY, *supra* note 20, at 68.

75. Amanda Moghaddam, Comment, *Popular Politics and Unintended Consequences: The Punitive Effect of Sex Offender Residency Statutes from an Empirical Perspective*, 40 SW. L. REV. 223, 226 (2010).

76. See Adler, *supra* note 70, at 227. In 1996, Congress passed the Communications Decency Act (CDA), followed by the Protection of Children from Sexual Predators Act in 1998. Pub. L. No. 104-104, tit. V, 110 Stat. 56, 133–43 (1996), *invalidated by* *Reno v. ACLU*, 521 U.S. 844, 881 (1997) (striking down the CDA on First Amendment grounds); Pub. L. No. 105-314, tit. I, 112 Stat. 2974 (1998). In October 2014, twenty-five years after he was abducted, a new campaign was launched to find Jacob Wetterling, the namesake of the Wetterling Act, supporting the belief that child sexual abuse has steadily “become the master narrative of our culture[,] . . . eclips[ing] all other crimes.” Adler, *supra* note 70, at 227 (“[Child sexual abuse] is, we repeatedly hear, ‘worse than murder.’ We view it as a root cause.” (footnotes omitted)); see also *New Effort to Be Launched to Find Jacob Wetterling*, CBS MINN. (Oct. 11, 2014, 8:15 AM), <http://minnesota.cbslocal.com/2014/10/11/new-effort-to-be-launched-to-find-jacob-wetterling/>.

III. THE PROBLEM OF STATE COMPLIANCE WITH SORNA

As indicated in Part II, the public's moral panic over sex crimes has led to quite a bit of legislative movement.⁷⁷ Elected officials are "eager to respond to the national cry for stricter laws and penalties,"⁷⁸ and legislators have largely acted upon these urges.⁷⁹ Yet, while calls for sex offender legislation are "politically popular,"⁸⁰ the laws resulting from the political and media frenzy are not always tailored to achieve effective results.⁸¹ This disconnect is exemplified when examining state compliance with SORNA.

The chief objective of SORNA is to establish a comprehensive national system for the registration of sex offenders.⁸² More uniform state laws and a centralized national database would enable law enforcement to more efficiently and thoroughly share information, preventing sex offenders from "slip[ping] through the cracks."⁸³ These uniform registration standards are "critical to sew together the patch-work quilt of 50 different State attempts to identify and keep track of sex offenders."⁸⁴ In a federal system like the United States, sex offender registration would prove futile if:

[R]egistered sex offenders could simply disappear from the purview of the registration authorities by moving from one jurisdiction to another, or if registration and notification requirements could be evaded by moving from a jurisdiction with an effective program to a nearby jurisdiction that required little or nothing in terms of registration and notification.⁸⁵

The foundation of the system's success relies on full participation and uniformity—in essence, even if only one state or jurisdiction opts out of SORNA, the federal registry would fail.

Thus, states were given a final implementation deadline of July 27, 2011.⁸⁶ States that did not meet the substantial implementation requirement risked losing ten

77. See ZILNEY & ZILNEY, *supra* note 20, at 83–98.

78. Catherine L. Carpenter, *Legislative Epidemics: A Cautionary Tale of Criminal Laws That Have Swept the Country*, 58 *BUFF. L. REV.* 1, 40 (2010).

79. See Moghaddam, *supra* note 75, at 226–27.

80. *Id.* at 233.

81. *Id.* at 245 (“[T]hese laws are the embodiment of popular politics triumphing over rational laws . . .”).

82. See discussion *supra* Part II.

83. Grinberg, *supra* note 18.

84. Logan, *supra* note 52, at 75 (quoting bill co-sponsor Senator Orrin Hatch). Another co-sponsor, then-Senator Joseph Biden, also stated: “[t]his is about uniting 50 States in common purpose and in league with one another to prevent these lowlifes from slipping through the cracks.” *Id.* (alteration in original).

85. SORNA GUIDELINES, *supra* note 13, at 4. In their testimonies at the *Bailey* trial, former sex offenders Warren and Massei highlighted the disparities among state registration requirements. See *supra* notes 8–9 and accompanying text.

86. See *Adam Walsh Child Protection and Safety Act*, NAT'L CONF. ST. LEGISLATURES (May 7, 2014), <http://www.ncsl.org/research/civil-and-criminal-justice/adam-walsh-child-protection-and-safety-act.aspx>. Under the AWA, states were required to substantially implement SORNA “within three years of the date of enactment, July 25, 2006, or within one year of the development of registry/website software

percent of their Edward Byrne Memorial Justice Assistance Grant⁸⁷ provided by Title I of the Omnibus Crime Control and Safe Streets Act of 1968,⁸⁸ which allows state and local governments to finance a broad range of law enforcement activities, such as crime control and prevention and criminal justice reform.⁸⁹

The SMART Office⁹⁰ is responsible for determining, on a case-by-case basis, whether a jurisdiction has substantially implemented SORNA's baseline requirements.⁹¹ Under the National Guidelines for Sex Offender Registration and Notification ("Guidelines") provided by the attorney general, a jurisdiction achieves "substantial implementation" of SORNA's requirements by adopting those specific measures which the Guidelines identify.⁹² Because these measures represent the baseline for sex offender registration and notification requirements, jurisdictions

provided by the U.S. Attorney General, whichever is later." Enniss, *supra* note 39, at 705–06. However, the attorney general could "provide up to two one-year extensions of this deadline." SORNA GUIDELINES, *supra* note 13, at 9. In 2010, the SMART Office released the Sex Offender Registry Tool (SORT), a sex offender management application provided to states at no cost to assist in SORNA implementation. See *Reauthorization of the Adam Walsh Act*, SMART WATCH (Spring 2011), http://ojp.gov/smart/smartwatch/11_spring/pfv.html ("SORT makes the registry setup and maintenance process as efficient and effective as possible."). The U.S. Department of Justice also developed the SORNA Exchange Portal, a tool providing sex offender registration personnel an Internet-based community that is designed to facilitate the sharing of information about sex offenders relocating between jurisdictions. See *id.* For more information on SORNA software, see *SORNA Tools*, OFFICE JUSTICE PROGRAMS, http://ojp.gov/smart/sorna_tools.htm (last visited Apr. 25, 2015).

87. Initial allocations of the Byrne law enforcement assistance grants are determined based on population and violent crime rates, with adjustments made to ensure necessary funding for each state, territory, and the District of Columbia. *Byrne JAG Grant Reductions Under SORNA*, OFFICE JUSTICE PROGRAMS, http://www.smart.gov/byrneJAG_grant_reductions.htm (last visited Apr. 25, 2015).
88. See *Sex Offender Law: Down to the Wire*, NAT'L CONF. ST. LEGISLATURES (June 2011), <http://www.ncsl.org/research/civil-and-criminal-justice/sex-offender-law-down-to-the-wire.aspx>; see also Memorandum from David Niss, Staff Attorney to Members of the Law & Justice Interim Comm. for the 62nd Mont. Legislature 1 (Jan. 30, 2012) [hereinafter Niss Memorandum], available at <http://leg.mt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/Feb-2012/Legal%20Memo%20SORNA.pdf>. Funding withheld from jurisdictions on account of noncompliance would be reallocated either to compliant jurisdictions or to the noncompliant jurisdictions to be used solely for SORNA implementation efforts. SORNA GUIDELINES, *supra* note 13, at 9.
89. See 42 U.S.C. § 3756 (2013); see also *Recovery Act: Frequently Asked Questions*, OFFICE JUSTICE PROGRAMS, http://www.ojp.usdoj.gov/recovery/FAQ_Overview.htm (last visited Apr. 25, 2015).
90. The official web site of the SMART Office lists eleven staff members, headed by Luis C.deBaca. *About SMART*, OFFICE JUSTICE PROGRAMS, <http://ojp.gov/smart/about.htm> (last visited Apr. 25, 2015). C.deBaca was appointed by President Barack Obama in November 2014 as the Director of the Justice Department's SMART Office. See *Luis C.deBaca, Director*, OFFICE JUSTICE PROGRAMS, http://ojp.gov/smart/bio_debaca.htm (last visited Apr. 25, 2015).
91. See SORNA GUIDELINES, *supra* note 13, at 9, 11. A jurisdiction is "encouraged to submit information to the SMART Office concerning existing and proposed sex offender registration and notification provisions with as much lead time as possible, so the SMART Office can . . . work with the submitting jurisdictions to overcome any shortfalls or problems." *Id.* at 9–10.
92. *Id.* at 10.

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with stricter laws need not amend their laws to coincide with the requirements enumerated in the Guidelines.⁹³

In assessing compliance, the SMART Office considers the totality of a jurisdiction's rules governing the operation of its registration and notification program, including statutes and administrative policies and procedures.⁹⁴ However, the Guidelines stipulate that a jurisdiction's program cannot qualify as substantially implementing the SORNA requirements if it "substitute[s] some basically different approach to sex offender registration and notification that does not incorporate SORNA's baseline requirements."⁹⁵ Additionally, the substantial implementation standard is not met by programs that "dispense wholesale" with SORNA's main requirements.⁹⁶ The U.S. Department of Justice has made available a twenty-two-page checklist as a tool to guide jurisdictions in achieving substantial implementation.⁹⁷ In order for a SMART Office policy advisor to determine whether a jurisdiction has complied with SORNA, this checklist must be submitted to the SMART Office for review as part of a "complete substantial implementation package."⁹⁸

Effectively, states only have three viable options in deciding how to respond to SORNA's directive: "(1) don't comply; (2) substantially comply; or (3) challenge the Act's constitutionality and make reasonable changes."⁹⁹ The SMART Office acknowledges that state compliance has been an "uphill battle";¹⁰⁰ in its most recent

93. See *SMART General FAQs*, OFFICE JUSTICE PROGRAMS, http://ojp.gov/smart/faq_general.htm (last visited Apr. 25, 2015). There is one exception to this rule: SORNA requires that "victim identity, registrant Social Security Number, registrants' arrests not resulting in conviction, and passport and immigration information [] be excluded from publicly accessible state sex offender web sites." *Id.*

94. See SORNA GUIDELINES, *supra* note 13, at 9.

95. *Id.* at 10. For example, a risk assessment approach that broadly authorizes the waiver or limitation of registration or notification requirements on the basis of factors that SORNA does not recognize would not be approved as substantially implementing SORNA. *Id.*

96. *Id.* Listed examples include: "adopting general standards that do not require registration for offenses included in SORNA's offense coverage provisions, [] set[ting] regular reporting periods for changes in registration information that are longer than those specified in SORNA, [and] prescrib[ing] less frequent appearances for verification or shorter registration periods than SORNA requires." *Id.*

97. See SORNA CHECKLIST, *supra* note 64. While encouraging jurisdictions to utilize the checklist, the SMART Office has also advised that the checklist is not exhaustive, and jurisdictions should therefore "work closely with their assigned policy advisors throughout the implementation process to ensure that all the necessary issues for substantial implementation are addressed." *Resources: SORNA Checklist*, OFFICE JUSTICE PROGRAMS, http://ojp.gov/smart/smartwatch/10_winter/checklist.html (last visited Apr. 25, 2015).

98. *Submitting Substantial Implementation Materials to the SMART Office*, OFFICE JUSTICE PROGRAMS, http://ojp.gov/smart/sorna_tools_materials.htm (last visited Apr. 25, 2015).

99. Enniss, *supra* note 39, at 714. SORNA contains special provisions for cases in which the jurisdiction's highest court has held that the state constitution conflicts with SORNA requirements. See 42 U.S.C. § 16925(b) (2013). In fact, Congress expressly provided that a state need not adopt any AWA requirement that is declared unconstitutional by the state's highest court. *Id.* § 16925(b)(1). In such cases, the SMART Office will work with the jurisdiction to resolve the problem. *Id.* § 16925(b)(2). If the problem cannot be overcome, the SMART Office may approve of reasonable alternative measures consistent with the purposes of SORNA. *Id.* § 16925(b)(3); see also SORNA GUIDELINES, *supra* note 13, at 11.

100. Grinberg, *supra* note 18.

update, only seventeen states, three territories, and eighty tribes were found to have substantially implemented SORNA's requirements.¹⁰¹

States have created working groups or committees to weigh the various policy considerations in their approaches to implementing SORNA.¹⁰² Although the reasons for state noncompliance stem from both economic and substantive concerns,¹⁰³ many of the working groups have focused mainly on the fiscal costs and benefits in their analysis of whether to implement SORNA.¹⁰⁴ At least seven states have explicitly expressed apprehension over the fiscal difficulties of implementing SORNA.¹⁰⁵ The financial cost-benefit justification for noncompliance seems especially reasonable, as states do not want the reputation of being either "soft on crime" or safe havens for sex offenders seeking to avoid registration requirements.¹⁰⁶

In attempting to comply with SORNA, states expect to incur significant costs in various areas, including: additional personnel; new software installation and maintenance; additional jail and prison space; increased court and administrative needs; law enforcement, including the need to verify information at more frequent intervals; and legislative costs associated with adopting and crafting state laws.¹⁰⁷

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101. See *SORNA Substantial Implementation Update*, SMART WATCH (Summer 2014), http://www.smart.gov/smartwatch/14_summer/news-1.html. July 27, 2010 was the implementation deadline for the comprehensive national system for the registration of sex offenders. *Cost-Benefit Analyses of SORNA Implementation*, NAT'L CONF. ST. LEGISLATURES (Jan. 2010), <http://www.ncsl.org/research/civil-and-criminal-justice/cost-benefit-analyses-of-sorna-implementation.aspx>. The SMART Office identified the following states as having met the compliance deadline: Alabama, Colorado, Delaware, Florida, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, and Wyoming. *Jurisdictions That Have Substantially Implemented SORNA*, OFFICE JUSTICE PROGRAMS, http://ojp.gov/smart/newsroom_jurisdictions_sorna.htm (last visited Apr. 25, 2015). Additionally, the U.S. territory of Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands were found to be in compliance with SORNA. *Id.*
102. See *Cost-Benefit Analyses of SORNA Implementation*, *supra* note 101; see also *Sex Offender Law: Down to the Wire*, *supra* note 88 ("At a hearing . . . of the House Subcommittee on Crime, Terrorism, and Homeland Security to review the Adam Walsh Act, of which SORNA is a part, Chair James Sensenbrenner, a key backer of SORNA, expressed his displeasure with the vast majority of states that have not complied with the law so far.").
103. In a 2009 survey, common substantive concerns reported by the states were: technological modifications, constitutional challenges, difficulties with implementation of juvenile requirements, and various legislative obstacles, including uncertainty over approval of implementing legislation. See THE NAT'L CONSORTIUM FOR JUSTICE INFO. & STATISTICS, SEARCH SURVEY ON STATE COMPLIANCE WITH THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA) 3-9 (Apr. 2009) [hereinafter SURVEY ON COMPLIANCE WITH SORNA], available at <http://www.search.org/files/pdf/SORNA-StateComplianceSurvey2009.pdf>.
104. See *Cost-Benefit Analyses of SORNA Implementation*, *supra* note 101.
105. See SURVEY ON COMPLIANCE WITH SORNA, *supra* note 103, at 2. States that identified cost or lack of funding as a main barrier to SORNA compliance include: California, Colorado, Florida, Georgia, Maine, Oregon, and West Virginia. See *id.* 3-9.
106. Ennis, *supra* note 39, at 714 ("[I]t would be political suicide to not comply with the Adam Walsh Act.").
107. See *What Will It Cost to Comply with the Sex Offender Registration and Notification Act?*, JUSTICE POL'Y INST., http://www.justicepolicy.org/images/upload/08-08_FAC_SORNACosts_JJ.pdf (last visited Apr. 25, 2015).

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Notably, in every state, the first year costs of SORNA implementation outweigh the cost of losing ten percent of the state's Byrne funding.¹⁰⁸ In California, the Sex Offender Management Board recommended that the state legislature, governor, and citizens elect not to comply with the AWA, emphasizing the "substantial" and "un-reimbursed" costs associated with the law.¹⁰⁹ A study by the Texas Senate Criminal Justice Committee also found that losing ten percent of federal justice funding was an inadequate incentive to comply with SORNA,¹¹⁰ estimating that "it would cost \$38.7 million to comply, but the state would lose only about \$1.4 million in Byrne funds if it refused."¹¹¹

Additionally, the SORNA program itself is underfunded, and Congress has failed to allocate consistent funding to underwrite the significant compliance costs incurred by state and local governments,¹¹² giving a mere \$39 million to forty-three states in 2011.¹¹³ State leaders frequently refer to SORNA as an "unfunded mandate" and describe a "disturbing disconnect" in withholding funds that support services to help states meet the federal requirements.¹¹⁴ Further, any grants that local law enforcement receive go toward financing the extensive registry requirements and enforcing its attendant criminal provisions.¹¹⁵

108. *Id.*; *Adam Walsh Act: Statement of Position*, CAL. SEX OFFENDER MGMT. BOARD 1 (2009), available at http://www.opd.ohio.gov/AWA_Information/AWA_CA_SOMB_SORNA_Position_Paper.pdf ("Instead of incurring the substantial—and un-reimbursed—costs associated with the Adam Walsh Act, California should absorb the comparatively small loss of federal funds that would result from not accepting the very costly and ill-advised changes to state law and policy required by the Act."). The California Sex Offender Management Board cited an assessment by the state attorney general's office that the costs of implementing SORNA far exceeded the penalty of reduced justice assistance funds. *Id.* at 3.

109. *Adam Walsh Act: Statement of Position*, *supra* note 108.

110. *See Sex Offender Law: Down to the Wire*, *supra* note 88. The Texas Senate recommendation also offered public safety reasons not to comply with SORNA. *See id.* ("Senator John Whitmire, chairman of the Criminal Justice Committee, says the federal mandates are no better than Texas' laws that restrict parole and commit or supervise offenders based on their dangerousness.").

111. *Id.* Another example is Montana. Because Montana law requires the offender to be classified based upon a risk assessment scheme, the National Conference of State Legislatures reported that Montana would lose \$87,600 in federal grant money in 2012. *See SORNA Noncompliance Penalties*, NAT'L CONF. ST. LEGISLATURES, <http://www.ncsl.org/Portals/1/documents/cj/jagstatedollars.pdf> (last visited Apr. 25, 2015).

112. *See Sex Offender Law: Down to the Wire*, *supra* note 88. The California Sex Offender Management Board labeled SORNA "[a]n Unfunded Mandate." *Adam Walsh Act: Statement of Position*, *supra* note 108, at 3.

113. *See Sex Offender Law: Down to the Wire*, *supra* note 88.

114. *Id.* Representative Pat Colloton of Kansas told a U.S. House subcommittee:

It is troubling that states that don't have the resources to accommodate what is a tremendously costly unfunded mandate will have to watch as the very services our criminal justice systems rely upon are cut even further. . . . Particularly in this economy, no state can afford a significant new unfunded mandate to change public safety approaches already undertaken.

Id.

115. *See Frumkin*, *supra* note 54, at 315.

Susan Frederick, federal affairs counsel for the National Conference of State Legislatures, thoughtfully commented on the states' dilemma: "States are very sympathetic to the need to supervise and penalize registered sex offenders. . . . But any time you're going to be collecting and cataloging information on more people more often, that comes at a high cost. The question is whether it's worth it."¹¹⁶ Unfortunately, the manner in which SORNA frames this economic cost-benefit question gives states a number of reasons to choose not to comply with the program.

IV. FISCAL RESPONSES TO THE SORNA COMPLIANCE PROBLEM

There are three practical routes the federal government can take to reframe the financial cost-benefit analysis for state SORNA compliance. Congress can: (1) give states more incentive to comply by increasing the percentage of Byrne budget cuts (subject to constitutional limitations); (2) provide more funding to states to further assist them in executing SORNA requirements; or (3) relax one or more of the requirements that impose the greatest financial burdens on the states.

A. Create More Financial Incentive for States to Comply

Congress has authority under its Article I spending power to use federal funds to encourage state compliance with federal policy goals.¹¹⁷ However, since compliance is discretionary, a state need not comply with any of the SORNA guidelines if the state is willing to forgo the ten percent funding incentive by the federal government.¹¹⁸ This option has been recommended to states by a number of SORNA opponents, and at least some states have debated whether the costs of complying with the law outweigh its financial benefits.¹¹⁹ This is unsurprising because studies have shown that, in all fifty states, the first-year costs of implementing SORNA outweigh losing ten percent of the state's Byrne grant.¹²⁰ Therefore, one obvious solution to foster compliance is to increase the size of the Byrne funding cut.¹²¹

116. Grinberg, *supra* note 18.

117. *See, e.g.,* United States v. Perry, 788 F.2d 100, 109 (3d Cir. 1986) ("Congress can use its spending powers to coerce conduct consistent with its views of the general welfare in ways that it perhaps could not otherwise command.").

118. *See* Frumkin, *supra* note 54, at 337.

119. *Id.*

120. *See generally* *What Will It Cost to Comply with the Sex Offender Registration and Notification Act?*, *supra* note 107. In 2014, the lower end of state Byrne grants included North Dakota (\$481,818); Vermont (\$483,863); South Dakota (\$542,154); and Wyoming (\$566,603). *Fiscal Year (FY) 2014 State Edward Byrne Memorial Justice Assistance Grant (JAG) Allocations*, BUREAU JUSTICE ASSISTANCE, <https://www.bja.gov/%5CFunding%5C14JAGStateAllocations.pdf> (last visited Apr. 25, 2015) [hereinafter *2014 JAG Allocations*]. The highest 2014 state Byrne grants were California (\$19,301,034); Texas (\$13,849,044); Florida (\$11,779,285); and New York (\$9,852,423). *Id.* Of the above listed states, Florida, South Dakota, and Wyoming have currently achieved substantial implementation of the SORNA requirements. *See SORNA*, *supra* note 53.

121. *See* Ted Gest, *Feds Begin Penalizing States That Haven't Adopted U.S. Sex Offender Law*, CRIME REPORT (Apr. 12, 2012, 4:37 AM), <http://www.thecrimereport.org/viewpoints/2012-04-sorna> ("In practice, the

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Constitutional limitations on Congress's spending power must be taken into account with any conditional spending approach. In the 2012 case, *National Federation of Independent Business v. Sebelius*, the U.S. Supreme Court reaffirmed that congressional spending power cannot be used to violate the "basic principle that the Federal Government may not compel the States to enact or administer a federal regulatory program."¹²² In essence, the amount of the budget cut must not be "so coercive as to pass the point at which 'pressure turns into compulsion.'"¹²³ Still, it is possible for Congress to increase the ten percent Byrne budget cut, consistent with constitutional limits, so as to provide a stronger financial incentive for the states to comply with SORNA.¹²⁴ In *Sebelius*, states that opted out of the Medicaid expansion faced (on average) losses of more than \$1 billion in Medicaid funding each year.¹²⁵ Based on the states' Byrne grants in 2014, a ten percent cut would range from \$48,182 to \$1,930,103—even a substantial increase on these figures is unlikely to meet the coercion threshold condemned in *Sebelius*.¹²⁶

B. Provide More State Funding

A second alternative to the financial problem posed by SORNA implementation is to give states more money in order to make compliance financially more attractive. SORNA specifically authorizes the Sex Offender Management Assistance grant program to help offset SORNA implementation costs, granting positive funding assistance to all eligible jurisdictions.¹²⁷ It also allows for enhanced payments to jurisdictions that achieve compliance within one or two years of SORNA's enactment.¹²⁸

cuts ordered by [the] Justice Department will not go so deeply. Only federal money going solely to state governments will suffer the 10 percent reduction, not the relatively large amount of U.S. aid destined for local governments." For a full list of SORNA noncompliance penalties, see *SORNA Noncompliance Penalties*, NAT'L CONF. ST. LEGISLATURES, <http://www.ncsl.org/Portals/1/documents/cj/jagstatedollars.pdf> (last visited Apr. 25, 2015).

122. 132 S. Ct. 2566, 2601 (2012) (internal quotation marks omitted).

123. *South Dakota v. Dole*, 483 U.S. 203, 211 (1987) (quoting *Steward Machine Co. v. Davis*, 301 U.S. 548, 590 (1937)).

124. In *National Federation of Independent Business v. Sebelius*, the Medicaid expansion provision was found to be coercive because the penalty for noncompliance (i.e., taking away the states' existing Medicaid funding) "threatened loss of over 10 percent of a State's overall budget," which the Court deemed "economic dragooning that leaves the States with no real option but to acquiesce." 132 S. Ct. at 2605. Thus, it was not the percentage of the cut but the total dollar amount that was dispositive in *Sebelius*. In *South Dakota v. Dole*, the Court had approved a 5 percent cut to federal highway funds (on the condition that states adopt the federal drinking age of 21) as non-coercive and without hesitation. 483 U.S. at 211 ("When we consider, for a moment, that all South Dakota would lose if she adheres to her chosen course as to a suitable minimum drinking age is 5 [percent] of the funds otherwise obtainable under specified highway grant programs, the argument as to coercion is shown to be more rhetoric than fact.").

125. See KENNETH R. THOMAS, CONG. RESEARCH SERV., R42367, THE CONSTITUTIONALITY OF FEDERAL GRANT CONDITIONS AFTER *NATIONAL FEDERATION OF INDEPENDENT BUSINESS V. SEBELIUS* 2 (2012).

126. See 2014 JAG Allocations, *supra* note 120.

127. 42 U.S.C. § 16926(a) (2013).

128. *Id.* § 16926(c); see also SORNA GUIDELINES, *supra* note 13, at 11.

In 2014, the U.S. Department of Justice announced more than \$17 million in fiscal year grant assistance for states, territories, and tribal governments that implement SORNA's sex offender programming.¹²⁹ Roughly \$13 million of the 2014 total is allocated to specifically further the objectives of SORNA.¹³⁰ The amount of federal funding for SORNA implementation seems stagnant. In 2013, the U.S. Department of Justice awarded approximately \$13.3 million to forty-seven jurisdictions in order to further the objectives of SORNA.¹³¹ In 2012, \$13.69 million was awarded to fifty-six jurisdictions.¹³²

Although these grants are considerable, SORNA-targeted funding has not increased in recent years and is still nowhere near sufficient when looking at each state's actual implementation costs, which have been estimated to be as high as \$59.2 million in California, \$38.8 million in Texas, and \$31.3 million in New York—figures that far exceed the total sum of federal assistance granted in 2013.¹³³ Thus, there must be a significant increase in federal assistance aimed at furthering SORNA goals to make a tangible difference in state compliance.¹³⁴

C. *Cost Implementation Costs*

A third possible solution for lessening SORNA's financial strain on the states is to reconsider the substantial implementation standard and to relax some of its requirements,¹³⁵

129. See Press Release, Dep't of Justice, Office of Justice Programs, Justice Department Announces \$17.6 Million in Awards to Support Sex Offender Registration, Intervention and Treatment (Sept. 19, 2014), <http://ojp.gov/newsroom/pressreleases/2014/ojppr092914.pdf>.

130. See *id.*; see also *Funding Opportunities*, OFFICE JUSTICE PROGRAMS, <http://www.ojp.usdoj.gov/smart/funding.htm> (last visited Apr. 25, 2015). The number of jurisdictions that received SORNA funding for the year of 2014 was not specified. See *id.*

131. See Press Release, Dep't of Justice, Office of Justice Programs, Justice Department Announces \$15.5 Million in Awards to Support Sex Offender Registration, Assessment, Intervention (Sept. 16, 2013), <http://ojp.gov/newsroom/pressreleases/2013/ojppr091613.pdf>; see also *Funding Opportunities*, *supra* note 130. The remaining \$2.2 million will be used to fund four different related projects: "Sex Offender Treatment Intervention and Progress Scale (SOTIPS) project sites support, the Sex Offender Management Fellowship program, the SORNA Tribal Training and Technical Assistance Program, and . . . the Dru Sjodin National Sex Offender Public Website (NSOPW) operation." *Justice Department Announces \$15.5 Million in Awards to Support Sex Offender Registration, Assessment, Intervention*, CAL. REFORM SEX OFFENDER LAWS (Sept. 16, 2013), <http://californiarsol.org/2013/09/justice-department-announces-15-5-million-in-awards-to-support-sex-offender-registration-assessment-intervention/>.

132. *Funding Opportunities*, *supra* note 130. The details of funding grants in subsequent years are also listed on the SORNA web site. See *id.*

133. See *What Will It Cost to Comply with the Sex Offender Registration and Notification Act?*, *supra* note 107.

134. For a more in-depth discussion on the process of federal funding to states and local governments, see CONG. BUDGET OFFICE, FEDERAL GRANTS TO STATE AND LOCAL GOVERNMENTS (2013), *available at* http://www.cbo.gov/sites/default/files/43967_FederalGrants.pdf.

135. The Guidelines explicitly state that there is "some latitude" in evaluating a jurisdiction's implementation efforts, which means that states need not follow the SORNA specifications exactly. SORNA GUIDELINES, *supra* note 13, at 10.

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the value of which policymakers have already begun to question.¹³⁶ Rather than targeting known sex offenders, a significant portion of the resources given to states are being devoted to the administrative maintenance of the registry and notification systems,¹³⁷ which have not achieved SORNA's goal to protect communities from sexual offenses.¹³⁸ At this point, focusing federal funding on amending SORNA's shortcomings may be a better allocation of current resources than attempting to enforce its implementation in noncompliant jurisdictions.¹³⁹

Congress could choose to relax SORNA compliance requirements in order to lessen the financial strain on the states in three ways: (1) allow states to keep their own sex offender classification systems; (2) allow states to follow their own philosophy of juvenile justice; and (3) reduce the frequency of in-person appearance requirements.

1. *Allow States to Keep Risk-Assessment Based Classification Systems*

SORNA institutes a three-tiered system, ranking sex offenders based upon the severity of the committed offense. Each tier requires a different time span for which the sex offender must be registered and imposes distinct verification appearance requirements.¹⁴⁰ While jurisdictions need not label their sex offenders according to SORNA's three-tiered system, a jurisdiction must ensure that sex offenders who meet the substantive criteria for placement in a particular tier are, at a minimum,

136. See *Sex Offender Law: Down to the Wire*, *supra* note 88 (“State sex offender registries already contain names, addresses, photos, vehicle, job and other identifying information on hundreds of thousands of convicted sex offenders. If public safety is the goal of maintaining all these public registries, it’s not clear if all the information makes communities safer or if the most dangerous predators become lost among a growing swell of electronic information.”).

137. See *What Will It Cost to Comply with the Sex Offender Registration and Notification Act?*, *supra* note 107.

138. See *id.* (“Registries and notification have not been proven to protect communities from sexual offenses, and may even distract from more effective approaches.”).

139. See Frumkin, *supra* note 54, at 356 (“One of the biggest problems with SORNA, and registration systems generally in the United States, is the extensive community notification. Congress should take a cue from other countries and outspoken organizations and diminish community notification.”).

140. Paladino, *supra* note 26, at 281.

A tier I sex offender is defined as a “sex offender other than a tier II or tier III sex offender.” A tier I sex offender is required to register on the sex registry for fifteen years, and must verify once every year. A tier II sex offender is defined as “a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year” and the offense falls into one of two categories. A tier II sex offender is required to stay on the registry for twenty-five years, and must report in person every six months. A tier III sex offender is defined as a sex offender “whose offense is punishable by imprisonment for more than 1 year” and the offense: (1) is comparable or more severe than aggravated sexual abuse or sexual abuse; (2) is abusive sexual contact against a minor twelve years or younger; or (3) involves kidnapping of a minor. A tier III sex offender is required to stay on the registry for life, and must report in person to the jurisdiction every three months.

Id. (footnotes omitted).

subject to “the duration of registration, frequency of in-person appearances for verification, and extent of website disclosure that SORNA requires for that tier.”¹⁴¹

In 2011, SMART Office officials told a U.S. House Judiciary Subcommittee “that SORNA’s tiered classification system [was] a barrier for at least 11 states.”¹⁴² Lawmakers must work to reclassify crimes and change notification practices in the states that fail to meet the federal three-tier requirements.¹⁴³ The implementation costs of the federal classification method are substantial because many offenders must then be added to the state registry, which further increases administrative costs.¹⁴⁴ Currently, at least half of the fifty states use risk-based assessment systems¹⁴⁵ to classify sexual offenders (rather than the SORNA three-tier system).¹⁴⁶

Moreover, comprehensive studies have shown that actuarial risk assessment scores consistently outperform the SORNA tier system in accurately predicting sexual re-offending.¹⁴⁷ Some states—for example, Montana and New York—have explained that their refusal to comply with SORNA is based on SORNA’s mandate to adopt the federal three-tier system.¹⁴⁸

141. SORNA GUIDELINES, *supra* note 13, at 22.

142. *Sex Offender Law: Down to the Wire*, *supra* note 88.

143. *See id.*

144. *See* Niss Memorandum, *supra* note 88, at 2 (“[T]he federal classification system would add more offenders to the state registry and thereby make the registry more expensive to administer.”). The California Sex Offender Management Board estimated a \$770,000 one-time cost—at a minimum—to reclassify currently registered offenders. *Adam Walsh Act: Statement of Position*, *supra* note 108, at 3.

145. *SORNA and Sex Offender Policy in the States*, COUNCIL ST. GOV’TS, Winter 2010, at 6 [hereinafter COUNCIL ST. GOV’TS], available at <http://www.csg.org/policy/documents/SORNABriefFINAL.pdf>.

146. “Under SORNA, offenders are categorized based on their offense, rather than by their risk to re-offend.” *Id.* Eliminating SORNA’s offense-based tier system would also lessen the burden on states using an undifferentiated offense-based approach (states that would otherwise have to enact more tailored laws to achieve compliance with SORNA).

147. *See, e.g.*, Kristen M. Zgoba et al., *A Multi-state Recidivism Study Using Static-99R and Static-2002 Risk Scores and Tier Guidelines from the Adam Walsh Act*, Doc. No. 240099, at 4 (Nov. 2012), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/240099.pdf>. A November 2012 multi-state recidivism study, funded by the U.S. Department of Justice, examined the Static-99R and Static-2002 risk assessment tools in comparison with the Tier Guidelines from the AWA. *See generally id.*

The findings call into question the accuracy and utility of the AWA classification system in detecting high-risk sex offenders and applying concordant risk management strategies. If decision-making is [to] be driven by assigning offenders into defined risk classes, those categories must be determined by empirically derived procedures that are most likely to correctly identify higher risk offenders in a meaningful, systematic, and hierarchical manner.

Id. at 4.

148. *See* Niss Memorandum, *supra* note 88, at 2 (“For Montana, that noncomplying method of offender classification is problematic because the use of the risk assessment method for classification is mandated by statute.”); *see also* Letter from Risa S. Sugarman, Deputy Comm’r & Dir., Office of Sex Offender Mgmt., to Linda Baldwin, Dir., U.S. Dep’t of Justice 1–2 (Aug. 23, 2011) [hereinafter Sugarman Letter], available at <http://media.navigatored.com/documents/NY+Baldwin+SORNA+notification.pdf> (“After examining the proposed federal approach which focuses on the crime of conviction, we are

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Even assuming that risk assessment is not a superior tool for predicting recidivism, the purely financial rationale for allowing states to keep their own classification system remains valid. The offense-based tier system “pulls too many offenders onto the registry”—costing significantly more resources to register and maintain—and thus overburdens law enforcement.¹⁴⁹ Removing the tier system requirement would eliminate enormous costs for many states that identify this financial constraint as a primary obstacle to implementing SORNA.

2. *Allow States to Follow Their Own Philosophy of Juvenile Justice.*

SORNA is the first federal law that requires juveniles to register as adult sex offenders.¹⁵⁰ Individual states have existing systems in place to properly punish serious juvenile sex offenders.¹⁵¹ Many of these states have elected to exclude juveniles from registration outright, while others have left the issue to judicial discretion.¹⁵² For instance, in Utah, juvenile sex offenders are committed to the division of Juvenile Justice Services and detained thirty days prior to the individual’s twenty-first birthday.¹⁵³ Upon release, the juvenile-court judge decides whether the offender will be subject to registration requirements.¹⁵⁴

According to SMART Office officials, the juvenile registration requirements are “[t]he most significant barrier” to compliance¹⁵⁵ and conflict with certain state laws regarding the confidentiality of juvenile records, prompting important public policy concerns about juvenile rehabilitation goals.¹⁵⁶ Adding juvenile offenders to the adult registry would increase the number of offenders in the system and may require adding separate reporting facilities—resulting in heavy administration and maintenance costs.

concerned that the federal approach may both over- and understate threat in a way that is not consistent with [New York’s] public safety goals.”).

149. Grinberg, *supra*, note 18.

150. 42 U.S.C. § 16911(8) (2013) (“The term ‘convicted’ or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse . . .”).

151. *See* Enniss, *supra* note 39, at 714.

152. *See Sex Offender Law: Down to the Wire*, *supra* note 88.

153. Enniss, *supra* note 39, at 714–15.

154. *Id.* at 715.

155. *See Sex Offender Law: Down to the Wire*, *supra* note 88. Ohio was found to have substantially implemented SORNA requirements even though its juvenile-sex-offender registration laws deviated from SORNA’s minimal requirements. *See* Paladino, *supra* note 26, at 298–300; *see also* U.S. DEP’T OF JUSTICE, SORNA IMPLEMENTATION REVIEW: STATE OF OHIO 2–3 (2009), *available at* <http://www.smart.gov/pdfs/sorna/Ohio.pdf>.

156. *See Sex Offender Law: Down to the Wire*, *supra* note 88.

At least twenty-three states cited SORNA's application to the juvenile population as a barrier to compliance.¹⁵⁷ If states were allowed to maintain their own philosophy of juvenile justice in approaching juvenile-sex-offender registration, then a major obstacle to gaining universal state compliance would be eliminated.

3. *Relax the In-Person Registration Requirements of SORNA*

Lastly, SORNA requires an offender to make periodic appearances before a law enforcement agency to verify certain matters, such as where the offender is residing.¹⁵⁸ The increased frequency requirements mandated by SORNA impose substantial maintenance costs on the states, especially due to the increased personnel needed to administer these requirements.¹⁵⁹ At least eight states have complained that the in-person reporting and increased verification requirements pose substantial hurdles to SORNA compliance.¹⁶⁰ In California, it was estimated to cost local law enforcement agencies at least \$10 million to meet the new frequency of registration requirement¹⁶¹—the benefits of which are arguably an unnecessary obstacle to achieving national compliance with SORNA.

The cost-reduction methods identified above are but a few examples of potential measures that Congress could take to both lessen the financial burden on states and facilitate compliance with SORNA. More important is the reminder that SORNA's core objective lies in establishing and improving the national baseline of registration and notification standards so that fewer offenders will become "lost" within the

157. See COUNCIL ST. GOV'TS, *supra* note 145, at 4. See, e.g., Sugarman Letter, *supra* note 148, at 2 ("New York has a long standing public policy of treating juvenile offenders differently from adult offenders so that juveniles have the best opportunity of rehabilitation and re-integration. The federal requirement that juveniles be placed on the Sex Offender Registry under SORNA is in direct conflict with that public policy."); *Adam Walsh Act: Statement of Position*, *supra* note 108, at 3 ("If California were to adopt the Adam Walsh Act the state would, for the first time, include juveniles over the age of 14, determined to be a tier three risk, on the public Megan's Law website. . . . There is no evidence, to date, that the inclusion of juvenile offenders into public registries increases public safety or promotes effective juvenile offender reentry.").

158. 42 U.S.C. § 16916 (2013).

A sex offender shall appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—(1) each year, if the offender is a tier I sex offender; (2) every 6 months, if the offender is a tier II sex offender; and (3) every 3 months, if the offender is a tier III sex offender.

Id.

159. See *Sex Offender Law: Down to the Wire*, *supra* note 88. The SMART Office provides that it will consider alternatives to interim in-person appearances for Tier II and Tier III offenders. See *SORNA "In-Person" Registration Requirements*, OFFICE JUSTICE PROGRAMS, http://ojp.gov/smart/registration_requirements.htm (last visited Apr. 25, 2015).

160. See SURVEY ON COMPLIANCE WITH SORNA, *supra* note 103. As of April 2009, these states were Arizona, Connecticut, Hawaii, Illinois, Michigan, Texas, Vermont, and Wisconsin. See *id.*

161. See *Adam Walsh Act: Statement of Position*, *supra* note 108, at 3. These verification and in-person appearance costs are projected to increase significantly due to ongoing staffing expenses. *Id.*

system. If SORNA's goal is to maximize the effectiveness of sex offender registration and notification on a national level, steps must be taken to encourage states to comply with SORNA's most crucial aspects, rather than give states the financial incentive to abandon it altogether.

V. THE IMPLICATION OF FEDERALIST PRINCIPLES

Some of SORNA's costly requirements add another layer to the equation: the implication of federalism principles. The federal government is given a few defined areas of authority prescribed in Article I of the Constitution, and the Tenth Amendment reserves the balance of authority to the states—including the “police power.”¹⁶² For most of the first half of the twentieth century, federal involvement in criminal justice matters remained “limited and episodic” because state and local governments handled them.¹⁶³ Over time, the federal government has become increasingly involved in the criminal justice system and made “liberal use of its Commerce Clause authority to expand its criminal law jurisdiction.”¹⁶⁴ However in 1995, the Supreme Court's decision in *United States vs. Lopez* signaled a shift in the Court's willingness to countenance a general legislative power through the commerce clause in cases involving non-economic criminal activity.¹⁶⁵ Thus, SORNA and other criminal justice policies relating to sex offender registration and community notification generally were implemented not under Congress's commerce clause authority, “but rather more subtly through its conditional Spending Power authority.”¹⁶⁶

In the 1990s, Congress relied on its spending power “to compel changes in state criminal justice policy” with respect to community control of sex offenders.¹⁶⁷ Although once a matter “unmistakably within the historic purview of states,” state sex offender registration and notification laws are now “the direct result of federal

162. Logan, *supra* note 52, at 53 (describing the “police power” as an “expansive authority James Madison regarded as extending ‘to all objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people’”).

163. *Id.* at 54.

164. *Id.* at 59 (discussing Congress's method of coercing state compliance by means of conditional federal funding).

165. 514 U.S. 549 (1995) (striking down the Gun-Free School Zones Act of 1990 as outside the scope of Congress's commerce clause authority); *see also* Christopher DiPompeo, Comment, *Federal Hate Crime Laws and United States v. Lopez: On a Collision Course to Clarify Jurisdictional-Element Analysis*, 157 U. PA. L. REV. 617, 618 (2008) (“[*Lopez*] signaled the modern Court's resistance to allowing Congress to exercise a general legislative power through the Commerce Clause, particularly in cases involving non-economic criminal activity.”).

166. Logan, *supra* note 52, at 52. “Since 1994, Congress has repeatedly imposed new registration requirements on the states” through its Article I spending power. *Id.* at 69. Note, however, that Congress did use its commerce clause authority—and not its spending clause authority—to impose federal criminal liability for registration violations under the AWA. *See id.* at 79.

167. *See id.* at 59. The federal government had moved to nationalize disparate state approaches to sex offender registration and community notification. *See id.* at 121–22 (“That the shift has occurred via federal use of the ‘Trojan horse’ of conditional spending power authority, rather than through the more controversial method of Commerce Clause authority, does not alter the outcome.”).

initiative and preference.”¹⁶⁸ Many of the requirements imposed by SORNA require major changes to state laws—most notably, the juvenile registration requirements—and arguably infringe on traditional state autonomy.¹⁶⁹ Furthermore, the lingering reluctance of many states to abandon their own local sex offender system suggests that noncompliance with SORNA may, in certain aspects, better serve the state’s local interests and values.¹⁷⁰

VI. CONCLUSION

The principal objective of the AWA, and specifically SORNA, was to strengthen the national network of sex offender registration and notification. The hope was to eliminate loopholes to prevent sex offenders from easily evading the system by relocating to “safe haven” states. Full compliance—by all fifty states, the District of Columbia, the five principal U.S. territories, and the Indian tribes—is essential to create a true national registry system in the United States. Therefore, in order to realize the key purpose of SORNA, the persistent problem of state noncompliance needs to be acknowledged and addressed.

Cost-related concerns have been a constant factor in all fifty states’ analyses in deciding whether to implement SORNA, and hundreds of millions of dollars have already been invested into establishing these national sex offender registration and notification programs. Since Congress has committed to intervening in the criminal justice system in order to achieve a national registry, it must reevaluate its fiscal approach to SORNA. Specifically, the federal government must take steps to reform the financial structure of the SORNA implementation plan without losing focus of the long-term goal of national compliance.

Politicians have been fighting a war against sexual offenders for years with much passion and determination—but with less attention paid to the details of their battle plan. The problem with SORNA compliance can be resolved with a closer examination of implementation costs and benefits, and with much needed flexibility. It is time to pay the piper and begin changing the tune of the approach to sex offender legislation—for the sake of efficiency, efficacy, and principle.

168. *Id.* at 52, 59.

169. *See id.* at 88–89 (“With the AWA, federal intrusiveness has reached a high water mark, . . . for instance subjecting certain juveniles to registration and notification and requiring in-person registration verification.”).

170. *See* discussion *supra* Part III.

Appendix I

Additional Research Suggestions Submitted by Patty Wetterling, Former Chair, National Center for Missing and Exploited Children

Research regarding Problematic Sexual Behavior in Children and Adolescents

1. Children should be placed in the least restrictive level of care consistent with community safety. Generally, community and home-based interventions are safe and effective in treating PSB.¹
2. Over one third (35.6%) of those who have committed a sexual offense against a child or adolescent, and known to the police, are themselves children or adolescents,² and a recent study found that as much as 70-77 percent of sexual abuse against children or adolescents is committed by other children or teens.³ It is a challenging complication when the parent is both parent of the victim as well as parent of the child who caused sexual harm, which is demonstrated by the fact that over half of these offenses remain unreported to Law Enforcement.
3. Outcomes for children and adolescents who have engaged in PSB and who have participated in evidence-based treatment programs are favorable for the child or adolescent and in reducing community risk.⁴
4. Just as young children differ from adolescents, adolescents who engage in sexually abusive behavior differ significantly from adults convicted of sexually abusive behavior due to a number of developmental, and particularly neurodevelopmental, factors. Functional Magnetic Resonance Imaging (fMRI) neurological studies have identified several key processes in the reorganization of the adolescent brain that are associated with changes in behavior that occur during adolescence (Gogtay & Thompson, 2010; Lenroot & Giedd, 2006). This and other research has documented that adolescents' diminished ability to manage their emotions, control impulses, solve problems, and react appropriately to the influence of others is in large part a reflection of adolescent brain development of two processes: (a) a socioemotional system that controls impulses, emotional arousal, and the influence of interpersonal relationships; and (b) a cognitive control system that involves deliberative thinking, foresight, impulse control, problem solving and mature judgment

¹ St. Amand, A., Bard, D., & Silovsky, J.F. "Meta-Analysis of Treatment for Child Sexual Behavior Problems: Practice Elements and Outcomes." *Child Maltreatment*. Volume: 13, 2008, pp145-166.

² Finkelhor, D., Ormrod, R., & Chaffin, M. "Juveniles Who Commit Sex Offenses Against Minors." OJJDP Juvenile Justice Bulletin. U.S. Department of Justice, Office of Justice Programs. 2009.

³ Gewirtz-Meydan, A., Finkelhor, D. "Sexual Abuse and Assault in a Large National Sample of Children and Adolescents." *Child Maltreatment*, Volume: 25(22), 2020, pp 203-214.

⁴ Schmucker, M., & Lösel, F. (2015). "The Effects of Sexual Offender Treatment on Recidivism: An International meta-analysis of sound quality evaluations." *Journal of Experimental Criminology*, Volume: 11, 2015, pp 597-630.

Worling, J.R., Littlejohn A., & Bookalam, D., "20-Year Prospective Follow-Up Study of Specialized Treatment for Adolescents Who Offend Sexually." *Behavioral Sciences & the Law*. Volume: 28, 2010. Pp 46-57.

(Conklin et al., 2007; Crone & vander Molen. 2004; Hooper et al., 2004; Luna et al., 2001; Steinberg, 2007, 2010).

The implementation of punitive policies, such as registration and community notification, applied to children and adolescents who have been adjudicated for sexual offenses has also been associated with a 41% decrease in sexual offense charges being forwarded by prosecutors and an increase in plea bargains for nonsexual offenses (Letourneau et al., 2013; Letourneau et al., 2009). As a result of non-sexual charges being applied, there is a risk that adolescents may not qualify for specialized treatment programs in their jurisdiction that are available only to those adjudicated for a sexual offense. These effects have also been shown to occur for adolescents charged with a sexual crime that result in a non-sexual adjudication, with similar negative outcomes regarding ineligibility for treatment programs and similar services (Letourneau et al., 2009; Letourneau et al., 2013; Letourneau et al., 2010a; Calley, 2008).⁵

⁵ Association for the Treatment of Sexual Abusers Registration and Community Notification of Children and Adolescents Adjudicated of a Sexual Crime: Recommendations for Evidence-Based Reform. 2020



Appendix J

Document Title: Sex Offender Registration and Notification Policies: Summary and Assessment of Research on Claimed Impacts to Registered Offenders

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**Sex Offender Registration and Notification Policies:
Summary and Assessment of Research on Claimed
Impacts to Registered Offenders**

A Report Prepared by the
Federal Research Division, Library of Congress

October 2020

Researchers: Meaghan Flattery
Wm. Noël Noël

**72 Years of Research Services to the Federal Government
1948 – 2020**

PREFACE

The analysis in this report is based on FRD's assessment of the relevant research published by scholarly journals. Additional sources include a government report, a doctoral dissertation, and a publication by a nongovernmental organization. The literature reviewed for this report is largely focused on criminal justice and law, but also covers sociology and economics.

FRD's Commitment to Unbiased Research. FRD provides customized research and analytical services on domestic and international topics to agencies of the U.S. government, the District of Columbia, and authorized federal contractors on a cost-recovery basis. This report represents an independent analysis by FRD and the authors, who sought to adhere to accepted standards of scholarly objectivity. It should not be considered an expression of an official U.S. government position, policy, or decision.

Helene Zakia
Project Manager

Information Cutoff Date for Research: April 2019

HOW TO READ THIS REPORT

This report evaluates research studying federal, state, and local sex offender registration and notification laws' impacts on convicted sex offenders.* It provides an analysis of 24 peer-reviewed research studies, a doctoral dissertation, a federal report, and a nongovernmental organization publication. Analysis includes an examination of the methodological rigor of all 27 publications.

A high-level summary of findings is found in Section 1, while Section 2 gives a brief background on federal laws related to sex offenses. Section 3 provides the research and evaluative methodology used in this report. Section 4 summarizes and analyzes publications — discussions are categorized by impact type and scored for objectivity and statistical integrity. Section 5 concludes the report with a recap.

Five appendices appear at the end of this report. The first three appendices give detailed summaries and assessments broken down by publication subject: Section 6 provides these for studies on adult registered sex offenders (RSOs), Section 7 focuses on adult RSOs' families, and Section 8 highlights juvenile RSOs.

The fourth appendix, Section 9, provides a more in-depth look at FRD's approach to evaluating statistical integrity. Internal validity (measured using the Maryland Scientific Scale), construct validity, external validity, and statistical conclusion validity are explained and determined for each assessed study.

Finally, the fifth appendix, Section 10, explores the author and publication relationships of the literature assessed in this report.

* The Sex Offender Registration and Notification Act, the current federal law regarding sex offender registration and notification, applies to all 50 states, the District of Columbia, the principal U.S. territories, and federally recognized Indian tribes. Generally, the research in this report addresses registration and notification policies in the 50 states. However, one report, GAO (2013), is based on data collected in the 50 states, the District of Columbia, and the territories, and another, Kilmer and Leon (2013), does not provide location information for the study participants.

EVALUATING PUBLISHED RESEARCH

To assess the body of research on the claimed impacts of registration and notification laws to RSOs, FRD examined studies' methodologies. One question asked is whether researchers employed randomized experimental research methods. Widely recognized by statisticians as the strongest and most reliable ways of establishing valid causal relationships between variables, randomized experiments include an array of research methods. There are four distinct practices, all of which can impact a study's statistical validity:

- Randomly selecting experimental units (e.g., people of different genders, ages, ethnicities, and weights);
- Collecting data from those units on all factors that could affect an outcome (e.g., gender and age);
- Randomly assigning those units to experimental and control groups (e.g., one group receives an experimental headache medication, while the other group receives a placebo); and
- Collecting data on an outcome before and after the experimental treatment is given (e.g., the frequency and severity of headaches before and after receiving the experimental headache medication).

FRD evaluated qualitative and quantitative research on the basis of the above four criteria. While studies at times differed in research technique, they shared a number of important similarities. Studies employed deductive research (i.e., testing theories or ideas with specific observations) and inductive research (i.e., exploring specific observations and subsequently developing hypotheses and theories to explain them). Some studies showcase the hallmarks of both: making observations, inductively creating hypotheses about those observations, using data to test deductions based on those hypotheses, and using the findings to refine or reject those hypotheses.

Other publications are more exploratory in nature, examining the data to find what, if any, connections exist between the variables. However, such research is limited to hypothetical connections between variables and cannot validly establish statistical associations such as causation or correlation.*

Within the body of literature reviewed for this report, two methodological limitations that appear to affect a study's statistical integrity most frequently were the lack of a control group and

* Causation is a type of association where a change in one variable produces a change in another, while correlation is a type of association that measures the strength of the relationship between two variables. Correlations can be positive, meaning that as one variable changes, the other changes in the same direction (i.e., either increase or decrease), or negative, meaning that the variables change in different directions (e.g., as one increases, the other decreases).

overgeneralizations based on small, specific sample sizes. Studies that lack a control group cannot say with any certainty that an observed change is caused by the independent variable (in this case, the impacts of registration experienced by adult and juvenile RSOs) or some other confounding factor.* Overgeneralizations occur when the results from a single study are applied to other populations — for example, using the experiences of RSOs navigating one state’s residency restriction policies to predict the experiences of RSOs in other states with different laws.

* A confounding factor (also referred to as a confounding variable) is something that influences the outcome under study (job, housing, psychological wellness, etc.) and is correlated with the factor of interests (being on the registry and public notification), but is not included in the statistical analysis. This leads to observed correlations between the outcome and the factor of interests that are truly caused by the confounding factors. Not controlling for confounding variables reduces the validity of an experiment.

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1. KEY FINDINGS

Research Concerns

The overall body of work analyzing impacts of SORN policies on RSOs is indeterminate in its findings, largely because these works suffer from one or more methodological flaws that render their findings unreliable, invalid, or of little to no applicability to individuals not directly included in the research itself. These flaws, which are discussed in detail in Section 4.1, “Methodological Quality of the Studies,” include the following:

- *Misuse of Statistical Methods.* A common problem with studies that employed statistical methods in research on RSOs is the misuse of statistical methods, such as the calculation of the averages of “ordinal variables,” which are variables in which data is classified into ordered or ranked categories (e.g., Agree, Neutral, Disagree). Computing averages for such variables is not a valid statistical practice.
- *Potential for Bias.* A significant amount of the literature relies on survey or interview methodologies in which participants were told that the sex offender registry and its impacts are the subject of the study, which may lead to selection bias or confirmation bias.*
- *Lack of Comparison Groups.* Many studies examine only RSOs and do not include comparison groups, such as individuals who have or have not been convicted of other types of felonies.† The absence of comparison groups is one of several methodological problems that undermine the internal validity of statistical research.
- *Non-Probability Sampling.* Many studies used non-probability sampling to select the study participants, which negates extending the application of statistical findings to subjects not in the sample (i.e., it undermines the “external validity” of the research).
- **Overall Status of Research:** Publications reviewed for this paper were generally critical of sex offender registration and notification (SORN) policies; however, the body of work as a whole was effectively indeterminate in its findings. No paper provided reliable and valid empirical support for claims that SORN policies have had adverse effects on registered sex offenders (RSOs). While SORN policies may indeed have deleterious effects on RSOs, thus far the research has not provided evidence of an association between SORN policies and studied impacts. It is important to note that the Federal Research Division’s (FRD’s) goal is

* According to researchers Sarah W. Craun and David M. Bierie, selection bias comes from “which subjects agree to participate,” while confirmation bias is “a tendency of subjects to overstate what they believe researchers are looking for” (“Are the Collateral Consequences of Being a Registered Sex Offender as Bad as We Think? A Methodological Research Note,” *Federal Probation* 78, no. 1 [2014]: 28, http://www.uscourts.gov/sites/default/files/june2014_final_proof_6_11_2014.pdf).

† A few studies, however — such as Douglas Evans and Jeremy Porter’s quasi-experimental work on landlord behavior, Wesley Jennings’ team’s general impacts study, and John Nally’s team’s research on ex-offender employment rates in Indiana — do attempt to compare outcomes for sex offenders with those experienced by other types of offenders.

not to impugn either survey research as a whole or the work of the researchers who study this field, but to raise readers' awareness of the limitations of the research and caution against extrapolating conclusions that cannot be supported by the current literature. In many cases, authors have acknowledged the limitations of their work.

- **Claimed Impacts to Sex Offender Employment and Finances:** Studies within this category investigated how registration may impact RSOs' financial lives through loss of jobs or promotions, or denial of bank accounts or loans. They were based largely on self-reported interview and survey data from RSOs, and most studies lacked control groups. Two of the 10 studies analyzed administrative data to compare post-release employment outcomes for sex offenders with other groups of offenders. Overall, due to limitations in methodologies and/or misuse of statistical practices, research addressing this topic failed to provide conclusive evidence linking impacts on employment to registration.
- **Claimed Impacts on Sex Offender Housing:** Researchers investigated whether SORN laws and state or local residency restriction policies have impacted the ability of RSOs to find and maintain housing, the quality of RSO neighborhoods, and rates of RSO homelessness. Methodologies included self-reported survey or interview data, analysis of administrative data, and quasi-experimental methods. Due to flaws in the quality of the research, current literature does not provide enough evidence to conclude that SORN or residency restriction policies lead to housing challenges for RSOs.
- **Sex Offender Perceptions of SORN Policies and Residency Restrictions:** This research, based on self-reported survey and interview research, explored RSOs' opinions of SORN policies and residency restrictions. These studies examine registrants' beliefs about the social value of these policies and whether they are effective in preventing recidivism or aiding RSOs in making positive choices. No conclusions can be drawn from the body of research because of methodological and statistical flaws in the design of these studies.
- **Claimed Impacts to Sex Offender Physical and Psychological Well-Being:** Researchers studying RSOs' physical and psychological well-being examined possible links between registration and experiences such as loss of supportive relationships, social isolation, victimization through harassment and assault, and negative emotions such as embarrassment, fear, hopelessness, and shame. Studies that address this topic are based on self-reported survey and interview data and lack control groups. The research is generally poor quality, with methodological and statistical errors that prevent conclusions from being drawn about the possible links between registration and RSOs' social or emotional well-being or physical safety.
- **Claimed Impacts on Families of Sex Offenders:** Publications in this category examined whether RSOs' family members experience financial strain, harassment, stress, or challenges maintaining affordable housing due to RSO registration requirements or residency restriction policies. Researchers obtained data from surveys administered to and interviews conducted with registrants' family members. However, these individuals were

recruited from advocacy or support organizations; their experiences may not be representative of the wider population of RSO families. Moreover, the research also suffered from other limitations such as the misuse of statistical tests. Rigorous evidence is therefore lacking to support conclusions about possible links between registration and the well-being of the family members of RSOs.

- **Claimed Impacts to Juvenile Sex Offenders:** Publications covering this topic investigated the impacts of registration and notification to juvenile RSOs' education, employment, emotional well-being, families, housing, safety, and social relationships. The studies are based on self-reported survey or interview data obtained from current or former RSOs, their families, and treatment providers who work with juveniles. No conclusions can be derived from these studies due to poor methodological quality. Furthermore, some authors who studied this population openly advocated for changes to current sex offender policies regarding juveniles, making it difficult to gauge the extent of objectivity in the design of their studies.

2. HISTORICAL BACKGROUND

California established the first U.S. sex offender registry in 1947. Over the years, other states followed suit. By 1996, every U.S. state operated a sex offender registry, most of which were only accessible to local law enforcement personnel. No federal laws governing sex offender registries existed until 1994's Wetterling Act (the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act).^{*} It was the first federal law requiring every state to have a registry, and it standardized the states' registry programs. The Wetterling Act had a minimalistic provision for notification that allowed, but did not mandate, the release of information about RSOs to the public when it was deemed necessary for the public's protection.¹

Shortly after the passage of the Wetterling Act, Megan's Law was passed in 1996.[†] Megan's Law strengthened notification policies in the Wetterling Act by requiring all states to notify the public about RSOs. Shortly thereafter, states began to create public registry websites.

In 2006, Congress passed the Adam Walsh Child Protection and Safety Act (AWA), which included the Sex Offender Registration and Notification Act (SORNA). The AWA is similar to the Wetterling Act in that it sets federal minimum standards for jurisdictions' sex offender registries, including creating baseline standards stipulating which offenders must register and how long they must remain on the registry. The requirements of the AWA apply to all 50 states, the District of Columbia, the principal U.S. territories, and federally recognized American Indian tribes. SORNA's goals include providing for registration and notification tools to build public awareness of RSOs in the community; addressing gaps existing due to variations across states' laws, policies, and technology systems; and standardizing notification procedures by requiring states to publish certain information on their public registries and requiring state registries to connect to the Dru Sjodin National Sex Offender Public Website.^{2,‡}

SORN laws encompass both federal and state statutes that require states to maintain internal registries of convicted sex offenders for law enforcement and public registry websites with RSO identifying information for the community. SORNA, a federal statute, set minimum standards for SORN policies; however, states and localities may choose to enact additional statutes such as residency restriction laws or proactive notification policies. As long as jurisdictions meet federal SORNA standards and avoid prohibited practices, they do not run afoul of SORNA.³

^{*} The act is named for Jacob Wetterling, an 11-year-old boy abducted from his hometown of St. Joseph, Minnesota, in 1989. The case remained a mystery until 2016, when a longtime person of interest finally confessed to his murder.

[†] The law is named for Megan Kanka, a 7-year-old girl from Hamilton Township, New Jersey, who was raped and murdered in 1994 by a neighbor with two previous sexual assault convictions.

[‡] The website is named for Dru Sjodin, a 22-year-old college student from Grand Forks, North Dakota, who was abducted and murdered in 2003 by a sex offender registered in Minnesota. The site is a resource run by the U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, and allows the public to search all the states' registries from one location.

This report reviews and assesses 27 studies discussing the impacts of registration and notification laws on RSOs. These studies were published between 2000 and 2018 and reflect circumstances before, during, and after the states' implementation of the 2006 Sex Offender Registration and Notification Act. Included among these 27 reports is research regarding claimed impacts of residency restriction policies — these are state and local policies prohibiting RSOs from living in certain areas, and are not mandated by federal legislation. Twenty-four of the 27 studies were conducted by academics and published in academic journals. The remainder consist of a report by the U.S. Government Accountability Office, a dissertation, and a report published by Human Rights Watch.

This body of literature investigates the potential impacts of registration and notification on registrants' employment and finances, housing, and physical and psychological well-being. The research also explores RSOs' perceptions of the value of registration, as well as the potential impacts to family members and the particular impacts related to juvenile RSOs.

3. FRD RESEARCH METHODOLOGY

FRD conducted its analysis for this report by gathering a body of research that addresses potential impacts of SORN policies to RSOs and evaluating the objectivity and methodological quality of that research. The works examined for this report consist of studies published in scholarly journals, a government report, a doctoral dissertation, and a report published by a nongovernmental organization.

3.1. Literature Selection Process

To identify the existing research on impacts of registration and notification on RSOs, FRD conducted keyword searches in a variety of databases and search engines. An initial query captured 898 articles that appeared relevant to sexual offending. Of those 898 articles, 177 appeared relevant to the impacts of SORN policies experienced by offenders. After a close review of those 177 articles, 150 were removed because they were either not germane to the topic or did not provide original research data on impacts. At the end of this process, 27 articles were determined to be suitable for evaluation in this report.

3.1.1. Databases Used

FRD conducted its search using the following databases: Academic Search Complete, Google Scholar, Hein Online, the National Criminal Justice Reference Service, ProQuest, and Scopus.

3.1.2. Keywords and Other Search Parameters

Keyword searches consisted of Boolean search strings that included the use of wild cards and modifiers, such as quotation marks for specific phrases. FRD combined the following terms with "Sex Offender Registration and Notification Act": "sex offender," "registry," "impact," and "collateral consequence."

Depending on the database used, FRD added additional search parameters, including a date range (January 1, 2000 to April 30, 2019), that searches return full-text articles, that results be peer-reviewed or refereed, that publications be available in English, and that studies be conducted within the United States. Subject limitations were also applied to prevent the databases from returning works in non-relevant fields of study.

3.2. Literature Selection Criteria

As this report focuses on the claimed impacts of registration experienced by adult and juvenile RSOs, articles were discarded for:

- Addressing topics that do not directly relate to possible impacts experienced by RSOs as a result of SORN or residency restriction policies (such as recidivism rates); or
- Providing legal or theoretical arguments, rather than original data, on how sex offenders are impacted by registration.

Studies on the impacts of state and local residency restriction laws were considered in this analysis, particularly as these laws affect the housing options of adult and juvenile RSOs and their families.

3.3. Literature Evaluation Methods

After narrowing down the literature selection to a final total of 27 articles, FRD evaluated the objectivity of these studies using a scale developed in-house by researchers. To rank the studies' methodological quality, FRD applied a modified version of the Maryland Scientific Methods Scale (SMS) — a five-point scale initially developed to evaluate criminological research.

3.3.1. Objectivity Score

To rate an article's neutrality regarding federal, state, and local SORN and residency restriction laws, FRD developed an objectivity score with a starting value of five — signifying the highest level of objectivity. Two FRD analysts reviewed each study that met the division's selection criteria and independently assigned it a score. When analysts' scores differed, a consensus-building process was employed to arrive at a unified score for each study. FRD did not disqualify studies for analysis on the basis of the objectivity score. Points were subtracted as follows:

- 0 points were subtracted for each of the following:
 - Having a neutral point of view (e.g., no language either expressly for or against these laws).
 - Having a non-biased funding source (e.g., government grant money).
- 1 point was subtracted for each of the following:
 - Having a critical point of view (e.g., language questioning the laws' purpose or usefulness).
 - Having an unknown funding source (i.e., no information provided in the text).
 - Being built on a pre-determined conclusion (e.g., a study design that appeared to focus on an existing point of view).
- 2 points were subtracted for each of the following:
 - Having a biased point of view (e.g., containing language either expressly for or against these laws).

- Having a biased funding source (e.g., grant money from a nonprofit research organization with a stated policy perspective).

3.3.2. Statistical Integrity Score

To assess the internal validity of the research studies, FRD used a modified Maryland SMS to evaluate each study's application of research methods. Considerations also were given to each study's construct validity, external validity, and statistical conclusion validity. The studies' methods were rated on a scale of one to five, with higher numbers indicating a use of research methodologies most likely to yield valid findings. More information about these evaluations can be found in Section 9, Appendix IV, "Analysis of Statistical Integrity."

4. LITERATURE SUMMARY

Studies addressing SORN policies' possible impacts to RSOs have generally been conducted by a small number of researchers who often co-author one another's papers and sometimes use one another's survey instruments. For instance, a 2014 study led by Erika Davis Frenzel of the Indiana University of Pennsylvania used a modification of the survey instrument Richard Tewksbury of the University of Louisville developed for his 2005 study.⁴ Likewise, Jill Levenson, initially of Lynn University and later of Barry University, co-authored a research study with Yolanda Nicole Brannon of the Florida Institute of Technology in 2007 and another study with Cynthia Calkins Mercado of the City University of New York's John Jay College of Criminal Justice in 2008.⁵ Both of these publications used a modified version of the survey instrument Levenson had previously developed for her 2005 research with Leo Cotter of the S.H.A.R.E. (Sexual Health: Awareness*Rehabilitation* Education) program in Tampa, Florida.⁶ Furthermore, Levenson led a 2015 study that was co-authored by Alissa Ackerman of the University of Washington Tacoma, who served as lead author on a 2013 study.⁷ This report covers several works by Levenson and Tewksbury, two prolific authors often cited by other researchers in the field. It reviews eight studies authored or co-authored by Levenson, and nine studies authored or co-authored by Tewksbury.*

Among the professional academic researchers whose works are assessed in this report, the plurality serve on the faculty of their institution's department of criminology or criminal justice studies (16 of 33 professional academics), while others are located in departments of psychology, public policy, sociology, or social work. The majority of these individuals (27 of 33) are professors, assistant professors, or associate professors, while the remainder have job titles such as investigator, research associate, or scientist. In addition to professional academics, six of the lead authors or co-authors were doctoral students at the time the research was published. Four study authors are employed by state government agencies — specifically, the Indiana Department of Correction, the Indiana Sex Offender Monitoring and Management Program, and the New Jersey Department of Corrections. Three authors are affiliated with consulting groups (such as the Public Consulting Group) or nonprofit organizations (such as Human Rights Watch or S.H.A.R.E.). For a full list of each author's professional title and affiliation, see Section 10, Appendix V, "Table 8: Researcher Titles, Affiliations, and Studies Written/Co-Authored."

Because academic researchers often work with their colleagues, it is not surprising that a number of authors featured in this report are clustered at certain universities. For instance, six authors — Cierra Buckman, Geoffrey Kahn, Elizabeth Letourneau, Reshmi Nair, Amanda Ruzicka, and Ryan Shields — were employed at Johns Hopkins University's Bloomberg School of Public Health while

* For a full list of the number of studies in this report that each researcher has authored or co-authored, see Section 10, Appendix V, "Table 8: Researcher Titles, Affiliations, and Studies Written/Co-Authored."

they worked together on the study “Effects of Juvenile Sex Offender Registration on Adolescent Well-Being.” Similarly, there are groups of authors clustered (when they wrote these studies) at other universities, including the Florida Institute of Technology, the University of Massachusetts Lowell, and Wayne State University.

4.1. Methodological Quality of the Studies

In their 2014 article examining literature about sex offender registries, Sarah W. Craun and David M. Bierie of the U.S. Marshals Service identified two common limitations: the use of survey and interview methodologies that introduce the potential for bias and the general lack of control groups. They noted that while this research has done an admirable job of identifying the potential disadvantages of the registries, these shortcomings may have served to overstate the harm done to offenders by being on the registry.⁸

As a whole, FRD* found that methodological problems undermined the validity of conclusions drawn by the publications analyzed.

Potential for Bias: A significant number of articles used survey or interview methodologies where participants were told that sex offender registries and their impacts were the subject of the study. As Craun and Bierie pointed out, “such priming can lead to both selection bias (which subjects agree to participate) and a tendency of subjects to overstate what they believe researchers are looking for (confirmation bias).”⁹

Lack of Comparison Groups: Many studies examined only RSOs and did not include a comparison group — for example, individuals convicted of another type of felony crime or individuals who have never been convicted of a felony crime. These studies associate RSOs with post-registration outcomes (such as unemployment) without examining whether individuals who are not RSOs have had similar outcomes. In statistical analyses of causal or other relationships between variables, the absence of comparison groups is one of several methodological problems that undermine the internal validity of statistical research.

Non-Probability Sampling: Some publications used non-probability sampling to select individuals for inclusion in the sample, which limits the application of statistical findings to only those subjects in the sample. More simply, it undermines the external validity of the research.¹⁰ For example, the authors of several studies contacted RSOs in a particular location and interviewed or surveyed the offenders who made themselves available for interviews. This is a technique called convenience sampling. The findings from research using this and other non-probability sampling

* In fall 2018, the SMART Office partnered with the Federal Research Division (FRD) within the Library of Congress for support researching and analyzing the current literature on the claimed impacts of federal, state, and local sex offender registration and notification policies to registered adult and juvenile sex offenders.

methods can only be applied to the research subjects in the sample and, therefore, cannot be extrapolated to other populations.

Misuse of Statistical Methods: Another frequent problem encountered within publications was the misuse of statistical methods, compromising the statistical conclusion validity of the research.¹¹ For example, some studies surveyed RSOs, asking them to respond to questions with a choice of “highly likely,” “somewhat likely,” etc., and assigned a number to those categories for computational purposes (5 for highly likely, 4 for somewhat likely, etc.). Researchers then calculated an average of the numbers assigned to those choices (e.g., 3.8), and compared those averages. However, the calculation of averages with this kind of data is not mathematically sound. These and other types of variables that have ordered categories are called “ordinal” variables. Examples of ordinal variables include social class (lower, middle, upper) or likelihood (highly likely, somewhat likely, etc.). While these categories have some order, they do not have known, fixed differences: no numerical value describes the difference between highly likely and somewhat likely. Thus, the calculation of the averages of categories is not mathematically feasible.

In the pages that follow, FRD analysts review the body of work examining the claimed effects of SORN policies on RSOs and their families. This review will provide summaries of claims made and assessments of the quality of the research underlying those claims. Publications are categorized into six topic areas; some studies appear in multiple categories as they discuss more than one subject. A detailed examination of each study’s claims and methodological quality is located in the appendices.

4.2. Claimed Impacts of SORN Policies on Sex Offender Employment and Finances

FRD found 10 studies that provide various data points and analyses on the collateral consequences — the “unintended negative experiences and costs” — of federal and state SORN policies as they relate to registrants’ employment and finances (see table 1).¹² These works were published between 2000 and 2014, encompassing the period of time both before and after the 2006 passage of SORNA. Many state laws also changed during this time, occasionally in response to the federal act’s new standards and requirements.

Table 1. Study Summaries: Claimed Impacts on Employment and Finances

Section	Title	Objectivity Score (1–5)	Stat. Integrity Score (1–5)
6.4	Understanding Collateral Consequences of Registry Laws	3	1
6.5	Sex Offender Registration and Notification Act	5	2
6.6	A Comparative Longitudinal Analysis of Recidivism Trajectories and Collateral Consequences	5	1
6.7	The Effect of Megan’s Law on Sex Offender Reintegration	4	1
6.11	The Impact of Specialized Sex Offender Legislation on Community Reentry	2	1
6.12	Assessing Informal Social Control against the Highly Stigmatized	4	1
6.14	Post-Release Recidivism and Employment among Different Types of Released Offenders	4	2
6.15	Experiences and Attitudes of Registered Female Sex Offenders	4	1
6.17	Perceptions of Sex Offender Registration	2	1
6.19	Sex Offender Community Notification	3	1

Note: Both measurements ascend in value, with 5 being the highest score a study can receive in either category.

The research attempted to tie SORN policies to RSOs’ difficulties in finding and maintaining employment and being met with denials of promotions, bank accounts, or loans. Authors at times professed to have mixed views on the different aspects of these policies; however, they generally concluded that SORN restrictions harm RSOs’ employment prospects, even when findings showed that a majority of RSOs sampled did not experience a particular consequence.

The 10 studies in this subject area are generally objective; however, the overall quality of the research is poor. Authors largely used methodologies that compromised or negated studies’ external and internal validity. For example, some researchers failed to use control groups, while others’ statistical analyses did not support their findings. Still others administered surveys where RSOs self-reported their experiences, but the methodologies of these studies did not provide for the verification of self-reported data. Therefore, it is not known if the experiences reported by survey respondents are truly caused by their registration status or by other factors. For instance, a respondent may have lost a job because his employer has a policy prohibiting the employment of felons. The respondent’s status as a felon is not caused by registration; however, his status as a felon and his status as a registrant are connected in such a way that it may be easy to conflate them. Consequently, when a survey question asks if a respondent has lost a job as a result of registration, he may answer the question affirmatively, and thus mistakenly provide a false response. Detailed examinations of the studies listed in Table 1 are included in Section 6, Appendix I, “Assessment of Studies on Adult Registered Sex Offenders.”

4.3. Claimed Impacts of SORN and Residency Restriction Policies on Sex Offender Housing

FRD identified nine studies that examine how SORN and residency restriction policies affect RSOs' housing (see table 2). All nine were published by academic researchers between 2005 and 2015. Five were based on self-reported data provided by RSOs in surveys or interviews. Three analyzed data collected by government agencies, and one employed a quasi-experimental audit methodology to examine how landlords respond to potential tenants with a criminal conviction. Some studies presented data on residency restriction policies.

Residency Restrictions

While residency restrictions apply to RSOs, they are not established by federal law; rather, such policies are enacted at the state and local level. Specific residency restriction policies may have changed since a study was conducted, and these studies do not necessarily reflect the experiences of RSOs living in a state or locality with different policies than those cited in the research.

Table 2. Study Summaries: Claimed Impacts on Housing

Section	Title	Objectivity Score (1–5)	Stat. Integrity Score (1–5)
6.3	Criminal History and Landlord Rental Decisions	5	1
6.6	A Comparative Longitudinal Analysis of Recidivism Trajectories and Collateral Consequences	5	1
6.7	The Effect of Megan's Law on Sex Offender Reintegration	4	1
6.8	The Impact of Sex Offender Residence Restrictions	3	1
6.9	Sex Offender Residence Restrictions	3	1
6.10	Where for Art Thou?	4	1
6.11	The Impact of Specialized Sex Offender Legislation on Community Reentry	2	1
6.12	Assessing Informal Social Control against the Highly Stigmatized	4	1
6.13	Residential Location and Mobility of Registered Sex Offenders	4	1

Note: Both measurements ascend in value, with 5 being the highest score a study can receive in either category.

RSOs face the potential prospect of hostile neighbors and wary landlords if notification policies make their sex offender status known to the community. They may choose to move if they are not welcome in their community; however, moving may be complicated if landlords do not want to rent to an RSO. Additionally, some areas have enacted residency restriction laws at the state or local level, which generally prohibit RSOs from living within a certain distance of schools or other places where children congregate.¹³ Residency restrictions limit the areas in which RSOs are

allowed to live, and may potentially curtail the amount of available housing to the point that RSOs may have difficulty finding a home.*

These nine publications sought to provide data on the degree to which RSOs experience challenges finding and maintaining housing that meets their needs. However, research quality was poor — all of the studies had significant methodological or statistical flaws. Additionally, the analysis failed to account for complexities that may affect sex offenders' housing. For instance, offenders whose victims are their own family members may be prevented from returning to their family home because of restrictions on living with victims or because the family severed ties with the offender. Due to these limitations, this body of literature does not provide conclusive evidence supporting a link between SORN and residency restriction policies and collateral consequences to RSOs in finding or maintaining housing.

4.4. Sex Offender Perceptions of SORN and Registry Restriction Policy Effects

FRD analyzed eight studies providing data on RSOs' opinions of SORN and residency restriction policies (see table 3). These studies were conducted by academic researchers and published between 2000 and 2013. All of the studies are based on self-reported data collected by researchers either in surveys or interviews of RSOs.

Table 3. Study Summaries: Perceptions of Policy Effects

Section	Title	Objectivity Score (1–5)	Stat. Integrity Score (1–5)
6.1	The Experiences of Registered Sex Offenders with Internet Offender Registries in Three States	3	1
6.2	Attitudes about Community Notification	4	1
6.7	The Effect of Megan's Law on Sex Offender Reintegration	4	1
6.8	The Impact of Sex Offender Residence Restrictions	3	1
6.9	Sex Offender Residence Restrictions	3	1
6.11	The Impact of Specialized Sex Offender Legislation on Community Reentry	2	1
6.18	Perceptions of Punishment	4	1
6.19	Sex Offender Community Notification	3	1

Note: Both measurements ascend in value, with 5 being the highest score a study can receive in either category.

These eight publications explored how RSOs view the efficacy of sex offender registries. While RSOs may experience financial impacts if they are unable to obtain employment or housing, a less

* This body of research does not address one of the most direct impacts to housing for some sex offenders and their families: the U.S. Department of Housing and Urban Development's (HUD's) regulation prohibiting lifetime registered sex offenders from admission to HUD-subsidized housing ("State Registered Lifetime Sex Offenders in Federally Assisted Housing," Notice PIH 2012-28, June 11, 2012, <https://www.hud.gov/sites/documents/PIH2012-28.PDF>).

conspicuous impact may be SORN policies' effects on RSOs re-integrating into society and avoiding re-offense. The data from these studies attempted to capture RSO beliefs about whether SORN and residency restrictions are effective at preventing recidivism and useful to society in their current form. Based largely on interview data, researchers reported that RSOs hold negative views of residency restrictions and do not think that these policies are effective in preventing sex offenders from re-offending. However, studies of RSOs' attitudes toward SORN policies drew fairly nuanced conclusions, and they often report that RSOs have mixed feelings about these policies. As Richard Tewksbury and Matthew Lees state in their 2007 study, "Almost without exception, RSOs expressed an understanding of why society would want to have a sex offender registry. However, there is also widespread dissatisfaction with having oneself listed."¹⁴

These studies were generally objective in the way the research was conducted, although one study, "The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd?" by Levenson and Cotter (April 2005), was given a dramatic title that may have the effect of priming readers to believe that residency restrictions are "absurd." Moreover, the body of research is generally poor quality, and all of the studies contain multiple methodological or statistical flaws.

4.5. Claimed Impacts of SORN Policies on Physical and Psychological Well-Being

FRD identified nine studies that provide data on the impacts of registration on RSOs' emotional and psychological well-being, safety, and social relationships (see table 4). These studies were conducted by academic researchers and published between 2000 and 2014. All nine studies are based on self-reported data provided by RSOs in surveys or interviews.

Table 4. Study Summaries: Claimed Impacts on Well-Being

Section	Title	Objectivity Score (1–5)	Stat. Integrity Score (1–5)
6.1	The Experiences of Registered Sex Offenders with Internet Offender Registries in Three States	3	1
6.2	Attitudes about Community Notification	4	1
6.4	Understanding Collateral Consequences of Registry Laws	3	1
6.7	The Effect of Megan's Law on Sex Offender Reintegration	4	1
6.12	Assessing Informal Social Control against the Highly Stigmatized	4	1
6.15	Experiences and Attitudes of Registered Female Sex Offenders	4	1
6.16	Collateral Consequences of Sex Offender Registration	3	1
6.17	Perceptions of Sex Offender Registration	2	1
6.19	Sex Offender Community Notification	3	1

Note: Both measurements ascend in value, with 5 being the highest score a study can receive in either category.

These studies investigate the possible impacts of registration on RSOs' health and well-being. Potential impacts may be emotional or psychological in nature (e.g., stress, fear, and depression), or are those that result from the actions of family, friends, neighbors, or other members of the community (such as loss of relationships, social isolation, and victimization through harassment or assault).

Similar to the studies in other sections, serious methodological and statistical flaws prevent this selection of publications from supporting any replicable conclusion on the possible links between registration and registrants' physical and psychological health.

Moreover, attributing negative social impacts to the requirement for registration is problematic; it conflates an RSO's presence on a registry with why the RSO must register. In other words, one may argue that the act resulting in a conviction for a sex crime is considered heinous, not because the offender is thereafter required to register. Furthermore, a friend or member of the community could very plausibly find out that the RSO had been convicted of a sex crime through social networks and would not necessarily need to have checked the registry to obtain that information. It is difficult to ascertain the following from these studies:

- Whether the person imposing the social sanction is responding to the fact that the RSO is on the registry or responding to the fact that the RSO committed a sex crime.
- How the person imposing the social sanctions found out about the RSO's status.

4.6. Claimed Impacts of SORN and Residency Restriction Policies on Families of Sex Offenders

FRD identified three studies that provide data on the impact of registration on RSOs' families (see table 5). These studies were conducted by academic researchers and published between 2009 and 2017. The studies are based on self-reported data provided in surveys and interviews of the family members of RSOs.

Table 5. Study Summaries: Claimed Impacts on Families

Section	Title	Objectivity Score (1–5)	Stat. Integrity Score (1–5)
7.1	Nobody Worries about Our Children	1	1
7.2	Collateral Damage	1	1
7.3	Stress Experiences of Family Members of Registered Sex Offenders	2	1

Note: Both measurements ascend in value, with 5 being the highest score a study can receive in either category.

This body of research claims that family members who live with an RSO may experience impacts to the family's finances if the RSO has trouble maintaining employment or impacts to housing if the RSO is subject to residency restrictions or neighborhood discrimination. Family members, including children, may experience stress or other negative emotions because of the RSO's registration status. Because of their relationship with an RSO, social stigmatization could take the form of harassment or even assault.

All three studies investigating SORN and residency restrictions' impact on RSOs' family members recruited the study participants from advocacy and support organizations for RSOs' families. This is problematic as the sample is not necessarily representative of the general population of RSO families — it only represents the experiences of those who choose to join such organizations. It is possible that individuals who join these groups are inclined to do so because they are particularly aggrieved by the impacts they have experienced as the family member of an RSO. Individuals who have experienced fewer impacts may have less cause to partake in advocacy or seek support. Therefore, these studies may fail to capture the full range of circumstances experienced by RSOs' families and likewise fail to address any other viewpoint of the registrants' families. Moreover, the studies lack a control group: There is no comparison to the post-release effects on family members of felons convicted of offenses that do not require registration. Overall, the methodological quality of these studies is poor and no conclusive evidence on the impacts of registration to family members can be drawn. This topic is further discussed in Section 7, Appendix II, "Assessment of Studies on Families of Adult Registered Sex Offenders."

4.7. Claimed Impacts of SORN Policies on Juvenile Sex Offenders

There is very little research on the specific impacts of registration on juvenile sex offenders.¹⁵ Published studies on juvenile RSOs have largely focused on juvenile recidivism and theoretical arguments on the jurisprudential, psychological, and sociological merits of registering juveniles, rather than examining the claimed impacts of registration on juvenile RSOs. This report surveys three published studies as well as a dissertation ("The Relationship between Juvenile Sex Offender Registration and Depression in Adulthood") and a nonprofit report ("Raised on the Registry"). The published studies were conducted by academics, the dissertation was produced by a doctoral student, and the author of the report is a juvenile justice advocate. All of the research is based on self-reported data obtained through surveys, interviews, or focus groups (see table 6).

Table 6. Study Summaries: Claimed Impacts on Juvenile Sex Offenders

Section	Title	Objectivity Score (1–5)	Stat. Integrity Score (1–5)
8.1	Family Experiences of Young Adult Sex Offender Registration	3	1
8.2	The Relationship between Juvenile Sex Offender Registration and Depression in Adulthood	3	1
8.3	Collateral Consequences of Juvenile Sex Offender Registration and Notification	3	1
8.4	Effects of Juvenile Sex Offender Registration on Adolescent Well-Being	2	1
8.5	Raised on the Registry	1	1

Note: Both measurements ascend in value, with 5 being the highest score a study can get in either category.

SORNA requires that certain juvenile sex offenders who have been adjudicated delinquent for serious sex offenses be placed on the registry. Specifically, registration is required of juveniles “who are at least 14 years old at the time of the offense and who have been adjudicated delinquent for committing (or attempting or conspiring to commit) a sexual act with another by force, by the threat of serious violence, or by rendering unconscious or drugging the victim.”¹⁶ However, SORNA does not require states to post information about juvenile RSOs on their public registry websites. Juvenile registration is controversial and aspects of the law, such as lifetime registration for juveniles, have been challenged in the courts. Currently, despite the federal statute, implementation of the requirement varies across jurisdictions: Some jurisdictions do not register juveniles at all, while others place limitations on the registration; still others go above and beyond the federal requirements for registration.¹⁷

The literature on juvenile registration is scant and is based on surveys and interviews with the parents of juvenile RSOs, treatment providers who work with juveniles, and juvenile RSOs themselves. These studies generally report that juvenile RSOs experience negative emotional and social impacts, may have unstable housing, and may even be at risk for sexual violence by adults as a result of being on the registry. However, each of these studies has at least one of the following statistical or methodological limitations:

- An extremely small sample,
- A lack of an appropriate control group,
- An absence of “pretesting” and “post-testing” (i.e., not measuring a result of interest before and after the occurrence of a cause of interest [such as not measuring the extent to which RSOs have experienced negative emotional experiences and other difficulties both before and after being registered as a sex offender]),

- Possible systematic differences between those recruited for research and those who were not (for example, some researchers only recruited survey participants from advocacy or support groups; these participants might have different views on registration than non-members of such groups),
- A misuse of statistical methods, or
- Arguments supported by anecdotal evidence.

As a group, these studies contain too many methodological errors to support conclusions about the prevalence of collateral consequences for juvenile registrants. Section 8, Appendix III, "Assessment of Studies on Juvenile Registered Sex Offenders," reviews the studies on this subject.

5. CONCLUSION

This report presents a review of the literature on the impacts of SORN policies on adult and juvenile RSOs. While this report mainly focuses on federal and state policies, impacts caused by state and local residency restriction policies are considered where relevant. This report considers the claims of 27 studies, most of which were published in academic journals between 2000 and 2018. In addition to work produced by academics, this report also considers studies produced by the U.S. Government Accountability Office, a dissertation, and a report published by Human Rights Watch. FRD identified these studies through keyword searches in a variety of databases, including Academic Search Complete, Google Scholar, Hein Online, the National Criminal Justice Reference Service, ProQuest, and Scopus. Additional studies were identified by following bibliographical citations in the research and through general internet searches.

This body of research examines the impacts that RSOs claim affect their employment and finances, housing, and physical and psychological well-being, as well as their attitudes regarding the efficacy of registration, impacts experienced by their family members, and the impacts experienced by juvenile RSOs. However, there are several limitations or concerns with the methodologies or quality of the research in all of the studies examined. They are largely based on self-reported data provided by RSOs, their family members, and treatment providers in surveys and interviews with researchers. In many of these studies, the participants were informed that the study was recruiting RSOs or their family members to provide information in their experiences with registration, which may have led to selection bias or confirmation bias in the study.

As a whole, the literature on the impacts of registration for RSOs is indeterminate in its findings. Its limitations are mostly caused by the prevalence of methodological shortcomings in the research that restrict the reliability, validity, or applicability of the findings to only those individuals in the sample. For example, many studies lack a comparison or control group, such as ex-felons convicted of nonsexual offenses, undermining the strength of the claim that a causal relationship exists between registration and the observed impact for RSOs. Furthermore, many studies use non-random sampling techniques, which limit the applicability of the findings to the population sampled. Finally, several studies misused statistical methods and techniques. Future research could address these methodological limitations. This could include studies that use random sampling measures, comparison groups, and proper statistical methods to ensure the validity of the research findings. A robust body of research would be useful to both policymakers and the public to inform considerations of how sex offender legislation impacts the individuals who are registered.

6. APPENDIX I: Assessment of Studies on Adult Registered Sex Offenders

6.1. The Experiences of Registered Sex Offenders with Internet Offender Registries in Three States

Ackerman, Alissa R., Meghan Sacks, and Lindsay N. Osier. "The Experiences of Registered Sex Offenders with Internet Offender Registries in Three States." *Journal of Offender Rehabilitation* 52, no. 1 (2013): 29–45. doi: 10.1080/10509674.2012.720959.

- **Author Affiliation(s):** Ackerman (University of Washington Tacoma)
Sacks (Fairleigh Dickinson University)
Osier (University of Washington Tacoma)
- **Intent:** The authors stated that the study "adds to the body of literature by providing a qualitative assessment of the thoughts and feelings about SORN [sex offender registration and notification] in general, from the perspective of the RSO [registered sex offender]."¹⁸
- **Methodology:** The data was gathered as part of a larger study on the impacts of SORN policies, in which RSOs in Kansas, Montana, and Nebraska were mailed surveys. Although respondents were not specifically asked to provide additional commentary, 66 of the 246 respondents (27.8 percent) provided narrative responses, which the researchers coded and analyzed for this study.
- **Claimed Impacts:** *Perceptions of SORN*— The study reported that half of the respondents believed that SORN laws have the potential to be effective at promoting community safety — if they are streamlined to target only repeat or high-risk offenders, or if the required registration periods are shortened.
- **Claimed Impacts:** *Physical and Psychological Well-Being* — The study reported that 18.3 percent of the participants (11 RSOs) expressed pessimistic emotions, such as hopelessness, anger, or despair, related to their future prospects or ability to achieve their goals, as a registrant.
- **Objectivity Score: 3** — The Federal Research Division (FRD) could not assess the funding source of the research because it was not disclosed in the article. The article included multiple statements questioning the effectiveness of SORN policies.
- **Statistical Integrity: 1** — This study had several issues with external and internal validity. Because of the low response rate, the study's findings suffered from non-response bias, a common problem with many of the publications examined for this report. In statistical terminology, "unit non-response" refers to individuals approached to participate in a survey but who does not participate in it (when survey respondents do not answer a particular survey question, that is called "item non-response"). Research has repeatedly found that unit non-response — hereafter simply referred to as "non-response" — can affect survey results, either leading to overestimations or underestimations of various statistics, depending on the topic and population of research interest. In other words, non-response biases survey findings. In statistics, samples can be used to make reliable inferences about populations if the sample is representative of the population, and research has found that respondents and non-respondents to surveys frequently differ in ways that limit both their similarities and the applicability of findings (from respondents to the behaviors and attitudes of non-respondents and the population of research interest as a whole). Studies have found respondents and non-respondents differ in age, education, marital status, interest in particular survey topics, etc.

Another problem with the study was that its findings were based on a non-random sample survey; thus, the findings could not be extrapolated beyond the sample (which the authors acknowledged). In statistics, populations are collections of all units of research interest — be those units people, animals, documents, etc. A sample is a subset of a population that is actually observed and analyzed. Statistics uses probability to estimate quantities of a population (totals, averages, etc.) and to quantify the uncertainty of findings based on sample data. Random sampling methods are used to ensure that every unit in a population has an equal, preassigned chance of being selected for inclusion. Random sampling, therefore, is an important tool for reducing various kinds of bias in the selection of population units, such as creating a sample from the most conveniently available research subjects or from research subjects that researchers assume represent some population of interest.

Furthermore, there was possible self-selection bias because of non-probability sampling: The sample consisted of a portion of respondents to the mailed survey, specifically those respondents who provided written comments to questions. Finally, there was no control over variables that could affect the results. The consequences the respondents identified were assumed to be those of SORN requirements, but the authors did not seek information about whether the respondents experienced those problems prior to their required fulfillment of these requirements.

6.2. Attitudes about Community Notification

Brannon, Yolanda Nicole, Jill S. Levenson, Timothy Fortney, and Juanita N. Baker. "Attitudes about Community Notification: A Comparison of Sexual Offenders and the Non-Offending Public." *Sex Abuse* 19, no. 4 (2007): 369–79. doi: 10.1177/107906320701900403.

- **Author Affiliation(s):** Brannon (Florida Institute of Technology)
Levenson (Lynn University)
Fortney (Florida Institute of Technology)
Baker (Florida Institute of Technology)
- **Intent:** The research "compared the perceptions of sex offenders to those of the non-offending public regarding the fairness and effectiveness of Megan's Law and the impact of notification on sex offenders."¹⁹
- **Methodology:** This study used a survey of 125 RSOs in outpatient treatment in Florida and a survey of 193 members of the public at Department of Motor Vehicles locations in Florida. The groups were administered identical surveys, which used a modified version of Levenson and Cotter's 2005 survey instrument (see Section 6.7, "The Effect of Megan's Law on Sex Offender Reintegration").
- **Claimed Impacts:** *Perceptions of SORN* — The study reported that 42 percent of RSOs in the sample believed that SORN policies were ineffective at reducing recidivism.
- **Claimed Impacts:** *Physical and Psychological Well-Being* — The study reported that approximately 13 percent of RSOs surveyed said they had experienced physical harm as a result of SORN policies.
- **Objectivity Score: 4** — FRD could not assess the funding source of the research because it was not disclosed in the article.

- **Statistical Integrity: 1** — The use of a non-random sample limited the findings in this study to the participants. This meant findings could not be generalized to all sex offenders, sex offenders who are registered and who satisfied community notification requirements, sex offenders in Brevard County or elsewhere, nor any permutation or combination of the aforementioned groups.

Moreover, the researchers provided data on gender, race, income, and years of education, having found statistically significant differences between sex offenders and non-sex offenders on these variables. Thus, these two groups were of limited comparability, and factors other than being a sex offender or not could have been associated with differences in the groups' perceptions of Megan's Law and its impact on sex offenders. The researchers' lack of analysis on these variables' influence on perceptions of community notification laws and society raised doubts about the validity of findings that identified SORN policies as the reasons for different perceptions of community notification laws. In statistical terminology, the variables of gender, race, income, and years of education discussed here would be termed "confounding variables."

Finally, the authors used statistical methods and terminology inappropriately, such as having calculated means — i.e., "averages" — of categorical data and having used t-tests to determine if differences in means were statistically significant. Means and t-tests can only be used with numerical data, not categorical data.

6.3. Criminal History and Landlord Rental Decisions

Evans, Douglas N., and Jeremy R. Porter. "Criminal History and Landlord Rental Decisions: A New York Quasi-Experimental Study." *Journal of Experimental Criminology* 11, no. 1 (2015): 21–42. doi: 10.1007/s11292-014-9217-4.

- **Author Affiliation(s):** Evans (CUNY John Jay College of Criminal Justice; Mercy College)
Porter (CUNY Brooklyn College)
- **Intent:** The study's objectives were to "determine the effect of a criminal conviction on landlord decisions to consider prospective tenants and the extent to which landlord responses vary based on [a] prospective tenant's offense type."²⁰
- **Methodology:** A quasi-experimental audit methodology, in which pairs of testers posing as potential tenants called landlords in New York State to inquire about advertised apartments. Testers posed as having one of four conviction statuses: non-offenders (who functioned as the control group), offenders convicted of drug trafficking, offenders convicted of child molestation, or offenders convicted of statutory rape.
- **Claimed Impacts:** *Housing* — The results of this quasi-experimental study examined the willingness of landlords to rent to a potential tenant if the tenant disclosed a past criminal conviction. The study compared landlords' responses to researchers posing as tenants who disclosed a drug trafficking conviction, a child molestation conviction, or a statutory rape conviction with "tenants" who did not disclose a criminal conviction. The authors reported that almost all "tenants" (96 percent) without a criminal conviction were granted an apartment showing by the landlord. Among prospective "tenants" who disclosed a prior conviction, "tenants" who disclosed statutory rape and drug trafficking convictions experienced similar interest from landlords: 48 percent of those who disclosed a statutory rape conviction and 47 percent of those who disclosed a drug trafficking conviction received agreement to view the apartment. Landlords were less willing

to rent to individuals who disclosed a child molestation conviction: Only 34 percent received agreement to view the apartment. Landlords in counties with residency restrictions did not have significantly different responses than those in counties without such policies, indicating that local residency restriction laws did not affect landlords' decisions about prospective tenants who disclosed a sex offense.

- **Objectivity Score: 5** — This study received government funding. An analysis of the article determined that the authors did not have a critical or biased point of view, nor had they designed the study to reach a pre-determined conclusion.
- **Statistical Integrity: 1** — This study received a score of 1 on FRD's modified Maryland Scientific Methods Scale (SMS) due to its use of a non-random sample and incorrect use of some statistical methods.

As with many other studies evaluated in this report, Evans and Porter used a non-random sample in their study. More specifically, the authors created a sample of landlords in New York State by examining rental listings on websites — only two of which they specified (Craigslist and Backpage) — and then using their judgment to assess if landlords or brokers wrote the listings. They said, "Listings were avoided if [the] online descriptions of rental properties appeared to be written by a broker."²¹ Indeed, the authors acknowledged using a non-random sample, arguing that subjectivity was necessary to determine if rental listings were written by landlords rather than brokers. In statistical terminology, investigators' use of their own judgment to select landlords or other "population units" for inclusion in a sample of that population risks introducing researchers' own opinions of which members of a population should, or should not, be in the sample. In statistical terms, the use of such judgment in sampling is a form of "sampling bias."

The authors' misuse of statistical methods raised some doubts about the correctness of the statistical results stated in the study. For example, the authors collected data on landlords' stated willingness (yes or no) to show an apartment to callers posing as sex offenders and others posing as non-sex offenders, with such data collected for each landlord. In statistical terminology, a variable such as a landlord's stated willingness to show an apartment to a prospective tenant is a dichotomous variable, as the variable can take only two values, such as yes or no (other examples of binary values are heads or tails and success or not success). Moreover, the collection of each landlord's response to a caller posing as an offender and one posing as a non-offender is an example of "matched-pair" data, because a pair of responses (yes or no to an ostensible offender and non-offender) is matched to each test subject (the landlords in this case). The authors subsequently determined if there was a statistically significant difference in the percentage of landlords willing to rent to offenders and non-offenders with a t-test, which was an incorrect use of statistics. T-tests are used to determine if there are statistically significant differences in means, i.e. "averages," not proportions. The correct method of comparing differences in proportions from matched pairs would have been a McNemar's test. This misuse of statistics raised concerns with the study's statistical conclusion validity.

6.4. Understanding Collateral Consequences of Registry Laws

Frenzel, Erika Davis, Kendra N. Bowen, Jason D. Spraitz, James H. Bowers, and Shannon Phaneuf. "Understanding Collateral Consequences of Registry Laws: An Examination of the Perceptions of Sex Offender Registrants." *Justice Policy Journal* 11, no. 2 (2014). http://www.cjcb.org/uploads/cjcb/documents/frenzel_et_al_collateral_consequences_final_formatted.pdf.

- **Author Affiliation(s):** Frenzel (Indiana University of Pennsylvania)
 Bowen (Texas Christian University)
 Spraitz (University of Wisconsin Eau Claire)
 Bowers (Saginaw Valley State University)
 Phaneuf (Indiana University of Pennsylvania)
- **Intent:** The researchers set out to “examine collateral consequences of the sex offender registration laws in Pennsylvania, Texas, and Wisconsin.”²²
- **Methodology:** A mail survey of 443 RSOs in Pennsylvania, Texas, and Wisconsin using a modified version of Richard Tewksbury’s 2005 survey instrument.
- **Claimed Impacts: *Employment and Finances*** — The study reported that, due to their registration status, 50 percent of survey participants had lost a job, 25 percent had been denied a promotion, and 6 percent had been denied a bank account or loan.
- **Claimed Impacts: *Physical and Psychological Well-Being*** — The survey reported that 42 percent of respondents said they had been harassed in person and 14 percent had been assaulted or attacked as a result of SORN policies. Additionally, 52 percent of respondents reported having lost a friend due to these policies, while 28 percent said they had lost a spouse or dating partner.
- **Objectivity Score: 3** — The language and framing of the study introduced the possibility of bias into the research. For example, the survey questionnaire was followed by an open-ended question: “Have you experienced additional negative consequences due to being on the [state name] Sex Offender Registry other than the ones listed above? If so, please describe these negative experiences/consequences in the box below.” This wording may have primed the participants to believe that the researchers expected them to have experienced negative consequences, which may have biased their responses. Furthermore, the study used non-objective language, repeatedly referring to the consequences that RSOs “endure,” a word that carries connotations of pain and suffering.
- **Statistical Integrity: 1** — This study had low statistical integrity. Points were deducted because the study had issues with its internal validity, namely, focusing on a non-objective research question: “To examine the collateral consequences of the sex offender registration laws in Pennsylvania, Texas, and Wisconsin.” This question (and the related survey instrument) assumed an associative or causal relationship existed between such laws and certain results. The study also had problems with its external validity, as the data was derived from convenience samples, and was biased due to a high non-response rate and an overrepresentation of respondents in urban areas. For these reasons, the results cannot be extrapolated to the overall population of RSOs.

6.5. Sex Offender Registration and Notification Act

U.S. Government Accountability Office (GAO). *Sex Offender Registration and Notification Act: Jurisdictions Face Challenges to Implementing the Act, and Stakeholders Report Positive and Negative Effects*, GAO-13-211. Washington, DC: GAO, 2013. <https://www.gao.gov/assets/660/652032.pdf>.

- **Intent:** GAO issued this report in response to a request from the House Judiciary Committee’s Subcommittee on Crime, Terrorism, and Homeland Security to assess two questions: “(1) To what extent has the SMART Office [Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking] determined that jurisdictions have substantially implemented the Sex Offender

Registration and Notification Act, and what challenges, if any, have jurisdictions faced? (2) For jurisdictions that have substantially implemented the Sex Offender Registration and Notification Act, what are the reported effects that the act has had on public safety, criminal justice stakeholders, and registered sex offenders?"²³

- **Methodology:** Interviews with criminal justice officials and a web-based survey of state registry officials.
- **Claimed Impacts: *Employment***— The study reported that one official in a public defender’s office stated that the Sex Offender Registration and Notification Act’s (SORNA’s) requirement to publish addresses of RSOs’ employers had resulted in “several instances” of registrants losing their jobs.²⁴
- **Objectivity Score: 5** — This report was produced by a federal government agency. An analysis of the report determined that the authors did not have a critical or biased point of view, nor had they designed the study to reach a pre-determined conclusion.
- **Statistical Integrity: 2** — While the report benefited from a high response rate to its survey, the wording GAO employed in the survey includes non-objective language (e.g., “Section 2: Challenges Regarding SORNA Implementation” rather than “Section 2: Experiences with SORNA Implementation”). The use of non-objective wording in a survey, particularly one that is self-administered, could lead respondents to assume a particular point of view about the topic of analysis (i.e., SORNA) or assume that the survey administrators have a particular point of view about the topic of analysis. Moreover, the survey did not include a comparison or control condition, such as questions concerning states’ experiences with implementing other federal legislation. This lack of a control undermined the study’s internal validity, as it was unclear if there was a valid association between SORNA and states’ experiences with implementing it.

6.6. A Comparative Longitudinal Analysis of Recidivism Trajectories and Collateral Consequences

Jennings, Wesley G., Kristen M. Zgoba, and Richard Tewksbury. “A Comparative Longitudinal Analysis of Recidivism Trajectories and Collateral Consequences for Sex and Non-Sex Offenders Released since the Implementation of Sex Offender Registration and Community Notification.” *Journal of Crime and Justice* 35, no. 3 (2012): 356–64. doi: 10.1080/0735648X.2012.662062.

- **Author Affiliation(s):** Jennings (University of South Florida)
Zgoba (New Jersey Department of Corrections)
Tewksbury (University of Louisville)
- **Intent:** The purpose of the study was to examine “whether the recidivism trajectories post-prison release for post-SORN sex offenders are similar to or different from the recidivism trajectories post-prison release for post-SORN non-sex offenders who are released from prison via parole.”²⁵
- **Methodology:** An analysis of data on a random sample of 247 sex offenders and 250 other felons who were convicted of nonsexual crimes. All offenders had been released from prison in New Jersey.
- **Claimed Impacts: *Employment*** — The study reported that 37 percent of sex offenders were employed post-release, compared to 41 percent of offenders convicted of other felonies.

- **Claimed Impacts: *Housing***— The study found that rates of homelessness or transience are similar for sex offenders (5.5 percent) compared to other felons (5.3 percent).
- **Objectivity Score: 5** — This study received government funding. An analysis of the article determined that the authors did not have a critical or biased point of view, nor had they designed the study to reach a pre-determined conclusion.
- **Statistical Integrity: 1** — This study received a Maryland SMS score of 1 due to several limitations in its methodology. While the authors used random sampling, the sample consisted of individuals who were incarcerated in New Jersey during a five-year period, so the results cannot be extrapolated beyond individuals imprisoned in New Jersey during that same time period. Furthermore, the control and treatment groups had limited comparability due to statistically significant differences in race and in mean age at release. The research had several confounding variables, such as factors that affect employment or housing type (renter- or owner-occupied), and the results simply presented between-group differences in these variables. The authors also commingled findings that are statistically insignificant with those that are statistically significant, but they discussed their findings as if they were all statistically significant. The between-group differences in employment, residence in renter-occupied housing, and living with friends were not statistically significant, while the between-group differences in group facility residence and moving from one residence to another were statistically significant.

Another problem with the study was its misuse of statistical methods. The authors collected data on several post-release consequences to sex offenders and non-sex offenders and made several comparisons. For example, the authors compared employment for sex offenders after release to employment for non-sex offenders after release. Similar comparisons were made for various measures of housing. Making multiple comparisons in this way with the same data is acceptable statistical practice and can yield interesting discoveries when statistically significant results are found. However, if enough comparisons are made, then a significant result may materialize even when no actual difference or similarity exists. This is because the meaning of statistical significance — such as conducting tests to find if results are statistically significant at the 5 percent level — is that if 100 tests are conducted, then, on average, five of those tests indicate statistical significance even if there is no relationship among the things being compared. When researchers are making multiple comparisons on the same data, then adjustments must be made to account for the effect of multiple tests, yet the authors of this study did not do so.

6.7. The Effect of Megan’s Law on Sex Offender Reintegration

Levenson, Jill S., and Leo P. Cotter. “The Effect of Megan’s Law on Sex Offender Reintegration.” *Journal of Contemporary Criminal Justice* 21, no. 1 (February 2005): 49–66. doi: 10.1177/1043986204271676.

- **Author Affiliation(s):** Levenson (Lynn University)
Cotter (S.H.A.R.E. [Sexual Health: Awareness*Rehabilitation*Education])
- **Intent:** The goal of the study was to “better understand the positive and negative, intended and unintended, consequences of community notification on sex offenders’ rehabilitation and reintegration.”²⁶
- **Methodology:** A survey of 183 RSOs recruited from outpatient sex offender counseling centers in Florida. Participants completed the survey during group therapy sessions.

- **Claimed Impacts: *Employment*** — The study found that 27 percent of the people in the sample reported a job loss because their bosses or coworkers discovered their sex offender status.
- **Claimed Impacts: *Housing*** — The study reported that 20 percent of RSOs who rented homes have moved because their landlords found out that they were sex offenders.
- **Claimed Impacts: *Perceptions of SORN*** — The study reported that 71 percent of the RSOs surveyed believed that notification interferes with their recovery by causing more stress in their lives. Thirty-six percent of the sample were more willing to manage the “risk factors” associated with sex offense recidivism because they believe their neighbors were watching, and 66 percent were “motivated to prevent re-offense so that I can prove to others that I am not a bad person.” However, only 22 percent believed that SORN helped to prevent them from reoffending.
- **Claimed Impacts: *Physical and Psychological Well-being*** — The study reported that 67 percent of the people in the sample state that notification policies caused them to feel shame and embarrassment that kept them from participating in activities. Additionally, 64 percent of the sample reported feeling alone and isolated, and 52 percent reported losing a friend or other close relationships due to notification. Thirty-three percent of the respondents in the sample reported being harassed or threatened by neighbors and five percent have been physically assaulted by a person who found out the respondent was a sex offender.
- **Objectivity Score: 4** — FRD could not assess the funding source of the research because it was not disclosed in the article.
- **Statistical Integrity: 1** — This study had a number of issues of concern caused by its statistical methods: It used non-random sampling; suffered from confounding factors and uncontrolled covariates; and used inappropriate statistical tests. More specifically, the use of non-random sampling limited the study’s conclusions to only those individuals who participated in it. With regard to confounding factors, the sample was drawn from RSOs who were in outpatient sex offender counseling, a variable that could have some association with the response variables, which the authors described as experiences and perceptions of the current law at the time — Megan’s Law; effects of notification strategies; and sex offenders’ perceptions of their own recidivism risk. As for uncontrolled covariates, the sample consisted of adult males living in urban areas, but the research did not control for age, gender, residence, or other variables that could have some association with the aforementioned response variables.

The researchers also misused some statistical tests, namely linear regression, Pearson correlation, and t-tests. A Pearson correlation measures the strength of a straight-line or “linear” relationship between two numerical variables, yet the authors used this type of correlation with categorical data, an inappropriate use of the method. Measures of association that could have been used for two categorical variables that each have two values are chi-squared, the contingency coefficient, and phi.

Regression refers to a range of techniques used to test relationships among variables, such as to determine if one of more variables help predict another variable. As with many statistical methods, data characteristics determine the type of regression technique that can be used to analyze the data. In this article, Levenson and Cotter used linear regression with a five-point categorical variable (strongly agree, agree, I don’t know, disagree, strongly disagree) as the response variable, however, a logistic regression technique should have been used for such a variable.

A third statistical test that Levenson and Cotter misused in this article is a t-test, which is used for various tests of means (i.e., averages). However, the authors used a t-test to compare proportions, such as the proportions of sex offenders who claimed subjection to notification requirements and those who did not had significant differences in job loss, property damage, and other experiences as a consequence of them being on a sex offender registry. The variables in question had binary outcomes (subject to notification requirements or not, loss of job or not, etc.), the same group of individuals was being asked these questions, and the researchers were comparing pairs of those outcomes to individual respondents. Thus, this was a matched-pairs research design with binary outcomes, and the correct test for such would not have been a t-test but a McNemar's test.

Moreover, in this study, RSOs' stated experiences with stress, isolation, relationship loss, and other problems were attributed to Megan's Law's community notification requirements. However, the lack of a comparison group — such as individuals who were not sex offenders but were otherwise comparable in terms of age, gender, residence, etc. — did not enable the study to examine if individuals not required to meet community notification requirements have also experienced the same problems but for different reasons. Consequently, the study's findings may not have accurately reflected what its underlying research was designed to examine, which was the influence of individuals' meeting community notification requirements on their subsequent rehabilitation and community re-integration.

6.8. The Impact of Sex Offender Residence Restrictions

Levenson, Jill S., and Leo P. Cotter. "The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd?" *International Journal of Offender Therapy and Comparative Criminology* 49, no. 2 (April 2005): 168–78. doi: 10.1177/0306624X04271304.

- **Author Affiliation(s):** Levenson (Lynn University)
Cotter (S.H.A.R.E.)
- **Intent:** The intent of the study was "to describe the impact of residence restrictions on sex offender reintegration and to better understand sex offenders' perceptions of these laws."²⁷
- **Methodology:** A survey of 135 RSOs in outpatient counseling centers in Florida who are subject to residency restrictions. Participants completed the survey during group therapy sessions.
- **Claimed Impacts: Housing** — The study found that 22 percent of respondents had moved out of a home they owned and 28 percent had moved out of rental housing because of residency restrictions.
- **Claimed Impacts: Perceptions of SORN** — In characterizing the narrative comments that some respondents provided in addition to their survey responses, the study stated that most RSOs believed that residency restriction policies were generally not beneficial, although some believed that the policies could have been improved through a more individualized application.
- **Objectivity Score: 3** — FRD could not assess the funding source of the research because it was not disclosed in the article. The article also employed language that indicated a bias against residency restriction policies. For instance, the title, "The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd?," used emotional trigger language that appeared to be intended to prime the reader to question the value of residency restriction policies.

- **Statistical Integrity: 1** — This study has a Maryland SMS score of 1. As with many other studies examined here, its external validity was compromised by the use of a non-random sample. In addition, its statistical conclusion validity was compromised by a confounding variable (all individuals in the sample were in outpatient counseling for sex offenders); a lack of variation in the covariates (all individuals in the sample were sex offenders and all were in outpatient counseling); and the questionable use of statistical tests. For example, the authors appeared to use Pearson correlation with variables that were dichotomous (such as being unable to live with family and difficulty finding affordable housing). As a result, these correlations were invalid and no valid conclusions could be made about them.

6.9. Sex Offender Residence Restrictions

Levenson, Jill S., and Andrea L. Hern. "Sex Offender Residence Restrictions: Unintended Consequences and Community Reentry." *Justice Research and Policy* 9, no. 1 (2007): 59–73. doi: 10.3818/JRP.9.1.2007.59.

- **Author Affiliation(s):** Levenson (Lynn University)
Hern (Indiana Sex Offender Monitoring and Management Program)
- **Intent:** The authors stated that their purpose was to "investigate the positive and negative, intended and unintended consequences of residence restrictions on sex offenders."²⁸
- **Methodology:** A survey of 148 sex offenders in Indiana attending sex offender counseling centers. Respondents completed the survey during a group therapy session.
- **Claimed Impacts: Housing** — The study reported that 7 percent of the sample had moved out of homes they owned and 11 percent had moved out of homes they rented because of residency restrictions. Twenty-two percent had encountered a landlord who refused to rent the property because the applicant was an RSO. Eight percent had a landlord who refused to renew a lease because of residency restrictions. And 38 percent reported that they had difficulty finding affordable housing because of residency restrictions.
- **Claimed Impacts: Perceptions of Residency Restrictions** — The study reported that 26 percent of RSOs believed that residency restrictions successfully limited their access to children and the same percentage (26) believed they were more able to manage their "risk factors" because of residency restrictions. However, most respondents did not believe that residency restrictions prevent recidivism: Only 19 percent said the policies helped prevent them from reoffending, while 74 percent believed that if they wanted to reoffend, residency restrictions would not stop them.
- **Objectivity Score: 3** — FRD could not assess the funding source of the research because it was not disclosed in the article. Language in the article also criticized the purpose of residency restrictions, suggesting that these policies may "create more problems than they solve" because they could potentially increase recidivism by increasing the amount of stress experienced offenders. However, the authors were unable to support this theory with their data because their study did not actually attempt to measure recidivism. Additionally, the authors made blanket statements — such as, "Housing restrictions appear to disrupt the stability of sex offenders by forcing them to relocate, sometimes multiple times, creating transience, financial hardship, and emotional volatility"²⁹ —

which appeared rather hyperbolic given only 18 percent of the sample moved due to residency restrictions.

- **Statistical Integrity: 1** — This study scored low on the Maryland SMS with a score of 1. The use of a non-random sample meant that these results could not be extrapolated to individuals not in the sample, be they sex offenders or the general population.

Another problem with the study was that the researchers did not address a confounding variable," which is a variable that researchers do not examine and that could affect the research results. The study sought to examine how sex offenders' residency restrictions affected their community reintegration, as measured by difficulties securing affordable housing, being unable to reside with family members, and other housing-related outcomes. Based on responses to their survey of offenders, the authors attributed all of the housing outcomes the offenders cited to the residency restrictions to which the offenders were subject. However, all individuals in the study sample were in outpatient counseling for sex offenders, a variable that could have influenced the results, such as reducing the likelihood of offenders experiencing various housing difficulties. Instead of surveying sex offenders in outpatient counseling and those not in such counseling and then comparing their housing outcomes, the researchers omitted outpatient counseling as a variable under consideration and attributed housing outcomes to residency restrictions.

A similar problem was that the authors tested whether offender age, income, and other variables were associated with housing consequences, but they did so by testing whether each of these variables individually had an association with housing consequences. Among their findings were that offender age was negatively correlated with reported difficulty finding an affordable place to live. The acquisition of affordable housing, and many other results, could be the consequence of a combination of things. Examining the relationship of only one variable with a result — such as age and difficulty finding affordable housing — risked not ruling out the influence of other factors on the result, such as the association of income and years of education on obtaining affordable housing. Statistically, there are techniques that can be used to test if, among a set of variables, one or more has a significant association with a result. For example, logistic regression can be used to determine if offender age, years of education, income, subjection to residency requirements, attending outpatient counseling, and/or other variables affect individuals' likelihood of finding affordable housing. The results would indicate what, if any, variables were associated with the result, and the relative strength of those variables' association with the result. However, the authors only tested relationships between one variable and another, and thus they could not assess the influence of other variables on those relationships.

It is interesting to note that the article emphasized the influence of residency restrictions on housing outcomes despite finding that offender age was also associated with some measures of housing outcomes.

Finally, the authors misused the Pearson correlation coefficient, which is a statistical method for estimating the correlation between two numerical variables. However, Levenson and Hern used this technique to measure the correlation of numerical variables with a dichotomous variable, which is a variable that takes two values (e.g., yes or no, true or false). For example, the authors used a Pearson correlation coefficient to test the correlation between offender age (a numerical variable) and "had to move out of a rental" (a dichotomous variable). It should be noted that this latter variable is, in statistical terminology, an "artificial" dichotomous variable, as it is a conceptual dichotomy rather than a naturally occurring one, such as a coin toss (heads or tails). A statistic that

can be used to estimate the correlation between a numerical and a dichotomous variable is a biserial correlation.

6.10. Where for Art Thou?

Levenson, Jill S., Alissa R. Ackerman, Kelly M. Socia, and Andrew J. Harris. "Where for Art Thou? Transient Sex Offenders and Residence Restrictions." *Criminal Justice Policy Review* 26, no. 4 (2015): 319–44. doi: 10.1177/0887403413512326.

- **Author Affiliation(s):** Levenson (Lynn University)
Ackerman (University of Washington Tacoma)
Socia (University of Massachusetts Lowell)
Harris (University of Massachusetts Lowell)
- **Intent:** The goal of the research was to "better understand transient (homeless) sex offenders in the context of residence restriction laws."³⁰
- **Methodology:** An analysis of data collected by the state of Florida on 23,523 RSOs living in the state. The researchers obtained data files from two publicly available sources: the Florida Department of Law Enforcement and the Florida sex offender registry website.
- **Claimed Impacts: Housing** — The study reported that 3 percent of RSOs in Florida were homeless and registered as transient. This transience rate, while small, was larger than the rate of homelessness in the general population of Florida (which was less than 1 percent of the state's population). Additionally, the team reported that it is rare for any RSO to abscond from registration.
- **Objectivity Score: 4** — The article contained statements criticizing registries.
- **Statistical Integrity: 1** — This study received a Maryland SMS score of 1. One problem with the study was that the authors did not test for the association between several variables that could be associated with homelessness or transience, including a sex offenders' educational attainment and employment status. Variables that can affect a result (in this case, homelessness and transience) but which are not examined are called confounding variables. It should be noted that the authors themselves acknowledged the lack of examination of such variables as a limitation of their study.

An additional limitation of the study was that its results could not be extrapolated to populations other than RSOs living in Florida, as the study was limited in its external validity. In statistics, the generalizability of findings from a sample to the population from which that sample is drawn or to other populations rests on empirical support for comparability of the sample to those populations. Places can vary in one or myriad ways, and the state of Florida may differ from other states in terms of policing, laws, and other factors that limit the comparability of RSOs and their experiences in Florida to RSOs and their experiences in other states. Other factors that can limit the generalizability of findings from a sample to a population are time period characteristics, sample characteristics, and low survey response rates.

6.11. The Impact of Specialized Sex Offender Legislation on Community Reentry

Mercado, Cynthia Calkins, Shea Alvarez, and Jill S. Levenson. "The Impact of Specialized Sex Offender Legislation on Community Reentry." *Sexual Abuse* 20, no. 2 (2008): 188–205. doi: 10.1177/1079063208317540.

- **Author Affiliation(s):** Mercado (CUNY John Jay College of Criminal Justice)
Alvarez (CUNY John Jay College of Criminal Justice)
Levenson (Lynn University)
- **Intent:** The goal of the study was to "examine the perceived impact of community notification and residency restriction statutes among a sample of higher risk ... sex offenders in New Jersey."³¹
- **Methodology:** A mail survey conducted with 138 RSOs in New Jersey using a modified version of a survey instrument that Levenson had developed and used in her 2005 and 2007 studies (see Sections 6.7, 6.8, and 6.9 for details).
- **Claimed Impacts: Employment**— The study found that 52 percent of the sample have experienced a job loss due to notification policies.
- **Claimed Impacts: Housing** — The study reported that 4 percent of homeowners in the sample have moved out of a home because of SORN policies, 20 percent of renters have moved out of a home because of pressure from neighbors, and 24 percent of renters have moved because landlords found out they were registered. The study found that 12 percent of survey participants have moved out of a house they owned and 24 percent have moved out of a rented home because of residency restrictions. Thirty-four percent have attempted to rent from a landlord who would not rent to them because of residency restrictions.
- **Claimed Impacts: Perceptions of Residency Restrictions**— Only 10 percent of the sample believed that residency restriction policies helped prevent them from reoffending, while 62 percent believed that if they wanted to reoffend, they would not be stopped by residency restrictions.
- **Objectivity Score: 2** — FRD could not assess the funding source of the research because it was not disclosed in the article. The article contains language that is critical of SORN laws and expressly opposed to SORNA.
- **Statistical Integrity: 1** — The statistical methodology used by these researchers to reach their conclusions was problematic and this article ranked low on the Maryland SMS. As with other reports, the results of this study could not be extrapolated to the RSO population in general because the authors did not use random sampling and because the survey upon which the study was based had a low response rate (9.5 percent) and did not incorporate methods to address that. In addition, the research had issues with statistical conclusion validity because there was no variation in the predictor variables — notification and residency restrictions — and all survey responses were attributed as associated with those variables. The researchers also incorrectly used some statistical methods, such as providing means and standard deviations of ordinal data, using t-tests on ordinal data, and using ANOVA on ordinal data. Consequently, correct conclusions could not be made about the association between, on one hand, sex offender notification and residency restrictions and, on the other hand, the consequences of notification and residency restrictions reported in the study.

6.12. Assessing Informal Social Control against the Highly Stigmatized

Mustaine, Elizabeth Ehrhardt, and Richard Tewksbury. "Assessing Informal Social Control against the Highly Stigmatized." *Deviant Behavior* 32 (2011): 944–60. doi:10.1080/01639625.2010.538361.

- **Author Affiliation(s):** Mustaine (University of Central Florida)
Tewksbury (University of Louisville)
- **Intent:** The researchers "investigate[d] the traditional view of informal social control (as types of collateral consequences experienced by deviants) and propose[d] that against particularly well-known and stigmatized individuals, these efforts may be more proactive."³²
- **Methodology:** A survey of 231 RSOs in Kansas and Oklahoma.
- **Claimed Impacts: Employment**— Thirty-six percent of survey respondents reported a job loss due to SORN policies, and 19 percent reported that they had been denied a promotion because of their presence on a registry.
- **Claimed Impacts: Housing** — The study reported that 20 percent of respondents said that they have moved to a new home because of community pressure and 20 percent had moved because of financial concerns.
- **Claimed Impacts: Perceptions of SORN**— The study reported that 48 percent of the sample had lost a friend who found out that the individual was on the registry, 26 percent had been harassed in person, and 11 percent had been assaulted or attacked.
- **Objectivity Score: 4** — FRD could not assess the funding source of the research because it was not disclosed in the article.
- **Statistical Integrity: 1** — The study received a Maryland SMS score of 1 because of several methodological problems. For one, it used random sampling to create a sample of RSOs for the study, however the response rate was low (12.1 percent), which introduced the possibility of non-response bias into the sample and limited the generalizability of the study's findings to RSOs not in the study sample. The generalizability of the study's findings to RSOs in states other than Kansas and Oklahoma was also limited because the study lacked analysis to show how similar the RSOs participating in the study were to RSOs in other states.

In addition, the survey relied on self-reported information, which raised doubts about the accuracy of the findings. More specifically, the authors' survey asked RSOs to report their feelings about being recognized in public as a sex offender and the consequences they believe they have experienced due to registering as a sex offender. However, research has found that survey respondents often deliberately misreport information about themselves, their actions, and their experiences in order to present themselves as conforming to social norms of desirable behavior and for other reasons. Given the sensitive nature of sex offenses, it is likely that many sex offenders will deliberately misreport information about themselves.

Another problem with the study was that it lacked a comparison or control group. All of the individuals in the sample are RSOs and the authors attributed all problems the individuals claim to have experienced to be consequences of registration as a sex offender. Indeed, many of the events the RSOs in the study stated they had experienced are experiences shared by individuals who are

not RSOs, such as receiving rude treatment in public, losing a job, and losing a friend. If the authors had designed a random sample to include RSOs and non-RSOs and inquired about certain experiences (e.g., rude treatment in public and job loss), then the authors could have estimated if sex offender registration has a significant association with those experiences, independent of other characteristics, such as age, gender, and race.

Finally, the study examined daily stress levels but did not include many confounding variables that could have some bearing on these levels, such as job pressures, medical expenses, or the death of a family member.

6.13. Residential Location and Mobility of Registered Sex Offenders

Mustaine, Elizabeth Ehrhardt, Richard Tewksbury, and Kenneth M. Stengel. "Residential Location and Mobility of Registered Sex Offenders." *American Journal of Criminal Justice* 30, no. 2 (2006): 177–92. <https://link.springer.com/content/pdf/10.1007/BF02885890.pdf>.

- **Author Affiliation(s):** Mustaine (University of Central Florida)
Tewksbury (University of Louisville)
Stengel (University of Louisville)
- **Intent:** The researchers stated that the study "builds on the literature regarding where registered sex offenders reside to assess the characteristics of present location with the location occupied at the time of arrest."³³
- **Methodology:** An analysis of census tract data on 271 RSOs in Kentucky.
- **Claimed Impacts: Housing**— The study investigated whether RSOs had moved to neighborhoods that were more "socially disorganized" (i.e., economically depressed and having less stability and social capital) after registration, compared to their pre-arrest residence. The research found a roughly even split, with 31 percent of sex offenders having moved to more disorganized neighborhoods, 33 percent having moved to less disorganized neighborhoods, and 36 percent remaining in the same neighborhoods. Therefore, the authors stated that there did "not appear to be a strong downward spiral or any negative collateral consequences associated with their new places of residence."³⁴
- **Objectivity Score: 4** — FRD could not assess the funding source of the research because it was not disclosed in the article.
- **Statistical Integrity: 1** — One problem the study had was that its findings could not be generalized beyond the individuals included in the study (i.e., it had no external validity). The authors created the study's sample from a list of 709 RSOs in a single county (Jefferson County, Kentucky), examining data for the 271 RSOs who were not incarcerated, not residing in a halfway house, and who had both a known address at the time of arrest for a sex offense and a known address at the time the researchers collected such data. Because there was missing data on a substantial proportion of the total population of interest (RSOs in Jefferson County) and because the authors did not use random sampling, the study's findings could not be extrapolated to individuals not in the study sample, including the other 438 RSOs in Jefferson County or RSOs living elsewhere.

There was no control group as the sample consisted entirely of RSOs. Consequently, the study's conclusions about the reasons for RSOs' residential changes may not have reflected the actual reasons for those changes in residence (stated differently, the study has limited internal validity).

Finally, the researchers did not use statistical tests to estimate the similarities or differences in the characteristics of respondents' residential locations before and after registration, nor whether the respondents relocated to a neighborhood with more or less social disorganization. Rather, the authors made non-statistical comparisons of residential locations — such as the percentages of individuals aged 19 and below in previous and current census tracts of residence — and assumed those comparisons were sufficient for subsequent statistical analyses of residential changes.

6.14. Post-Release Recidivism and Employment among Different Types of Released Offenders

Nally, John M., Susan Lockwood, Taiping Ho, and Katie Knutson. "Post-Release Recidivism and Employment among Different Types of Released Offenders: A 5-Year Follow-Up Study in the United States." *International Journal of Criminal Justice Sciences* 9, no. 1 (2014): 16–24. ProQuest (1557153003).

- **Author Affiliation(s):** Nally (Indiana Department of Correction)
Lockwood (Indiana Department of Correction)
Ho (Ball State University)
Knutson (Public Consulting Group)
- **Intent:** The study's goal was to "explore the post-release employment and recidivism among different types of released offenders before, during, and after the economic recession of 2008."³⁵
- **Methodology:** An analysis of data collected on a cohort of 6,561 ex-offenders who were released from the Indiana Department of Correction in 2005. The ex-offenders were classified into four groups: violent offenders, non-violent offenders, sex offenders, and drug offenders. Using data from the Indiana Departments of Corrections and Workforce Development, the researchers tracked post-release employment and recidivism from 2005 to 2009. While the researchers were not specifically examining the impacts of SORN or residency restriction policies, they offer data on how sex offender employment rates compare to the employment rates of other types of offenders.
- **Claimed Impacts: Employment** — The study found that sex offenders shared similar unemployment rates with other types of offenders. Thirty-six percent of sex offenders had never been employed since their release from prison, compared to 37 percent of drug offenders, 38 percent of non-violent offenders, and 37 percent of violent offenders.
- **Objectivity Score: 4** — FRD could not assess the funding source of the research because it was not disclosed in the article.
- **Statistical Integrity: 2** — This study ranked a little higher than others (with a Maryland SMS score of 2) and was noteworthy for its large sample size, appropriate statistical methods, and examination of sex offenders compared to multiple comparison groups, including drug offenders and non-violent offenders.

While the research was methodologically better than most other research examined for this report, it was still problematic in terms of its external validity. The results cannot be extrapolated beyond Indiana or the time under study. Moreover, despite the use of a very large sample (6,561 offenders),

the authors did not state if their sample was a random sample or how they selected the population. Thus, it seems likely that the results cannot be generalized beyond the subjects in the sample to other offenders in Indiana during the time of the study.

6.15. Experiences and Attitudes of Registered Female Sex Offenders

Tewksbury, Richard. "Experiences and Attitudes of Registered Female Sex Offenders." *Federal Probation* 68, no. 3 (2004): 30–33. https://www.uscourts.gov/sites/default/files/fed_probation_dec_2004.pdf.

- **Author Affiliation(s):** Tewksbury (University of Louisville)
- **Intent:** The study examined how SORN policies "have created unintended and potentially serious collateral consequences for convicted sex offenders, with a special focus on female sex offenders."³⁶
- **Methodology:** A mail survey of 40 female RSOs in Indiana and Kentucky.
- **Claimed Impacts: Employment** — The study reported that 42 percent of the study participants have lost a job because of their registration status.
- **Claimed Impacts: Physical and Psychological Well-Being** — The survey reported that 40 percent of sample participants said that they have lost a friendship when the friend found out the respondent was on the registry. Thirty-four percent of the sample have been harassed in person and 11 percent had been assaulted because of their registration status.
- **Objectivity Score: 4** — FRD could not assess the funding source of the research because it was not disclosed in the article.
- **Statistical Integrity: 1** — There were concerns with the study's external validity because of the use of non-random sampling and non-response bias caused by a low response rate to the survey. With regard to non-random sampling, the author mailed survey questionnaires to all 227 females on sex offender registries in Indiana and Kentucky as of May 2004, rather than using a random sampling method to select a sample of those 227 persons to contact. The author received completed, useable surveys from 40 of the 227 individuals contacted, yielding a response rate of 20.5 percent and introducing non-response bias into the statistics based on the sample. In addition, the article mentions no use of statistical methods to address the low response rate, such as the use of a stratified random sample and post-survey weighting.

Moreover, there are concerns with the study's statistical conclusion validity because of a misuse of statistical methods, specifically, the calculation of means for ordinal variables. Statistical conclusion validity is also compromised by the absence of variation in the independent variable — sex offense registration — and by uncontrolled covariates.

6.16. Collateral Consequences of Sex Offender Registration

Tewksbury, Richard. "Collateral Consequences of Sex Offender Registration." *Journal of Contemporary Criminal Justice* 21, no. 1 (2005): 67–81. doi: 10.1177/1043986204271704.

- **Author Affiliation(s):** Tewksbury (University of Louisville)
- **Intent:** The author states that his research is "one of the first examinations of the collateral consequences of sex offender registration from the perspective of the offender."³⁷

- **Methodology:** A mail survey of 121 RSOs in Kentucky.
- **Claimed Impacts:** *Physical and Psychological Well-Being* — The study reports that 55 percent of the sample have lost a friend who found out that the respondent is on the registry, 47 percent have been harassed in person, and 16 percent have been assaulted because they are registered.
- **Objectivity Score: 3** — The research was funded in part by the Foundation for the Scientific Study of Sexuality, a nonprofit professional membership organization.
- **Statistical Integrity: 1** — In this article, there was a high non-response rate with no measures taken to address it (such as post-survey weighting), resulting in non-response bias. In addition, there was selection bias in the survey sample because the research participants are all registered sex offenders who, therefore, may be more likely to perceive sex offender registration as a major reason for adverse life experiences (e.g., job loss, rude treatment in public) than individuals who are not RSOs. The researcher also calculated means of ordinal data, which was a misuse of statistical methods. Finally, the researcher used random sampling but only sampled RSOs, effectively sampling on the study's response variable, problems experienced as a consequence of sex offender registration. All individuals in the sample were RSOs and they attributed their problematic, but common, life experiences to their sex offender registration.

6.17. Perceptions of Sex Offender Registration

Tewksbury, Richard, and Matthew Lees. "Perceptions of Sex Offender Registration: Collateral Consequences and Community Experiences." *Sociological Spectrum* 26, no. 3 (2006): 309–34. doi: 10.1080/02732170500524246.

- **Author Affiliation(s):** Tewksbury (University of Louisville)
Lees (University of Louisville)
- **Intent:** The authors stated that their study "[sought] to provide insights and details about the experiences [of a] registered sex offender as they live in the community and manage their identities as not only convicted felons, but as publicly proclaimed sexual offenders."³⁸
- **Methodology:** Qualitative interviews with 22 RSOs in Kentucky.
- **Claimed Impacts:** *Employment*— Some of the RSOs in the sample acknowledged that employers would not hire them simply because they have been convicted of a felony. Others stated that employers attach a greater degree of stigma to sex offenders than other offenders or perceive hiring them to be risky, particularly in outward-facing positions involving interactions with customers or the public.
- **Claimed Impacts:** *Physical and Psychological Well-Being* — Although the study did not provide quantitative data on harassment, the researchers addressed the topic, stating, "The fears of harassment [were] common among RSOs; however, almost without exception the fears and apprehensions of RSOs were unfounded, at least in the degree to which they anticipated harassment."³⁹
- **Objectivity Score: 2** — FRD could not assess the funding source of the research because it was not disclosed in the article. The article contained multiple instances of expressly anti-SORN language.

- **Statistical Integrity: 1** — As in Tewksbury’s earlier studies, this study had a high non-response rate with no corresponding measures to compensate for it and a selection bias in the sample. Other issues with statistical conclusion validity included no control of covariates, such as including the demographic data collected for the study. In addition, there was no variation in the independent variable (sex offense registration). Because all subjects in the sample were RSOs, the problems the survey participants described (employment difficulties, relationship difficulties, etc.) were all attributed to sex offense registration. The study’s lack of a control group, such as individuals who are not RSOs, obviates valid conclusions about the association of sex offense registration and subsequent problems that individuals may experience. In addition, the authors stated that interview responses were coded, but they do not provide a measure of inter-rater reliability nor state if such a measure was calculated. A consequence of the lack of such a measure was that the coder’s (or coders’) interpretation(s) of survey responses may be neither objective nor valid.

6.18. Perceptions of Punishment

Tewksbury, Richard, and Matthew Lees. “Perceptions of Punishment: How Registered Sex Offenders View Registries.” *Crime & Delinquency* 53, no. 3 (2007): 380–407. doi: 10.1177/0011128706286915.

- **Author Affiliation(s):** Tewksbury (University of Louisville)
Lees (University of Louisville)
- **Intent:** The goal of the study was to “identify perceptions RSOs have about the sex offender registry as a tool for public safety.”⁴⁰
- **Methodology:** Qualitative interviews with 22 RSOs in Kentucky.
- **Claimed Impacts:** *Perceptions of SORN* — The study reported that the RSOs in the sample have a “generally positive” opinion of the existence of registries. However, most RSOs in the study believed that the registry was not effective at deterring re-offense. The study did not include quantitative data on these viewpoints.
- **Objectivity Score: 4** — FRD could not assess the funding source of the research because it was not disclosed in the article.
- **Statistical Integrity: 1** — This study received a score of 1 on FRD’s modified Maryland SMS because of several methodological problems. The results only applied to study participants, and not to other members of the population, because of the high non-response rate (with no corresponding measures to compensate for it), and there was selection bias in the sample. Additionally, there were statistical issues with the study: The authors did not control for covariates (including the demographic data collected for the study), there was no variation in the independent variable (sex offense registration), and the interview responses were coded but they did not provide a measure of inter-rater reliability.

6.19. Sex Offender Community Notification

Zevitz, Richard G., and Mary Ann Farkas. "Sex Offender Community Notification: Managing High Risk Criminals or Extracting Further Vengeance?" *Behavioral Sciences & the Law* 18, no. 2–3 (2000): 375–91. doi: 10.1002/1099-0798(200003/06)18:2/3<375::AID-BSL380>3.0.CO;2-N.

- **Author Affiliation(s):** Zevitz (Marquette University)
Farkas (Marquette University)
- **Intent:** The research focused on "the social and psychological effects of community notification on sex offender reintegration within those communities where notification has occurred."⁴¹
- **Methodology:** Face-to-face interviews with 30 RSOs in Wisconsin whose experiences were solicited through open-ended questions.
- **Claimed Impacts: Employment** — The study reported that 57 percent of the people in the sample have lost a job because of registration and notification policies. This was a higher percentage than other studies found; however, this data was based on a small sample.
- **Claimed Impacts: Perceptions of SORN** — The study reported that RSOs in counseling generally did not think that SORN policies were "antitherapeutic," and some believed that SORN had helped them to take responsibility or to be more honest.⁴² However, the study did not include quantitative data on these viewpoints.
- **Claimed Impacts: Physical and Psychological Well-Being** — The study reported that 77 percent of the people in the sample had been ostracized by neighbors or acquaintances, and the same number (77 percent) had experienced threats or harassment. However, only 3 percent of the sample had experienced a vigilante attack. Still, this data was based on a small sample of 30 individuals.
- **Objectivity Score: 3** — The article contained expressly anti-SORN language, and it framed registration and notification as "humiliating" and "disturbing."⁴³
- **Statistical Integrity: 1** — This study had external validity issues in that non-random sampling was used to select interview participants. The 30 individuals interviewed for the study were 30 of 44 who consented to be interviewed and the authors did not provide evidence of how representative these individuals were of the population of individuals who have met community notification requirements. More significantly, when evaluating the relevance and importance of this research, it implied or stated that offenders' experiences with problems concerning employment, housing, and other matters were solely attributable to community notification requirements. However, the researchers did not perform a before-and-after comparison of the problems the interviewed sex offenders reportedly experienced (i.e., employment status or earnings before sex offense conviction and after satisfying community notification requirements), and they provided no case-control comparison of sex offenders to non-sex offenders (i.e., intergroup comparison of employment status, earnings). This research did not conclusively establish any relationship between SORN policies and employment or finance issues.

7. APPENDIX II: Assessment of Studies on Families of Adult Registered Sex Offenders

7.1. Nobody Worries about Our Children

Kilmer, Ashley, and Chrysanthi S. Leon. "‘Nobody Worries about Our Children’: Unseen Impacts of Sex Offender Registration on Families with School-Age Children and Implications for Desistance." *Criminal Justice Studies* 30, no. 2 (2017): 181–201. doi: 10.1080/1478601X.2017.1299852.

- **Author Affiliation(s):** Kilmer (Bridgewater State University)
Leon (University of Delaware)
- **Intent:** The research “examined the way registrant family members made sense of current sex offender policies and laws (such as residency restrictions, registration requirements, and community notification) and the impact of such policies on family members in the areas of social/family relationships, employment, housing, and community involvement.”⁴⁴
- **Methodology:** The study was based on interviews with 19 family members of registered sex offenders (RSOs) and written narrative data from 58 family members.
- **Claimed Impacts:** The study found that 73 percent of participating family members reported that sex offender registration and notification (SORN) requirements had impacted the employment of someone in their family, and 83 percent reported that SORN policies had impacted the housing of someone in their family. The authors noted that “these struggles were sometimes described as a result of post-conviction laws that restrict where registrants can live, but often because of the ‘extra-legal’ decisions made by landlords and employers, above and beyond what the law may require.”⁴⁵
- **Objectivity Score: 1** — FRD could not assess the funding source of the research because it was not disclosed in the article. The study recruited participants through advocacy or support groups for families of RSOs. Individuals who chose to join these groups may not be representative of the general population of RSO families. For instance, they may have sought support or engaged in advocacy because they have had particularly negative experiences. The study may have been less likely to capture the experiences of families who had not experienced negative impacts because those individuals would have less motivation to join such groups. Therefore, the study only reflected the experiences of a particularly engaged and motivated subgroup of RSO families. Furthermore, the article used language that was highly critical of SORN policies. For instance, the title, “‘Nobody Worries about Our Children’: Unseen Impacts of Sex Offender Registration on Families with School-Age Children and Implications for Desistance,” is sensationalist and seems intended to persuade the reader that SORN policies are bad.
- **Statistical Integrity: 1** — The study suffered from a common error among many studies cited in this report: The analysis drew from a non-random sample, and it contained a sample bias because 41 of the 77 subjects in the sample were involved in advocacy work for sex offenders. In qualitative terms, the research did not use the comparative method to compare across cases or within cases, and it lacked variation in the independent and dependent variables. In quantitative terms, the research did not control for covariates and lacks variation in the predictor and response variables. There were also problems with an inappropriate use of statistical methods because the authors provided no measure of inter-coder reliability for their qualitative coding.

7.2. Collateral Damage

Levenson, Jill S., and Richard Tewksbury. "Collateral Damage: Family Members of Registered Sex Offenders." *American Journal of Criminal Justice* 34, no. 1–2 (2009): 54–68. doi: 10.1007/s12103-008-9055-x.

- **Author Affiliation(s):** Levenson (Lynn University)
Tewksbury (University of Louisville)
- **Intent:** The authors stated that the purpose of their research was to "better understand the impact of sex offender registration and notification laws on the family members of registered sex offenders."⁴⁶
- **Methodology:** An online survey of 584 family members of RSOs recruited from all 50 states.
- **Claimed Impacts:** The study found that 53 percent of adult family members reported that the family had experienced financial hardship because the RSO had lost a job, and 82 percent reported that the family had experienced financial hardship because the RSO had a hard time finding a job. Seven percent of family members reported experiencing assault or injury as a result of their relationship with an RSO, 27 percent had experienced malicious property damage, and 44 percent had experienced harassment or threats. More than half of the respondents perceived that the children of RSOs were treated differently by their peers at school (58 percent) or by adults, such as neighbors and teachers (63 percent). Respondents believed that the parents of these children's friends may restrict their children from playing with an RSO's child at their own house (56 percent) or at the house of an RSO's child (70 percent). Family members reported that the children of RSOs showed psychosocial effects, such as anger (80 percent), depression (77 percent), anxiety (73 percent), and feeling left out (65 percent).
- **Objectivity Score: 1** — FRD could not assess the funding source of the research because it was not disclosed in the article. Study participants were recruited from advocacy and support groups for the families of RSOs. The members of these groups do not necessarily have the same experiences or opinions as family members who do not feel motivated to seek out activism or support groups, and therefore the results did not necessarily portray the full range of experiences that family members may have. Furthermore, the article employed sensationalist and unobjective language in the title of their study, "Collateral Damage: Family Members of Registered Sex Offenders," and they appeared to be biased against the Adam Walsh Act, having referred to it as "well-intentioned but misguided."⁴⁷
- **Statistical Integrity: 1** — The authors of this study used non-random sampling, estimated the survey response rate, and made no efforts to compensate for the low response rate. Moreover, the predictor variables did not vary, as all of the sample participants were family members of RSOs, and other covariates were not tested. In addition, there was no variation in the independent variable (sex offender registration) nor any control group, such as family members of individuals who were not RSOs. Consequently, there are some doubts about being a family member of an RSO as a sole or major cause of the consequences attributed to being a family member of an RSO. The authors also incorrectly performed variable selection for regression. Thus, it is unclear if the selected variables under- or over-fit the data and have higher variance than other variable subsets.

7.3. Stress Experiences of Family Members of Registered Sex Offenders

Tewksbury, Richard, and Jill S. Levenson. "Stress Experiences of Family Members of Registered Sex Offenders." *Behavioral Sciences & the Law* 27, no. 4 (2009): 611–26. doi: 10.1002/bsl.878.

- **Author Affiliation(s):** Tewksbury (University of Louisville)
Levenson (Lynn University)
- **Intent:** The authors stated that their goal was "to assess the ways in which SORN impact[ed] family members of RSOs psychologically, socially, and practically, with a focus on their perceived levels of stress."⁴⁸
- **Methodology:** An online survey of 584 family members of RSOs. The study examined the impacts of both SORN policies and residency restrictions on RSO family members.
- **Claimed Impacts:** The study reported that 68 percent of family members agreed with the statement that SORN caused stress in their lives "very often," and 33 percent of family members reported that they "very often" feel afraid for their safety because of SORN requirements. Thirty-one percent of family members have moved because of residency restrictions or pressure from the community.
- **Objectivity Score: 2** — FRD could not assess the funding source of the research because it was not disclosed in the article. Moreover, the study recruited participants from advocacy and support groups for sex offenders' families. The individuals who chose to join these groups do not necessarily have the same characteristics as the general population of sex offenders' families. Furthermore, the article adopted a critical tone toward SORN policies.
- **Statistical Integrity: 1** — The study used non-random sampling. The authors estimated the survey response rate and did not take efforts to compensate for the low response rate, resulting in non-response bias. Additionally, there were several concerns with the study's use of statistical methods, including uncontrolled covariates (the predictor variables did not vary, as all of the participants in the sample were family members of RSOs, and other covariates were not tested) and no variation in the independent variable (sex offender registration).

8. APPENDIX III: Assessment of Studies on Juvenile Registered Sex Offenders

8.1. Family Experiences of Young Adult Sex Offender Registration

Comartin, Erin B., Poco D. Kernsmith, and Bart W. Miles. "Family Experiences of Young Adult Sex Offender Registration." *Journal of Child Sexual Abuse* 19, no. 2 (2010): 204–25. doi: 10.1080/10538711003627207.

- **Author Affiliation(s):** Comartin (Wayne State University)
Kernsmith (Wayne State University)
Miles (Wayne State University)
- **Intent:** The purpose of the study was to "examine the impacts on families of having a child placed on the sex offender registry."⁴⁹
- **Methodology:** A focus group, consisting of four women whose sons were juvenile sex offenders in Michigan, gathered qualitative data on the economic, physical, psychological, and social impacts of registration on the family.
- **Claimed Impacts:** The study reported that the parents of juvenile registered sex offenders (RSOs) described challenges their sons have finding employment and housing, and the resulting financial instability they experienced. The parents described emotional impacts for themselves, the juvenile sex offender, or other members of the family. The emotional impacts to the offender included low self-esteem due to a lack of opportunities, stigmatization, and shame from being labeled as a sex offender.
- **Objectivity Score: 3** — FRD could not assess the funding source of the research because it was not disclosed in the article. The study recruited participants from advocacy and support groups for sex offenders or their families. The individuals who joined these groups may not have been representative of the general population of juvenile sex offenders' families, and they may have had disproportionately negative experiences with sex offender registration. The article did not provide a balanced assessment of sex offender registration and notification (SORN) policies: It discussed the possible negative consequences of SORN laws without mentioning possible positive impacts.
- **Statistical Integrity: 1** — The study had issues with internal and external validity as well as statistical conclusion validity. Its conclusions were limited by the use of non-random sampling, selection bias in sampling, and an extremely small sample (this study was based on information from interviews of four families). For these reasons, these study participants could be compared to other populations.

8.2. The Relationship between Juvenile Sex Offender Registration and Depression in Adulthood

Denniston, Sharon E. "The Relationship between Juvenile Sex Offender Registration and Depression in Adulthood." PhD diss., Walden University, 2016. <https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=2986&context=dissertations>.

- **Author Affiliation(s):** Denniston (Wayne State University)

- **Intent:** The aim of the research was to “gain a more comprehensive understanding of the effects of sex offender registration policy by exploring, using quantitative comparative analysis methods, whether a relationship exists between juvenile sex offender registration and latent depression in current and former registrants who have matured into adulthood, and whether there is a persistent effect to this relationship.”⁵⁰
- **Methodology:** A survey of 165 adults between the ages of 21 and 39, including 36 participants currently registered for a juvenile offense, 23 formerly registered for a juvenile offense, and 106 who never had to register. The study did not state whether the 106 participants in the control group had a history of criminal convictions or problematic sexual behavior, traits shared by all the participants in the other two study groups.
- **Claimed Impacts:** The study reported that current registration for an offense committed as a juvenile was a predictor of increased severity of depression compared to previous registration status or individuals who never had to register. Additionally, the study reported that suicidal ideation was common in offenders who were currently registered. Interestingly, those who were on a nonpublic registry had a higher incidence of depression than those who were on a public registry. The study found that increased dependence on another person for housing predicts increased depression. However, other factors, such as age of registration, number of years registered, adjudication in the adult or juvenile justice system, felony or misdemeanor conviction, Tier III registration status (which requires registration for at least 25 years with quarterly verification of registration information), or the presence of a subsequent registerable offense did not lead to increased depression.
- **Objectivity Score: 3** — The study recruited participants from advocacy and support groups, and these individuals’ experiences may not have been representative of experiences in the broader population of juvenile sex offenders. Furthermore, there was a lack of objective language throughout the article regarding juvenile SORN policies. For instance, these policies were referred to as “increasingly harsh and adult-like.”⁵¹
- **Statistical Integrity: 1** — As with nearly all studies examined for this report, the researcher used non-random sampling. In addition, the author’s discussion of her regression analysis suggested misunderstandings of the method. When discussing sampling, the author states that her thesis uses a non-probability sample and does not represent the sampling population.

8.3. Collateral Consequences of Juvenile Sex Offender Registration and Notification

Harris, Andrew J., Scott M. Walfield, Ryan T. Shields, and Elizabeth J. Letourneau. “Collateral Consequences of Juvenile Sex Offender Registration and Notification: Results from a Survey of Treatment Providers.” *Sexual Abuse* 28, no. 8 (2016): 770–90. doi: 10.1177/1079063215574004.

- **Author Affiliation(s):** Harris (University of Massachusetts Lowell)
Walfield (East Carolina University)
Shields (JHU Bloomberg School of Public Health)
Letourneau (JHU Bloomberg School of Public Health)
- **Intent:** The study “examined the collateral impacts of JSO [juvenile sex offender] registration and notification by eliciting the insights and perspectives of treatment providers who work with juveniles with problem sexual behavior.”⁵²

- **Methodology:** A national survey of 265 treatment providers who supplied services to youth with problematic sexual behavior, including youth who have sexually offended. In this study, respondents were prompted to agree, neither agree nor disagree, or disagree with a series of survey items to “indicate the extent to which you believe that requiring youth to [register with law enforcement/disclose their sex offender status] might have the noted effect in comparison with youth not required to register.”⁵³ The use of the words “believe” and “might” in the survey prompt indicated that study participants were being asked to use their professional experience to speculate on the likelihood of hypothetical SORN impacts, rather than report effects they have actually observed in their clients. However, the study did not make this distinction clear in its discussion of the findings.
- **Claimed Impacts:** The study reported that 54 percent of the treatment providers surveyed believed that juveniles subject to notification might be less likely to be in school, and that most treatment providers felt that juveniles subject to notification might be more likely to have changed caregivers (66 percent) or move (61 percent) than other juveniles. The study reported that 85 percent of treatment providers believed that juveniles subject to notification might be afraid for their own safety.
- **Objectivity Score: 3** — Funding for this project was partially provided through a grant from Open Society Foundations, a philanthropic organization with a policy perspective.
- **Statistical Integrity: 1** — The authors discussed their efforts to increase the sample size of surveyed sex offender treatment providers through the use of “snowball sampling,” a non-random sampling technique in which researchers asked interviewees or survey respondents to suggest additional individuals for inclusion in the research. While this technique is frequently used when interviewing hard-to-locate individuals (e.g., drug users and undocumented migrants), it introduced potential bias into the research as subjects may refer researchers to other subjects whom they believe share their views on the research topic. Moreover, it was a non-random sampling method, thus the survey’s results could not be extrapolated to subjects outside the sample. Also, the survey’s response rate was not stated, introducing the possibility of non-response bias. Moreover, the authors did not control covariates or otherwise attempt to rule out alternative explanations for the problems that juvenile RSOs experience. The authors discussed the use of linear regression, a statistical technique frequently used to assess associations between variables. However, the paper contained no results from this effort, only stating that the results were statistically insignificant.

8.4. Effects of Juvenile Sex Offender Registration on Adolescent Well-Being

Letourneau, Elizabeth J., Andrew J. Harris, Ryan T. Shields, Scott M. Walfield, Amanda E. Ruzicka, Cierra Buckman, Geoffrey D. Kahn, and Reshmi Nair. “Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination.” *Psychology, Public Policy, and Law* 24, no. 1 (2018): 105–17. doi: 10.1037/law0000155.

- **Author Affiliation(s):** Letourneau (JHU Bloomberg School of Public Health)
Harris (University of Massachusetts Lowell)
Shields (University of Massachusetts Lowell)
Walfield (East Carolina University)
Ruzicka (JHU Bloomberg School of Public Health)
Buckman (JHU Bloomberg School of Public Health)

Kahn (JHU Bloomberg School of Public Health)
Nair (JHU Bloomberg School of Public Health)

- **Intent:** The authors stated that the study was “the first to compare registered and nonregistered children on several key domains in an effort to evaluate the unintended consequences of juvenile registration and notification.”⁵⁴
- **Methodology:** A survey of 251 boys who were receiving treatment services for inappropriate or harmful sexual behavior, and who were recruited through treatment providers. The study participants ranged in age from 12 to 17, and 29 percent of them were currently at the time, or had been formerly, registered.
- **Claimed Impacts:** The study reported that registered juveniles perceived themselves to be less safe than non-registered juveniles, and they had more peer-relationship problems and more experiences with relational violence. The study found that registered juveniles were almost twice as likely as non-registered juveniles to have experienced sexual assault in the past year and five times as likely to have been approached for sex by an adult in the last year. Registered juveniles were four times as likely as non-registered juveniles to have attempted suicide in the past 30 days. However, registered juveniles perceived themselves to have significantly higher levels of social support than non-registered juveniles.
- **Objectivity Score: 2** — The study received funding from the Annie E. Casey Foundation and Open Society Foundations Criminal Justice Fund. It used language that indicated a bias against current sex offender policy, such as referring to juvenile SORN policies as “failed” and “flawed.”⁵⁵
- **Statistical Integrity: 1** — The research was based on a non-random sample and contains sample bias, because the sample included only juveniles in therapy. Although the authors acknowledged the limitation, anyone referencing this study should be aware that the research did not control for many covariates, thus association (including causation) between sex offense registration and other outcomes could not be reliably estimated.

8.5. Raised on the Registry

Pittman, Nicole. *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the U.S.* New York: Human Rights Watch, 2013. https://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf.

- **Intent:** The study aimed “to better understand what it means to be a youth offender raised on the registry.”⁵⁶
- **Methodology:** An investigation of 517 cases of juvenile sex offenders in 20 states. The study was based on semi-structured interviews with 281 RSOs who were juveniles at the time of their offenses (subjects ranged in age from 14 to 48 at the time of the interview). Additional interviews were conducted with academic experts, RSOs’ family members, defense attorneys, judges, juvenile justice advocates, mental health professionals, prosecutors, and victims of juvenile sex offenders.
- **Claimed Impacts:** Of 296 cases of RSOs who had registered because of an offense committed as a juvenile, more than 44 percent state that they had “at least one period of homelessness” as a result of state or local residency restrictions, and that 52 percent of RSOs reported that they or their family members had experienced violence or the threat of violence because of their registration status.

Seventy-seven percent of RSOs in the sample claimed that registration had impacted their family in various ways, including effects on their family's finances, housing, or relationships with one another.

- **Objectivity Score: 1** — The study was funded by Human Rights Watch, an organization that advocates against the registration of juvenile sex offenders.⁵⁷ It used language that was biased against current sex offender policy and made clear statements advocating for policy change. In part, the advocacy for changes to SORN policy was made clear by the title of the report, "Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the U.S." Subheadings within the report include "A Policy Based on a Misconception," "Onerous Restrictions," "Faulty Assumptions about Youth Sex Offenders," and "An Overbroad Policy of Questionable Effectiveness," all of which underlined an opposition to current juvenile SORN policies.
- **Statistical Integrity: 1** — The use of chain-referral sampling resulted in selection bias in the sample, which the author acknowledged. The findings were largely based on self-reported data of interviewees' experiences and their attribution of those experiences to their registration status; the analysis did not extend to alternative explanations. In addition, the analysis did not include a control group; the sample only included offenders who had been subject to registration requirements and excluded offenders who had not been subject to those requirements. The report used anecdotal evidence to support arguments, and it frequently comingled interview findings that were related to sex offender registries with findings that were unrelated or were questionably related, such as vigilante and extrajudicial measures undertaken by citizens, companies, or the police. Moreover, the findings applied only to the individuals in the sample and could not be reliably extrapolated to individuals outside of the sample because the sample was not selected at random. In addition, the publication did not provide the form or questions the researcher used in the semi-structured interviews, making it difficult to assess the results. The report did state that all documents it cited are either publicly available or on file with Human Rights Watch.

9. APPENDIX IV: Analysis of Statistical Integrity

As noted in Section 3, “FRD Research Methodology,” the Federal Research Division’s analysis included a statistical component to evaluate each of the 27 research studies referenced in this report. This evaluation used the five-point Maryland Scientific Methods Scale (SMS) to assess the **internal validity** of the reported research methods.⁵⁸ In statistical and other research, internal validity describes the truth or falsity of any causal relationships cited by the researchers.⁵⁹ To have a study that is internally valid, the research must, at a minimum, include the following:

- An experimental condition to estimate what happens to research subjects when a treatment is applied to them, such as sex offense registration;
- A control condition to estimate what happens to research subjects when the treatment is not applied to them, such as not being registered as a sex offender; and
- Measurements of the hypothesized outcomes in both groups before and after the treatment is applied, such as measures of employment before and after individuals in the experimental group register as sex offenders.

In line with the Maryland SMS, FRD rated the publications’ statistical methods on a scale of 1 to 5, with higher numbers indicating the use of research methods more likely to yield internally valid findings. The Maryland SMS levels and criteria are as follows:

- Level 1: The research design states that one variable is associated with another at a point in time, but does not specify which variable precedes the other (e.g., “Individuals who are registered sex offenders [RSOs] are less likely to have full-time employment than those who are not RSOs”).
- Level 2: The research design measures an outcome before and after a treatment, but does not include a control condition (e.g., “After registration, sex offenders were likely to lose full-time employment”).
- Level 3: The research design measures an outcome before and after the treatment in experiment and control groups (e.g., “After registration, sex offenders were more likely to lose full-time employment than individuals who were not RSOs”). Oft-cited literature on research design describes Level 3 as the minimum for drawing valid conclusions about associations between variables.
- Level 4: The research design measures an outcome before and after the treatment in multiple experiment and control groups, controlling for other variables that influence the outcome (e.g., “After registration, sex offenders were more likely to lose full-time employment than individuals who were not RSOs, controlling for age, educational attainment, and race”).

- Level 5: The research design includes randomized experiment and control groups with reports of pre-existing characteristics for both (e.g., "Individuals who were sex offenders were randomly selected to register as such (experiment group) or not (control group); the design also included randomly selected individuals who were convicted of another felony and those who had never been convicted of a felony. All possible covariates were controlled, including age, educational attainment, gender, geographic region, industry of employment, and race"). A Level 5 research design is regarded as the veritable gold standard to produce valid cause-and-effect findings. However, it is relatively uncommon in many research fields, due in no small part to the legal and ethical considerations that exclude the use of humans in many social science experiments.

In addition to internal validity, FRD rated all of the research studies on construct validity, external validity, and statistical conclusion validity.

Construct validity refers to a research design's inclusion of reliable and valid measures of the variables. For example, unemployment is a variable and the unemployment rate repeatedly measures it, making the rate a reliable and valid measure. As with the Maryland SMS, FRD deducted a single point for studies if they did not include such measures in their research designs.

External validity is the extent to which the research findings can be applied to other people, places, times, and outcomes. For example, the results from a study of juvenile drug use in Manhattan during the 1980s may depend greatly on a combination of factors not frequently found outside that time and place. Similarly, findings from research based on non-random samples of people may reflect some particular trait of those individuals. (Note: This is one measure FRD evaluated that the Maryland SMS does not.)

A single point was deducted from a study for each of the following criteria it did not satisfy:

- Having sample, setting, and temporal characteristics that are neither unique nor so specific that they are not generalizable to other peoples, places, and times;
- Having a response rate that would not bias the sample (using 80 percent as a rule of thumb) or for having differential attrition in comparison groups; and
- Using a random sampling method to select research subjects if the study included a survey.

Statistical conclusion validity is the measure of whether one variable and another are related and how strong that relationship is. If, for example, a study of 20 athletes' change in running speed after using a high-intensity interval training method finds no significant increase in speed, the reason may be that the study's use of a small sample limited its capacity to detect significant changes (in statistical jargon, the study would have "low statistical power"). Other factors that can affect statistical conclusion validity are low response rates (in the case of surveys) and the misuse of statistical techniques.

A single point was deducted from a study for each of the following criteria it did not satisfy:

- Using appropriate statistical analyses, and
- Using a sufficiently large sample to support those analyses.

Table 7 highlights the internal validity (IV), construct validity (CV), external validity (EV), and statistical conclusion validity (SCV) for each of the research studies referenced in this report. It also includes the final score for each study. Like the Maryland SMS, if a study loses points based on these measures, the lowest score it can receive is a 1.

Table 7. Statistical Validity Scores

Author (Pub. Date)	Article Title	IV	CV	EV	SCV	Final Score
Ackerman, Sacks, and Osier (2013)	The Experiences of Registered Sex Offenders with Internet Offender Registries in Three States	2	0	-2	-1	1
Brannon et al. (2007)	Attitudes about Community Notification: A Comparison of Sexual Offenders and the Non-Offending Public	2	0	-1	-1	1
Comartin, Kernsmith, and Miles (2010)	Family Experiences of Young Adult Sex Offender Registration	2	0	-2	-1	1
Denniston (2016)	The Relationship between Juvenile Sex Offender Registration and Depression in Adulthood	2	0	-1	-2	1
Evans and Porter (2015)	Criminal History and Landlord Rental Decisions: A New York Quasi-Experimental Study	2	0	-1	-3	1
Frenzel et al. (2014)	Understanding Collateral Consequences of Registry Laws: An Examination of the Perceptions of Sex Offender Registrants	2	0	-2	0	1
GAO (2013)	Sex Offender Registration and Notification Act: Jurisdictions Face Challenges to Implementing the Act, and Stakeholders Report Positive and Negative Effects	2	0	0	0	2
Harris et al. (2016)	Collateral Consequences of Juvenile Sex Offender Registration and Notification: Results from a Survey of Treatment Providers	2	0	-2	-1	1
Jennings, Zgoba, and Tewksbury (2012)	A Comparative Longitudinal Analysis of Recidivism Trajectories and Collateral Consequences for Sex and Non-Sex Offenders Released Since the Implementation of Sex Offender Registration and Community Notification	3	0	-1	-1	1
Kilmer and Leon (2017)	'Nobody Worries about Our Children': Unseen Impacts of Sex Offender Registration on Families with School-Age Children and Implications for Desistance	2	0	-2	-1	1

Author (Pub. Date)	Article Title	IV	CV	EV	SCV	Final Score
Letourneau et al. (2018)	Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination	2	0	-2	--2	1
Levenson and Cotter (Feb. 2005)	The Effect of Megan's Law on Sex Offender Reintegration	2	0	-1	-3	1
Levenson and Cotter (Apr. 2005)	The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd?	2	0	-1	-3	1
Levenson and Hern (2007)	Sex Offender Residence Restrictions: Unintended Consequences and Community Reentry	2	0	-1	-3	1
Levenson and Tewksbury (2009)	Collateral Damage: Family Members of Registered Sex Offenders	2	0	-2	-1	1
Levenson et al. (2015)	Where for Art Thou?: Transient Sex Offenders and Residence Restrictions	2	0	-1	-1	1
Mercado, Alvarez, and Levenson (2008)	The Impact of Specialized Sex Offender Legislation on Community Reentry	2	0	-2	-3	1
Mustaine and Tewksbury (2011)	Assessing Informal Social Control against the Highly Stigmatized	2	0	-1	-1	1
Mustaine, Tewksbury, and Stengel (2006)	Residential Location and Mobility of Registered Sex Offenders	2	0	-1	-1	1
Nally et al. (2014)	Post-Release Recidivism and Employment among Different Types of Released Offenders: A 5-Year Follow-Up Study in the United States	3	0	-1	-0	2
Pittman (2013)	Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the U.S.	2	0	-1	-1	1
Tewksbury (2004)	Experiences and Attitudes of Registered Female Sex Offenders	2	0	-2	-2	1
Tewksbury (2005)	Collateral Consequences of Sex Offender Registration	2	0	-1	-1	1
Tewksbury and Lees (2006)	Perceptions of Sex Offender Registration: Collateral Consequences and Community Experiences	2	0	-2	-3	1
Tewksbury and Lees (2007)	Perceptions of Punishment: How Registered Sex Offenders View Registries	2	0	-2	-3	1
Tewksbury and Levenson (2009)	Stress Experiences of Family Members of Registered Sex Offenders	2	0	-2	-3	1
Zevitz and Farkas (2000)	Sex Offender Community Notification: Managing High Risk Criminals or Extracting Further Vengeance?	2	0	-2	-1	1

10. APPENDIX V: Researcher and Publication Details

Table 8 lists the titles, affiliations, and numbers of studies authored or co-authored in relation to the researchers of the 27 studies evaluated in this report. The position or title of the researchers listed and the university or other organization is correct, as far as the Federal Research Division (FRD) could ascertain, at the time when the works reviewed in this report were published.

Table 8. Researcher Titles, Affiliations, and Studies Authored and Co-Authored

Name	Position/Title	Affiliation	# of Studies, Lead Author	# of Studies, Co-Authored
Alissa R. Ackerman	Assistant professor of social work	U. of Washington Tacoma	1	1
Shea Alvarez	Doctoral student	City U. of New York (CUNY) John Jay College of Criminal Justice	—	1
Juanita N. Baker	Professor of psychology	Florida Institute of Technology	—	1
Kendra N. Bowen	Associate professor of criminal justice	Texas Christian U.	—	1
James H. Bowers	Associate professor of criminal justice	Saginaw Valley State U.	—	1
Yolanda Nicole Brannon	Doctoral student	Florida Institute of Technology	1	—
Cierra Buckman	Senior research coordinator, Moore Centre for the Prevention of Child Sexual Abuse	Johns Hopkins U. (JHU) Bloomberg School of Public Health	—	1
Erin B. Comartin	Doctoral student	Wayne State U.	1	—
Leo P. Cotter	Director	S.H.A.R.E. (Sexual Health: Awareness* Rehabilitation*Education)	—	2
Sharon E. Denniston	Doctoral student	Wayne State U.	1	—
Douglas N. Evans	Adjunct assistant professor and senior investigator of sociology	CUNY John Jay College of Criminal Justice; Mercy College	1	—
Mary Ann Farkas	Professor of social & cultural sciences	Marquette U.	—	1
Timothy Fortney	School of Psychology	Florida Institute of Technology	—	1

Name	Position/Title	Affiliation	# of Studies, Lead Author	# of Studies, Co-Author
Erika Davis Frenzel	Professor of criminology and criminal justice	Indiana U. of Pennsylvania	1	—
Andrew J. Harris	Professor of criminology and criminal justice	U. of Massachusetts Lowell	1	2
Andrea L. Hern	Director	Indiana Sex Offender Monitoring and Management Program	—	1
Taiping Ho	Professor of criminal justice and criminology	Ball State U.	—	1
Wesley G. Jennings	Associate professor of criminology	U. of South Florida	1	—
Geoffrey D. Kahn	Professor of bioethics and public policy	JHU Bloomberg School of Public Health	—	1
Poco D. Kernsmith	Professor of social work	Wayne State U.	—	1
Ashley Kilmer	Assistant professor of criminal justice	Bridgewater State U.	1	—
Katie Knutson	Senior consultant	Public Consulting Group	—	1
Matthew Lees	Graduate student	U. of Louisville	—	2
Chrysanthi S. Leon	Associate professor of sociology	U. of Delaware	—	1
Elizabeth J. Letourneau	Director, Moore Center for the Prevention of Child Sexual Abuse	JHU Bloomberg School of Public Health	1	1
Jill S. Levenson	Assistant professor and human services department chair; Associate professor of psychology and social sciences; Professor of social work	Lynn U.; Barry U.	5	3
Susan Lockwood	Director of juvenile education	Division of Youth Services, Indiana Dept. of Correction	—	1
Cynthia Calkins Mercado	Associate professor of psychology	CUNY John Jay College of Criminal Justice	1	—
Bart W. Miles	Assistant professor of social work	Wayne State U.	—	1
Elizabeth Ehrhardt Mustaine	Professor of sociology	U. of Central Florida	2	—

Name	Position/Title	Affiliation	# of Studies, Lead Author	# of Studies, Co-Authored
Reshmi Nair	Assistant scientist	JHU Bloomberg School of Public Health	—	1
John M. Nally	Director, Department of Education	Indiana Dept. of Correction	1	—
Lindsay N. Osier	Department of Criminal Justice	U. of Washington Tacoma	—	1
Shannon Phaneuf	Professor of criminology and criminal justice	Indiana U. of Pennsylvania	—	1
Nicole Pittman	Soros Senior Justice Advocacy Fellow	Human Rights Watch	1	—
Jeremy R. Porter	Professor of sociology	CUNY Brooklyn College	—	1
Amanda E. Ruzicka	Research associate	JHU Bloomberg School of Public Health	—	1
Meghan Sacks	Associate professor of criminology	Fairleigh Dickinson U.	—	1
Ryan T. Shields	Assistant scientist; assistant professor of criminology and justice studies	JHU Bloomberg School of Public Health; U. of Massachusetts Lowell	—	2
Kelly M. Socia	Associate professor of criminology and justice studies	U. of Massachusetts Lowell	—	1
Jason D. Spraitz	Associate professor of criminal justice	U. of Washington Eau Claire	—	1
Kenneth M. Stengel	Graduate student	U. of Louisville	—	1
Richard Tewksbury	Professor of justice administration	U. of Louisville	5	4
Scott M. Walfield	Assistant professor of criminal justice	East Carolina U.	—	2
Richard G. Zevitz	Professor of criminal justice	Marquette U.	1	—
Kristen M. Zgoba	Supervisor, Research and Evaluation Unit	New Jersey Dept. of Corrections	—	1

It might have been expected that articles on a specialized topic, such as the impacts of sex offender registration and notification policies on registered sex offenders, would be found concentrated in a small number of journals. As table 9 shows, however, that is not the case with the studies FRD reviewed for this report: the 27 articles critiqued are published by 20 different journals.

Table 9. Journal Names and Numbers of Studies Published

Journal Name	# of Studies Published
American Journal of Criminal Justice	2
Behavioral Sciences & the Law	2
Crime & Delinquency	1
Criminal Justice Policy Review	1
Criminal Justice Studies	1
Deviant Behavior	1
Federal Probation	1
International Journal of Criminal Justice Sciences	1
International Journal of Offender Therapy and Comparative Criminology	1
Journal of Child Sexual Abuse	1
Journal of Contemporary Criminal Justice	2
Journal of Crime and Justice	1
Journal of Experimental Criminology	1
Journal of Offender Rehabilitation	1
Justice Policy Journal	1
Justice Research and Policy	1
Psychology, Public Policy, and Law	1
Sex Abuse	1
Sexual Abuse	2
Sociological Spectrum	1

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