

## **Summary of State Sex Offender Registries: Alabama**

**Responsible Agencies: Alabama Department of Public Safety (DPS) and  
Alabama Criminal Justice Information Center (ACJIC)**

(DPS maintains official record and photo and operates the notification program. ACJIC maintains all automated files--including criminal history files--and submits data to the FBI.)

### ***Who is in the Registry?***

#### **Covered Offenses:**

Covered offenses include: rape (13A-6-61 and 13A-6-62 - provided that a sentencing court may exempt from this article a juvenile or youthful offender criminal sex offender for a criminal sex offense as defined in Section 13A-6-62(a)(1)); sodomy (13A-6-63 and 13A-6-64); sexual torture (13A-6-65.1); sexual abuse in the first and second degree (13A-6-66 or 13A-6-67); enticing a child to enter a vehicle, room, house, office, or other place for immoral purposes (13A-6-69); promoting prostitution in the first or second degree (13A-12-111 and 13A-12-112); violation of the Alabama Child Pornography Act (13A-12-191, 13A-12-192, 13A-12-196, or 13A-12-197); kidnaping of a minor, except by a parent, in the first or second degree (13A-6-43 or 13A-6-44); incest when the offender is an adult and the victim is a minor (13A-13-3); soliciting a child by computer for the purposes of committing a sexual act and transmitting obscene material to a child by computer (13A-6-110 or 13A-6-111); any solicitation, attempt, or conspiracy to commit any of the above offenses listed and any crime committed in any State or a federal, military, Indian, or a foreign country jurisdiction, which, if it had been committed in Alabama would constitute an above covered offense.

#### **Mandated Registrants:**

Mandated registrants include all those convicted of a covered offense and released to the community on or after May 1996, plus those released earlier but moving to a new address after May 1996 (and thus being required to register for change of address).

#### **Duration of Registration:**

Lifetime

#### **Offenders in Registry, 2/01:**

3,338 in community notification registry

### ***Automation of Sex Offender Registries***

#### **Extent of database automation:**

Partial. Operation of the database(s) is automated, as is some transmission. Most data entry, however, is manual. The Alabama Department of Public Safety (DPS) maintains the "official record" and photo of each sex offender and operates the notification program at the State level. The Alabama Criminal Justice Information Center (ACJIC) maintains the automated files used for dissemination, submits data to the FBI, and maintains the State's criminal history files.

#### **Database is linked to criminal history files:**

Yes. ACJIC flags the criminal history files of registered offenders and identifies sex offenders on routine ACJIC/NCIC "person inquiries."

#### **SOR transmits electronically to FBI NSOR system:**

No.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. Alabama Department of Public Safety houses the State's AFIS, so it has electronic storage and transmission capability for fingerprints.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 2/01, ACJIC could not store or transmit mugshots through its automated system. Polaroid snapshots were maintained by the Department of Public Safety, and used for flyers or faxed for identification purposes.

### ***Operation of Sex Offender Registries***

#### **Sources of Initial Information on Offender:**

For offenders who are being released from Alabama prisons, the Department of Corrections (DOC) sends an electronic record on the offender and his intended address to the Alabama Criminal Justice Information

Center (ACJIC). The DOC also sends the offender's photo to the Alabama Bureau of Investigation (ABI), the responsible entity within DPS. ACJIC electronically notifies both the local law enforcement agency and the district attorney in the jurisdiction where the offender plans to reside of the offender's release date. When the offender registers locally, the local law enforcement agency sends paper copies (and fingerprint cards if the offender is moving in from out-of-state) to ABI and ACJIC.

**DNA Sample:**

Yes. Department of Public Safety (DPS) reports that a DNA sample is taken from registered sex offenders "when they can get it."

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. DPS sends each offender an annual letter on his birthday, saying he must go to the local sheriff's office in person and validate his address or reregister. Letters sent marked "Not to Be Forwarded" and the offender's local sheriff also is notified. If an offender moves, he must notify the local sheriff at both his old and new location 30 days in advance of the move; the sheriff then notifies DPS. Offenders moving out-of-state must notify their local sheriff; the sheriff then notifies DPS, and DPS notifies the receiving State.

**B. SOR Notification is Automated:**

No.

**C. Penalties for Noncompliance:**

All violations are a Class C felony, punishable by a 1 to 5 year prison sentence.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

All Alabama law enforcement or criminal justice agencies with access to criminal history information have access to sex offenders information through the Alabama Criminal Justice Information Center (ACJIC). For sexual offenders qualifying for community notification, the Alabama Department of Public Safety (DPS) sends a "flier" containing a photo and detailed information on the offender to the local law enforcement agency where the offender resides. The local agency duplicates the flier and

mails it to everyone within a specified geographic area.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 2/01, the Alabama SOR has no specified procedures for affirmative notification to schools or organizations other than the community notification requirements outlined in the following section.

**Procedures for Public Access:**

When an offender qualifies for community notification (those convicted of rape, sodomy, sexual torture, sexual abuse, child sexual abuse and incest, when victim under 18 and offender over 20), fliers with the offender's photo are mailed to everyone living within 1,000ft. of his home (in cities), 1,500ft. in towns, and 2,000ft. in rural areas. Citizens also may review fliers at local law enforcement agencies.

**Internet Website: (include web address and number of hits per month, if applicable)** An Internet website for the sex offender registry can be found at: <http://www.gsiweb.net/index.html>

# Summary of State Sex Offender Registries: Alaska

Responsible Agency: Alaska State Troopers

## *Who is in the Registry?*

### **Covered Offenses:**

The term "sex offense" was changed to include solicitation, or conspiracy to commit a covered offense. Covered offenses are sexual assault in the first, second, or third degree; sexual abuse of a minor in the first, second or third degree; incest; unlawful exploitation of a minor; child pornography; distribution of child pornography; promoting prostitution in the first degree; kidnaping a victim under the age of 18 (including attempt, solicitation, or conspiracy); sexual abuse of a minor in the 4<sup>th</sup> degree if: (1) the offender is 18 years of age or older, (2) the offender engages in sexual contact with the person, (3) the person is 16 or 17 years of age and at least 3 years younger than the offender, (4) the offender occupies a position of authority over the person; promoting prostitution in the third degree if: the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense; indecent exposure in the first degree; indecent exposure in the second degree if the indecent exposure is before a person under the age of 16 and the offender has a previous conviction for that offense; and the former Alaska law to assault with the intent to commit rape under former Alaska Statute 11.51.160 (assault with the intent to commit murder, rape or mayhem).

### **Mandated Registrants:**

A sex offender or child kidnaper, who is physically present in the State, shall register. The sex offender or child kidnaper shall register (1) for 15 years annually during the term of duty to register and ends 15 years following the sex offender's or child kidnaper's unconditional discharge from a conviction for a single sex offense that is not an aggravated sex offense or for a single child kidnaping if the sex offender or child kidnaper has supplied proof that is acceptable to the department of the unconditional discharge; (2) for life for those convicted of (a) one aggravated sex offense; or (b) two or more sex offenses, two or more child kidnapings, or one sex offense and one child kidnaping. Lifetime registrants must report quarterly.

### **Duration of Registration:**

Offenders convicted of one single conviction for sexual abuse of a minor in the first degree or sexual

assault in the first degree are added to the list of offenders required to register for life. (Sexual assault in the first and sexual abuse of a minor in the first degree are classified as "aggravated sex offenses".)

### **Offenders in Registry, 2/01:**

4,107 in total. Alaska maintains nine categories of persons required registering. The categories, and the number of individuals in each as of 3/2001, are as follows: (1) Registered sex offenders (formally and properly registered sexual offenders) – 2,256; (2) Registered sex offenders not in compliance (those formally registered, but not compliant with their annual or quarterly verification requirements) – 287; (3) Never registered (offenders reported to be required to register, but who have never done so) – 223; (4) In jail (a category of sex offenders who are required to register, but who are in jail in Alaska, although not necessarily for a sex offense) – 724; (5) Out of state (sex offenders who are required to register, but who are reported to be out-of-state) – 509; (6) Unknown (sex offenders who are reported to be required to register and an investigation has been conducted to locate them with negative results); (7) Interim (registered sex offenders who have registered or provided annual or quarterly written verification but the registration form has not been received by the Sex Offender Central Registry Office); (8) Anticipated (sex offenders registered in other States who are reported to be coming to Alaska); and (9) Moving (registered sex offenders who have reported they are moving out of Alaska). In addition to sex offenders being in these categories, the status of offenders who have been identified as child kidnapers will be added.

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

Partial. The Sex Offender Registration Central Registry (SORCR) is automatically updated from Alaska's criminal history files, the offender's registration period is automatically calculated, and some reports are automatically generated. Information from the sex offender registry is automatically downloaded from SORCR to Alaska's Internet website. However, manual entry is required to enter information from the registration to the mainframe.

**Database is linked to criminal history files:**

Yes. The entry of a conviction for a covered offense into the criminal history system triggers the offender's entry into SORCR.

**SOR transmits electronically to FBI NSOR system:**

No The Sex Offender Registry software is expected to be upgraded and will participate in the: (1) National Sex Offender File; (2) Interstate exchange of Sex Offender Registration information through NLETS.

**SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not at the registry where APSIN and SORCR are maintained. Currently, fingerprints, taken on the FBI fingerprint card, are mailed to the registry, which then mails them to the Records and Identification Bureau for entry into AFIS.

**SOR system has capability for electronic transmittal and storage of mugshots:**

Partial capability exists, but the current system does not meet the requirements of the FBI. As of 2/01, registration photos are mailed to the central registry where they are scanned into a Polaroid system and stored in a proprietary electronic file format that does not comply with national mugshot standards.

## *Operation of Sex Offender Registries*

**Source for Initial Information on Offender:**

Conviction information is received from the courts in hard copy. Corrections facilities "register" offenders prior to their release and mail the signed forms and photos (hard copy) to the central registry. Offenders under community supervision or under no supervision register with local police or with State Troopers who also mail hard copy to the central repository and registry.

**DNA Sample:**

No

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

The Alaska procedure and requirements for reregistration (written verification) is revised due to the new statutes: All registrants will be put in a group. For the registrants who must provide quarterly written verifications (lifetime registrants) there will be three groups. Group 1 is January, April,

July and October; Group 2 is February, May, August and November; and Group 3 is March, June, September and December. The person must register sometime between the first and last day of each month that he is required to register. Registration date (month) will be based on the first date that the individual registers. Persons that are required to register (provide written notification) annually (required to register for 15 years) will register each year sometime between the first and last day of the month they originally registered. (These procedures will do away with the date of registration or written verification being based on a registrant's birthday.) Offenders are required to register by the next working day following their entry into Alaska or any change in their residential address (including an anticipated move into another State) or mailing address.

**SOR Notification is Automated:**

No

**Penalties for Noncompliance:**

Failure to Register (FTR) has been classified into two crimes: (1) FTR 2<sup>nd</sup> degree (class A misdemeanor): (a) if the person knowingly fails to register; file the written notice of change of address; file the annual or quarterly written verification; or supply all of the information required. Conviction requires a mandatory minimum sentencing of 35 days in jail that cannot be suspended. (2) FTR 1<sup>st</sup> degree (class C felony): (a) if the person violates FTR 2<sup>nd</sup> degree: 1. and the person has been previously convicted of failure to register in the second degree or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section or FTR 2<sup>nd</sup> degree; 2. with intent to escape detection or identification and, by escaping detection or identification, to facilitate the person's commission of a sex offense or child kidnaping. (The fact that the defendant, for a period of at least one year, failed to register as a sex offender or child kidnaper, failed to file the annual or quarterly written verification or changed the sex offender's or child kidnaper's address and did not file the required notice of change of address, is prima facie evidence that the defendant intended to escape detection or identification and move out of the State.)

## ***Dissemination of Sex Offender Registry Information***

### **To Law Enforcement and Criminal Justice Agencies:**

Copies of the lists for 1) registered sex offenders, 2) unregistered sex offenders and 3) noncompliant registered sex offenders are sent to local police departments every 2-3 months through the regular mail. Procedures are being set up to use e-mail for these lists. Dissemination to criminal justice agencies also occurs through the Alaska Public Safety Information Network (APSIN). Almost all Alaska criminal justice agencies have on-line access to APSIN, and sex offender data/status will be provided for any "person query." Agencies with access to Internet can query and sort SORCR data by geographic location and view mugshots.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 2/01, no special or affirmative notification of schools or other organizations is reported. (See Procedures for Public Access, below.)

### **Procedures for Public Access:**

The public has access to information on registrants through Alaska's Internet site. All offenders required to register, whether they are registered, have never registered, registered but are out of compliance, or in jail, will be on the Internet. The public may also obtain information from the local police station, and they may receive hard copy reports on individual sex offenders through the SORCR office in response to individual requests.

### **Internet Website: (include web address and number of hits per month, if applicable)**

Yes, began June, 1997; now averaging over 1,200 queries per day.

<http://www.dps.state.ak.us/nsorcr/asp>

# Summary of State Sex Offender Registries: Arizona

Responsible Agency: Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

A person who has been convicted of a violation or attempted violation of any of the following offenses or who has been convicted of an offense committed in another jurisdiction which if committed in Arizona would be a violation or attempted violation of any of the following offenses: unlawful imprisonment pursuant to section 13-1304 if the victim is under eighteen years of age and the unlawful imprisonment was not committed by the child's parent; kidnaping pursuant to section 13-1304 if the victim is under eighteen; sexual abuse if the victim is under eighteen pursuant to section 13-1304; sexual conduct with a minor pursuant to section 13-1305; sexual assault pursuant to section 13-1306; sexual assault of a spouse pursuant to section 13-1306.01; molestation of a child pursuant to section 13-1410; continuous sexual abuse of a child pursuant to section 13-1417; taking a child for the purpose of prostitution pursuant to section 13-3206; child prostitution pursuant to section 13-3212; commercial sexual exploitation of a minor pursuant to section 13-3552; sexual exploitation of a minor pursuant to section 13-3553; a second or subsequent violation of public sexual indecency or indecent exposure to a minor under the age of fifteen years pursuant to sections 13-1402, 1403 subsection B; a third or subsequent violation of indecent exposure pursuant to section 13-1402; a third or subsequent violation of public sexual indecency pursuant to section 13-1403; and a violation of section 13-3822 or 13-3824.

### **Mandated Registrants:**

All Arizona residents convicted of a covered offense must register. The local law enforcement agency is responsible for evaluating the out-of-state offense to determine if Arizona registration is required.

### **Duration of Registration:**

Lifetime for adult offenders. The registration requirement for juvenile sexual offenders ends when they become 25.

### **Offenders in Registry, 2/01:**

11,500

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

Partial. The SOR database itself is automated, but most data must be entered manually. At present, data collection is done manually, with most forms filled out by hand, and transmitted to the SOR in hard copy. The Sex Offender Profiling and Notification Database, maintained in another section of the Department of Public Safety (DPS), is similar.

### **Database is linked to criminal history files:**

Yes. The Sex Offender Registry is part of the Arizona Criminal Justice Information System (ACJIS), but is maintained in a separate database. A response to a criminal history query, however, will include any information on that individual in the SOR database.

### **SOR transmits electronically to FBI NSOR system:**

Yes. As new records are entered into Arizona's SOR, they are automatically forwarded electronically to the FBI NSOR system.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

The capability of transmitting and storing digital fingerprints in the Arizona Automated Fingerprint Identification System (AZAFIS) has existed since June 1995. The electronic capability is available in all the sheriff's offices and various Department of Correction facilities. Upon completion of the identification process the sex offender registration fingerprint card is printed and is mailed to the SOR with the offender's registration form.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

The AZAFIS Mug Photo Interface Subsystem was implemented June 1998. All sheriffs' offices and various Department of Correction facilities have the capability to capture and transmit digital mug photos. These photos are stored in the AZAFIS Mug Photo Server at the Department of Public Safety and is accessible by authorized users statewide.

## ***Operation of Sex Offender Registries***

### **Source for Initial Information on Offender:**

For Sex Offender Registry, information comes from the local sheriff's office when an offender completes his in-person registration. A copy of registration form is faxed to the SOR; the signed original, a photo, and fingerprint cards are then mailed to the SOR. For the Sex Offender Profiling and Notification Unit, the Arizona DOC, the jail, or the supervising probation agency enters information on the offender, his/her risk assessment, and the offense directly into the Sex Offender Profiling System. The system then generates messages to the Notification Coordinator and the sheriff of the jurisdiction that will be receiving the offender.

### **DNA Sample:**

Yes. DNA samples are maintained by DPS Crime Lab.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Legislation requires registered offenders to obtain a driver's license or an identification license annually from the Motor Vehicle Division and the Department of Public Safety is required to conduct annual address verification on all sex offenders within the State registry.

### **SOR Notification Automated:**

Not applicable.

### **Penalties for Noncompliance:**

Violation is a Class 4 felony.

## ***Dissemination of Sex Offender Registry Information***

### **To Law Enforcement and Criminal Justice Agencies:**

Information on registered sexual offenders is disseminated to criminal justice agencies through Arizona Criminal Justice Information System (ACJIS) in response to criminal history queries. Detailed information on the offender, his risk assessment, and the offense summary is maintained by the Sex Offender Compliance Unit for use by and with local law enforcement agencies in the community notification program.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

The Arizona community notification program focuses on "neighborhoods" at risk, rather than specific organizations or victim types. There is a State-level Community Notification Coordinator, but the local law enforcement agency determines the level of notification, and the geographic "neighborhood," to be notified, based on a review of the individual's risk assessment. Level 1 (low risk) requires minimal notification, level 2 (medium risk) gives the local agency wide discretion on the extent of notification, while level 3 (high risk) requires extensive notification within the "neighborhood" at risk.

### **Procedures for Public Access:**

There is no automatic public access to SOR information. Each law enforcement agency keeps a notebook on registered offenders residing in the jurisdiction that receives community notification. Citizens may ask to see the file and usually have to demonstrate a need to know. Access is at the discretion of the law enforcement agency, with a log kept of who views the file.

### **Internet Website (include web address and number of hits per month, if applicable)**

The Department of Public Safety maintains an Internet website with information on all level 2 and 3 offenders. <http://www.azsexoffender.com>

# Summary of State Sex Offender Registries: Arkansas

Responsible Agency: Arkansas Crime Information Center

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are: rape; carnal abuse in first, second, or third degree; sexual misconduct; sexual abuse in first or second degree; sexual solicitation of a child; violation of a minor in first or second degree; incest; sexual exploitation of children; promoting prostitution in the first degree; stalking; transportation of minors for prohibited sexual conduct; employing, or consenting to the use of a child in sexual performance; producing, directing or promoting sexual performance; an attempt, solicitation or conspiracy to commit any of the enumerated offenses; and adjudication of guilt for equivalent offenses in another State, federal, or military court.

### **Mandated Registrants:**

All convicted sexual offenders released to the community on or after the effective date of the legislation, August 1, 1997, are required to register, as well as all persons who were required to be registered under the former "Habitual Child Sex Offender Registration Act." The Arkansas Attorney General has ruled that the registration requirement covers all offenders who had been convicted and were, as a result, under some form of criminal justice supervision on August 1, 1997, regardless of date of conviction.

### **Duration of Registration:**

For "sexual offenders," registration is a minimum of 15 years. For those classified as "sexual predators", the registration requirement is a minimum of 20 years. Offenders may petition the court for removal of the registration requirement after expiration of the minimum time requirement.

### **Offenders in Registry, 2/01**

As of 2/15/01 Arkansas has 2,935 registered sex offenders.

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

Partial. The SOR database itself is automated, but data entry is manual, and information submission is

paper-based. As of February, 2001 an Imaging System was installed, now all sex offender documents are stored electronically.

### **Database is linked to criminal history files:**

Yes. Registered offenders' records are flagged in the criminal history file. The SOR file is not fingerprint-based, but the SOR record is tied to the offender's fingerprints in the criminal history system.

### **SOR transmits electronically to FBI NSOR system:**

Yes.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes, the capability exists, but through the criminal history system. While the current SOR database does not have fingerprints, the SOR records are tied to fingerprints in the criminal history system, which has the storage capacity.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. There is no current capacity for automated mugshot transmission or storage. The Registry anticipates the availability of images in 2001.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The Department of Corrections, Department of Community Punishment and local law enforcement provide the SOR with information (in hard copy) on qualifying offenders when they are convicted, and the offenders are entered into the Registry at that time. When a sexual offender is released to the community and registers locally, the Sex Offender Registration form is forwarded (in hard copy) to the

Arkansas Crime Information Center (ACIC) by the releasing agency, and the record is updated.

### **DNA Sample:**

No, but legislation is currently pending.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. ACIC mails out non-forwardable letters informing offenders of the requirement to verify their addresses. Letters are sent every six months to sexual offenders, and every three months to those classified as “sexually violent offenders.”

**B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

Violation is a Class D felony, punishable by up to 6 years in prison and/or a fine.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice**

**Agencies:**

Through the statewide Arkansas Crime Information Center (ACIC) network, all data provided on the Sex Offender Registration form and entered into the SOR is available to all law enforcement agencies within the State.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Community notification is conducted by local law enforcement agencies in accordance with guidelines developed by the Sex Offender Assessment Committee. Notification to organizations, schools and institutions is made for offenders determined to be medium (level 2) or high (level 3) risk.

**Procedures for Public Access:**

As of 2/01, there are no procedures for general public access to information from the Arkansas Sex Offender Registry system. As noted, community notification is conducted by local law enforcement; in some cases schools may notify parents of information received from a law enforcement agency.

**Internet Website: (include web address and number of hits per month)**

The ACIC website provided information on the Arkansas law, the offenses requiring registration, and a numerical listing of the number of registered offenders in a given county, but did not post data on individual offenders. <http://www.acic.org/registration>

# Summary of State Sex Offender Registries: California

Responsible Agency: California Department of Justice,  
Division of Criminal Justice Information Services

## *Who is in the Registry?*

### **Covered Offenses:**

Almost all sexual offenses involving adult and child victims require offender registration. Covered offenses include rape, sexual battery, child sexual abuse, sodomy, oral copulation, child pornography, kidnaping or assault with intent to commit a covered offense, pimping or pandering involving a minor, and indecent exposure, as well as specified juvenile sex offenses. Some of the covered crimes are misdemeanors.

### **Mandated Registrants:**

Mandated Registrants include: all adults convicted in a California court of a covered offense since 1944. Also, those convicted of comparable offenses in federal, military, or other State courts if the offender resides in or moves to California. Since 1986, juveniles convicted of specified offenses are required to register.

### **Duration of Registration:**

Lifetime for all registrants, unless the offense is decriminalized, the requirement is terminated, or if juvenile record is sealed.

### **Offenders in Registry, 2/01:**

88,853. The California Registry holds all those who have registered or who have received notification they should register. The latter group includes both those not yet released from incarceration and those who received formal notification to register but have absconded or otherwise evaded doing so.

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

Fully automated database. The California Sex Offender Registry is maintained as a separate file within California's Violent Crime Information Network (VCIN).

### **Database is linked to criminal history files:**

All sex offender registration history prior to April 1996 is on the automated criminal history system or on manual folder rap sheets. Since April 1996,

registration information is maintained in the Violent Crime Information Network (VCIN). A flag is in the relevant criminal history file stating, "For current registration information inquire into VCIN".

### **SOR transmits electronically to FBI NSOR system:**

Yes. Currently there are about 52,000 records in the National file.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. The SOR and VCIN do not have this capability. Electronic fingerprints are stored in the California AFIS system.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes. The capability exists for those with access to California VCIN.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

Depending on the sentence, the initial information on an offender comes from Department of Corrections (DOC) if the sentence was to a prison term, from the courts (if probation), from the State hospital (if sentence is a commitment), or from the local jail administrator or sheriff (if jail). Prisons and jails submit data (records, photographs, fingerprints, etc.) when a mandated registrant begins his sentence, and it is entered in the SOR as "pre-registration." As of 2/01, the initial data may be submitted electronically or as hard copy.

### **DNA Sample:**

Yes. DNA samples are maintained at the State's DNA laboratory in Berkeley, California.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. California does not send an address verification notice or a reregistration reminder. Annual address verification is the registrant's responsibility and must be done in the 5 working days preceding or following his birthday. (Transients and sexually violent predators must verify their addresses every 90 days).

**SOR Notification Automated:**

Not applicable

**Penalties for Noncompliance:**

If the underlying offense was a misdemeanor, failure-to-comply is a misdemeanor. If the underlying offense was a felony, then any failure-to-comply is a felony (it can and has been used as third strike in California's three-strikes-and-out legislation).

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

SOR information is available to all California law enforcement and criminal justice agencies through the California Law Enforcement Telecommunications System (CLETS) or to those with access to Violent Crime Information Network (VCIN) workstations. Out-of-state agencies access California sex offender registrant information via NSOR.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Notification is the responsibility of the local law enforcement agency where the offender resides. Legislation specifies the conditions for limited notification to organizations or to specific individuals or for broader public advisories and notification on serious and high-risk sex offenders.

**Procedures for Public Access:**

Public access to SOR information is provided in two ways. California has a CD-ROM and operates a 900 phone number of serious and high risk registered sex offenders. Adults and children accompanied by a parent or guardian living in California (other than registered sex offenders) may view the CD-ROM at their local enforcement agency at no fee (the names of those viewing the CD-ROM are maintained for 5 years). Nationwide, adults may obtain sex offender information via the California Sex Offender Information telephone service at: 1-900-488-3000. There is a \$10 fee for up to two names searches for this service.

**Internet Website: (include web address and number of hits per month, if applicable)**

No. California does not have sex offender registrants on a website.

# Summary of State Sex Offender Registries: Colorado

Responsible Agency: Colorado Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Sexual assault in the first, second, or third degree; sexual assault on a child; sexual assault on a child by one in a position of trust; sexual assault on a client by a psychotherapist; incest and aggravated incest; enticement, trafficking, or sexual exploitation of children; procurement of a child for sexual exploitation; solicitation for child prostitution; procurement, pandering, or pimping involving children; patronizing a prostituted child; inducement of or solicitation for child prostitution; keeping a place of child prostitution; patronizing a prostituted child; and criminal attempt, conspiracy, or solicitation to commit any covered offense; and deferred judgement and sentence for any covered offense.

### **Mandated Registrants:**

Any person convicted of a covered offense in Colorado on or after July 1, 1991 is required to register; also, persons convicted of comparable offenses in another State on or after July 1, 1991, and moving to Colorado; and persons convicted of covered offenses and released from the Colorado Department of Corrections (DOC) to the community on or after July 1, 1991.

### **Duration of Registration:**

Duration of the registration requirement depends upon the seriousness of the offense. Offenders may petition the court for an order to discontinue the requirement to register after a specified number of offense-free years following the person's final release from the jurisdiction of the court. For example, offenders may petition after 20 years if convicted of a class 1, 2, or 3 covered felony; after 10 years if convicted of a class 4, 5, or 6 covered felony; after 5 years if convicted of a covered misdemeanor; or after the successful completion of a deferred judgment; or after successful discharge of a sentence if the offender was less than 16 years of age at the time of the offense.

### **Offenders in Registry, 2/01:**

8,804 (does not include those to be released within the month)

## *Automation of Sex Offender Registry Information*

### **Extent of database automation:**

Fully automated database. The electronic SOR files are maintained by the Colorado Bureau of Investigation (CBI) through its Colorado Crime Information Center (CCIC) program, but CBI is not the custodian of the official records. The official records remain at the local level where the offender registers.

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI NSOR system:**

Yes.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

Information comes from the courts if the sentence is probation, from the Department of Corrections (DOC) if it is prison sentence. DOC places a "subject to registration" notice in the SOR when the offender is released, and the local law enforcement agency may (discretionary, not mandatory) enter information when the offender registers at his jurisdiction of residence. All send information electronically to Colorado Crime Information Center (CCIC).

### **DNA Sample:**

Yes. However, it is not part of the SOR program. DNA and blood samples are now collected for all offenders in the Colorado State prison system.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. Colorado has no address checks or verifications except as these may occur through parole activities.

A registered offender moving within the State is required to register at his new location, and the local agency enters the new registration into the SOR system, but neither the local agency nor the State SOR program has any responsibility to verify the address.

**SOR Notification Automated:**

Not applicable.

**Penalties for Noncompliance:**

The first offense is a Class 2 misdemeanor, punishable by 3 to 12 months in jail and/or a fine of \$250 - \$1,000. Subsequent offenses are a Class 6 felony punishable by a minimum of one year in a State Department of Corrections facility. (Pending legislation would make the first violation a Class 6 felony and subsequent violations a Class 5 felony.)

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Information from the State's electronic SOR is available to all Colorado law enforcement and criminal justice agencies on-line through the Colorado Crime Information Center (CCIC). Out-of-state agencies may send an NLETS AM message for a search of the registry.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Notification is the responsibility of local law enforcement agencies which may notify organizations or individuals "for reasons of public protection." As of February 2001, legislation does not mandate affirmative notification to specific organizations or institutions.

**Procedures for Public Access:**

The public has access to information on registered sexual offenders only through the local law enforcement agency where the offender is currently registered. In Colorado, the SOR information is considered a public record.

**Internet Website: (include web address and number of hits per month, if applicable)**

A website is currently under construction as of 2/01. The website was available as of 7/30/01.

<http://sor.state.co.us>

# Summary of State Sex Offender Registries: Connecticut

Responsible Agency: Connecticut Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

On October 1, 1998, Connecticut's Sex Offender Registration Law (C.G.S. Sec. 54-250, et. seq.) established centralized sex offender registration procedures. With the legislation, the sex offender registry went into operation on an Internet site, effective January 1, 1999. The sex offender registration law covers first through fourth degree sexual assault, aggravated first degree sexual assault, risk of injury involving sexual contact with a child, kidnaping, promoting prostitution with a minor, promoting a minor in obscene performance, public indecency when the victim is under 18, and conspiring, attempting, or directing the commission of a covered offense, and any felony the court finds was committed for a sexual purpose.

### **Mandated Registrants:**

Registration is mandatory for any person who has been convicted or found not guilty by reason of mental disease or defect of a sexually violent crime and released on or after October 1, 1998. Registration is also mandatory for any person who has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor or a nonviolent sexual offense and is released on or after October 1, 1998. Juvenile offenders who have been convicted in an adult court for the indicated sexual offenses and released are mandated to register. In specified, limited situations (defined in statute), the court may exercise discretion in granting exemptions or making restrictions in a registration. In Connecticut, the classification "sexually violent offender" includes both offenders meeting the federal definition of sexually violent predators and offenders meeting the federal definition of sexually violent offenders.

### **Duration of Registration:**

Lifetime registration is mandated for those convicted of sexually violent offenses. A ten (10) year period applies for those offenders convicted of crimes against victims who are minors. For an offender from out-of-state, the ten (10) year registration period, if applicable, is presumed to have started when the offender is first released to the community.

### **Offenders in Registry, 2/01:**

As of April 2001, sex offenders registered and listed on the Internet site total 2,030. Additional sex offenders with convictions requiring registration remain incarcerated, a sex offender does not register until released. Also, qualified sex offenders from Connecticut who have declared residences in other States are registered in accordance with the other State of residence procedures.

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

On October 1, 1998, Connecticut's Sex Offender Registration requirements became effective. The Internet based sex offender registry went into operation on January 1, 1999. The statewide SOR, initially utilized an interim database. A more extensive, automated database has been established with the use federal funds.

### **Database is linked to criminal history files:**

Preliminary work for the SOR perspective has been completed to receive criminal history information from the computerized criminal history system. The Offender Based Tracking System (OBTS) being developed will provide both criminal history and programmed inmate release date information for use in the sex offender registration process.

### **SOR transmits electronically to FBI NSOR system:**

Yes. The Connecticut SOR has initiated electronic transmission of sex offender registration data to the NSOR.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. An AFIS is operational within the Department of Public Safety and is the repository of all fingerprint data. While fingerprints are stored in the AFIS, procedures for electronic transmittal to the FBI will be addressed with the acquisition of an AFIS with store and forward capability.

**SOR system has capability for electronic transmittal and storage of mugshots:**

No. A statewide system for the receipt and management of offender photo images is being developed to handle all photo images (mugshots), in accordance with EFTS standards for digital mugshot images. Federal funds, in part, are being utilized to implement photo image capture, management, and transmission capability meeting FBI standards.

***Operation of Sex Offender Registries***

**Source for Initial Information on Offender:**

With the new system effective on October 1, 1998, the central sex offender registry in Department of Public Safety (DPS), Division of State Police receives conviction information from the courts and completed registrations from the releasing correction institution or the court. Offenders must complete registration as a condition of release from incarceration or from the custody of the court when no incarceration occurs. All registration information is transmitted electronically to DPS. DPS notifies the municipal law enforcement agency or the chief elected official (in a situation of no municipal law enforcement agency) of the municipality where the offender resides with both electronic and hard copy registration information. The hard copy information is made available for public inspection. (In Connecticut, there is no county government.) Prior to October 1, 1998, sex offender registration was a responsibility of municipal law enforcement agencies; records remained with the municipal law enforcement agency without address verification and reregistration procedures.

**DNA Sample:**

Yes. Effective October 1, 1998, DNA samples are taken from all sexual offenders upon registration and prior to the sex offender's release into the community.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Under the new, centralized sex offender registration procedures effective October 1, 1998, non-forwardable address verification forms are sent to all registered sex offenders. Sexually violent offenders are required to verify the address of record every 90 days; sex offenders guilty of criminal sexual offenses against a victim who is a minor or guilty of a non violent sexual offense are required to verify the

address of record annually. If the offender does not respond within 10 days, the DPS notifies the municipal law enforcement agency, which is required to issue an arrest warrant. The DPS is required to issue arrest warrants for geographic areas not served by municipal law enforcement agencies. The notification procedures are managed by the Sex Offender Registration Unit in the DPS; this Unit is available to municipal and State police with enforcement procedures.

**SOR Notification Automated:**

The verification process is automated with machine generated forms and mailing procedures.

**Penalties for Noncompliance:**

Under the new, centralized registration procedures effective October 1, 1998, noncompliance with the sexual offender registration requirements and procedures is a Class D felony, punishable by one to five years in prison and/or a fine of up to \$5,000.

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Sex offender registry information from the statewide sex offender registry is provided to municipal and State law enforcement agencies, in as much as these agencies are required to maintain copies of sex offender registrations for their jurisdictions respectively and make them available to the public. The statewide registry is centrally maintained by the Department of Public Safety, with information dissemination to the law enforcement agency for the municipality of residence of the sex offender. In addition, criminal history information is available to law enforcement and criminal justice agencies only by query via the Connecticut On Line Law Enforcement Communications Teleprocessing (COLLECT) system. Sex offender registration information is transmitted to the FBI for inclusion in the National Sex Offender Registry (NSOR). Effective January 1, 1999, the public was provided access to the sex offender registry via an Internet site.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Any law enforcement agency, including the Department of Public Safety, Division of State Police and municipal law enforcement agency, is authorized

to notify any governmental agency, private organization, or individual of registration information when it is believed that the notification is necessary to protect the public or an individual from a sex offender. This wording became effective October 1, 1998. In January 1999, a statutorily established Sex Offender Registration Committee recommended guidelines for use by law enforcement agencies in considering and establishing community notification procedures. Effective January 1, 1999, all organizations and persons were provided access to the sex offender registry via an Internet site. [On May 18, 2001, the United States District Court, District of Connecticut issued a permanent injunction prohibiting all public access to the sex offender registry. Please refer to the section titled Current Status, following at the end of this summary, for an additional explanation.]

#### **Procedures for Public Access:**

Under the new, centralized sex offender registration procedures effective October 1, 1998, two procedures for public access are established: (1) a copy of the sex offender registrations became available for public inspection in law enforcement agencies serving the sex offender's municipality of residence and (2) the statewide sex offender registry on the Internet was established, effective January 1, 1999. Law enforcement agencies must make copies of the registration information available during business hours; most are available 24 hours a day via dispatcher/clerk offices. The Internet site is available 24 hours a day, 7 days a week. [On May 18, 2001, the United States District Court, District of Connecticut issued a permanent injunction prohibiting all public access to the sex offender registry. Please refer to the section titled Current Status, following at the end of this summary, for an additional explanation.]

#### **Internet Website: (include web address and number of hits per month, if applicable)**

The Internet site is located on the State of Connecticut, Department of Public Safety homepage. The site became operational January 1, 1999. The site address is: <http://www.state.ct.us/dps/> The number of queries made against the Internet sex offender registry database average about 120,000 per month. (In the initial month, 1.9 million inquires were logged.) Studies indicate a person will generally make between 4 and 10 queries per session.

#### **\*Current Status- as of May 22, 2001**

On March 31, 2001, the United State District Court, District of Connecticut in a summary judgment determined that public disclosure and dissemination of inclusion in the sex offender registry maintained by the State of Connecticut pursuant to the Connecticut Sex Offender Registry Act violated the rights under the Due Process of the Fourteenth Amendment. The class action plaintiff was found to be included in the registry, not because he has been determined to pose a threat to public safety, but solely because he has been convicted of one of numerous offenses enumerated in the Act. The Court found that the liberty interest of the class action plaintiff was deprived without providing notice and an opportunity to be heard on the question as to whether the plaintiff is dangerous. The Connecticut Sex Offender Registry Act provides for the due process to occur during and as part of trials on the statutorily identified sexual offenses. The summary judgment has been appealed to the United States Second Circuit Court of Appeals.

On May 18, 2001, the United States District Court, District of Connecticut issued a permanent injunction, prohibiting public access to the sex offender registry. The injunction prohibits the State of Connecticut from disclosing or disseminating the Registry or Registry information to the public in printed or electronic form and identifying any person as being included in the Registry. The District judge ordered the Registry website be taken down immediately. The Registry may be used by law enforcement personnel in providing for public safety as long as the names of sex offenders are not disclosed as being included in the Registry. The District judge, in response to a request by the State of Connecticut, denied a stay of the injunction. Also on May, 18, 2001, the State of Connecticut requested of the United States Second Circuit Court of Appeals a stay of the injunction on an emergency basis; this appeal is pending before the United States Second Circuit Court of Appeals.

# Summary of State Sex Offender Registries: Delaware

Responsible Agency: Delaware State Police

## *Who is in the Registry?*

### **Covered Offenses:**

The Delaware sex offender registry legislation essentially covers “all sexual offenses” as specified in Sections 764 through 779 and Sections 1108 through 1111 of Title 11 of Delaware Crimes and Criminal Procedure.

### **Mandated Registrants:**

Individuals in any of the following categories are required to register: All persons convicted of a covered offense on or after the statutes’ effective date in 1994; anyone adjudged, after statute’s effective date, guilty but mentally ill or not guilty by reason of insanity for committing a covered offense; those convicted out-of-state and moving to Delaware.

### **Duration of Registration:**

Lifetime registration if the sex offender is designated to Risk Assessment Tier III, or if the person is designated to Risk Assessment Tier I or II, and has previously been convicted of any of the offenses specified in subparagraphs (a)(4)a., c., or d. of this section, and the victim of both the previous offense and the instant offense had not yet reached his or her eighteenth birthday at the time of the crime. For further provisions, consult Title 11 Section 4121 of the Delaware Code.

### **Offenders in Registry, 2/01:**

1,688

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

Fully automated SOR text database. The database is housed on the Delaware Criminal Justice Information System (CJIS).

### **Database is linked to criminal history files:**

Yes. The Delaware SOR is part of the State’s criminal history system which is also on CJIS.

### **SOR transmits electronically to FBI NSOR system:**

Yes.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. Delaware has the capability for electronic storage and transmission of fingerprints through its AFIS system, but, as of 2/01, AFIS was not fully integrated with the SOR.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

In Delaware, offenders are registered by the courts if they are sentenced to probation or given a fine. If offenders have been incarcerated, then the agency managing the facility--the Department of Corrections, Youth Rehabilitation Services, or the State Hospital--registers them 45 to 90 days prior to their release. Out-of-state offenders must register personally with the State Bureau of Identification (SBI), Delaware State Police, within 7 days of arrival. All registering agencies use the Delaware Criminal Justice Information System (CJIS) computer system to register offenders electronically, so that all text information is entered directly into the SOR database.

### **DNA Sample:**

No, not as part of the SOR but some sex offenders have DNA samples on file with the medical examiner’s office.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Reregistration is done annually for medium and low risk offenders, and each quarter for high risk offenders. The offender is responsible for notifying the State Police of any change of residence after the initial registration, but probation officers also actively maintain contact with these offenders as part of their offender management responsibilities and help ensure that the SOR is notified of any change in the offender’s address.

#### **B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

Class G felony, requiring a prison term.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. <http://www.state.de.us/dsp/sexoff/index.htm>

The site has photo posted for medium and high risk offenders only.

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Text information from the SOR is available through Delaware Criminal Justice Information System (CJIS), accessible to all criminal justice agencies in Delaware. Fingerprints are maintained in State's central AFIS and interfaced to CJIS. There is a central mugshot system. CJIS has mugshot capability. Also, a law, signed 4/21/98, requires that SOR registrants be identified by a "Y" on their driver's licenses, with the designation explained on back of license.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Notification of organizations is the responsibility of the local law enforcement agency where the offender resides. Notification measures are based on the offender's assigned risk level which is determined by a risk assessment performed by the State Attorney General's Office or the Sentencing Court. For Tier II (moderate risk) offenders, notification is at the discretion of the local law enforcement agency. Tier III (high risk) offenders, the law requires mandatory community notification. The State Police may be involved only when no local agency has jurisdiction.

**Procedures for Public Access:**

Public access to SOR information is through the notification program conducted by the local law enforcement agency where the offender resides, and through the website. For Tier II offenders, notification is at the discretion of the local law enforcement. Community notification is required for Tier III offenders. Notification is conducted in a variety of ways such as; door-to-door, mailings, local media, etc. The public may also view both Tier II and III offenders on the Internet. Local law enforcement agencies also have the discretion to notify any citizen about a specific offender who, they believe, poses a risk to that individual. (See also the driver's license designation noted above.)

# Summary of State Sex Offender Registries: District of Columbia

Responsible Agency: Court Services and Offender Supervision Agency

## *Who is in the Registry?*

### **Covered Offenses:**

In 1999, the District of Columbia's two year old offender based Sex Offender Registration Act was repealed and replaced by an offense based Act. Under the new law the Federal Court Services and Offender Supervision Agency (CSOSA) is charged with maintaining the DC Sex Offender Registry and the Metropolitan Police Department is responsible for community notification. Covered offenses under the new law include any offense committed in the District of Columbia or any other jurisdiction, whether misdemeanor or felony, if an element of the offense is an unlawful sexual act or sexual contact and the victim of the offense is a child. Covered offenses also include felony sex offenses committed against adults.

### **Mandated Registrants:**

Registration is mandatory for all adults who live, work or matriculate in the District of Columbia and have been convicted, found not guilty by reason of insanity or adjudicated a sexual psychopath on a covered offense. Registration is required for such persons if the disposition of the sex offense occurs after the 1999 Act or if the disposition predates the effective date of the Act and the sex offender was subject to registration under the earlier DC law, or was on parole, probation, or supervised release when the new law took effect. A sex offender from outside the District of Columbia who at any time, resides, obtains employment or attends school in DC must register.

### **Duration of Registration:**

The registration period depends on the seriousness of the sex offense. Violent offenders or offenders whose victims are young children must register for life. Offenders convicted or found not guilty by reason of insanity of less serious offenses must register for 10 years.

### **Offenders in Registry, 2/01:**

As of April 24, 2001, the DC Sex Offender Registry includes 303 active registrants who live, work or attend school in the District of Columbia. Of those active registrants 136 are lifetime registrants and 167 must register for 10 years.

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The District of Columbia Sex Offender Registry is maintained in a Microsoft SQL Server 7.0.

### **Database is linked to criminal history files:**

The sex offender database is not linked to criminal history files. Criminal history information is scanned into the individual registry information on each sex offender.

### **SOR transmits electronically to FBI NSOR system:**

Under the DC Sex Offender Registration Act, CSOSA must transmit registry information to the FBI for inclusion in the National Sex Offender Registry. A link has been established through NCIC for the transmittal and registry information has been formatted to meet FBI requirements. Testing is in progress, and inclusion of DC sex offenders in the National Registry is imminent.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

The Registry has the capability for electronic transmission and storage of fingerprints, but fingerprints are not entered into the database. CSOSA has been advised by the FBI that they have no need for prints to be included in information transmitted to the National Registry.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Current photographs are included in the electronic database and transmitted to the Police Department for publication on the MPD website.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The source of initial information on sex offenders is received by CSOSA from the Superior Court, the releasing authority (either DC Department of Corrections or the Federal Bureau of Prisons), self

reported by the offender, or from other sources. Once initial notification of a sex offender is received by CSOSA, additional information is obtained to perfect registration.

**DNA Sample:**

DNA samples are not included in sex offender registration information. Independent of sex offender registration, however, the *DNA Analysis Backlog Elimination Act of 2000* requires that by June 19, 2001 DNA collection must begin from DC Code offenders. Samples will be collected by CSOSA and the Bureau of Prisons.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Lifetime registrants are required to provide verification of current registration information at 3-month intervals. 10-year registrants must provide verification annually. CSOSA posts a registered, non-forwardable letter 14 days prior to the date verification is required. Failure to comply is reported for investigation and possible prosecution.

**B. SOR Notification Automated:**

Yes, the verification forms are computer generated for each sex offender on his/her anniversary date.

**C. Penalties for Noncompliance:**

The first offense is a misdemeanor, punishable by not more than 180 days in jail and/or a fine of up to \$1,000. A second or subsequent offense is a felony, punishable by up to five years in prison and/or a fine of up to \$5,000.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

CSOSA transmits electronically to the MPD, and will transmit to the FBI, in real time, additions and modifications to the Sex Offender Registry. Information will be transmitted to other jurisdictions' registrars as their computer capability allows.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The Metropolitan Police Department has no formal procedures in place for notification to organizations serving children, the elderly and mentally ill separate

from procedures for notification to the community at large.

**Procedures for Public Access:**

Public access to registry information is available by viewing hard copies of the registry at the various police districts. Information on lifetime registrants is also available over the Internet at the MPD website. (MPD is presently restrained by a Federal Court order from notifying the community of any sex offender sentenced under youth sentencing provisions or notifying the community via the Internet of 10-year registrants.)

**Internet Website: (include web address and number of hits per month, if applicable)**

Currently only lifetime registrants are listed on the website. The website is maintained by the Metropolitan Police Department and the address is: <http://mpdc.dc.gov/serv/sor/sor.shtm>

# Summary of State Sex Offender Registries: Florida

Responsible Agency: Florida Department of Law Enforcement

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include committing, attempting, soliciting, or conspiring to commit: s.787.01 kidnaping (where the victim is a minor and the defendant is not the victim's parent); s.787.02 false imprisonment (where the victim is a minor and the defendant is not the victim's parent); s.787.025 luring or enticing a child (where the victim is a minor and the defendant is not the victim's parent); s.794 sexual battery; s.796.03 procuring a person under 18 for prostitution; s.800.04 lewd, lascivious offenses committed upon or in the presence of persons less than 16 years of age; s.825.1025 lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult; s.827.071 sexual performance by a child; s.847.0133 protection of minors; prohibition of certain acts in connection with obscenity; s.847.0135 computer pornography; s.847.0145 selling or buying of minors for portrayal in a visual depiction engaging in sexually explicit conduct.

### **Mandated Registrants:**

There are two categories of mandated registrants, sexual predators and sexual offenders. Sexual predators, a classification involving a written court order, are (1) those convicted of (or found to have committed) a capital, life or first degree felony violation or any attempt thereof Chapter 794, s.787.01 (where the victim is a minor and the defendant is not the victim's parent), s.787.02 (where the victim is a minor and the defendant is not the victim's parent), s.847.0145 or another violation of a similar law of another jurisdiction on or after 10/1/1993 or (2) those convicted of (or found to have committed) any felony violation on or after 10/1/1993: s.787.01 (where the victim is a minor and the offender not the victim's parent); s.787.02 (where the victim is minor and the offender not the victim's parent); s.787.025 (where the victim is minor and the offender not the victim's parent); s.794: s.796.03; s.800.04; s.825.1025; s.827.071; s.847.0145; or a violation of a similar law of another jurisdiction, and the offender had previously, within a 10 year period, been convicted of (or found to have committed) any violation of: 787.01 (where the victim is a minor and the offender is not the victim's parent); 787.02 (where the victim is a minor and the offender is not

the victim's parent); 787.025 (where the victim is a minor and the offender is not the victim's parent) 794.011(2) sexual battery with injury child under 12 years of age; 794.011(3) sexual battery upon a person 12 years old or older with threats of deadly weapon or physical force; 794.011(4) sexual battery upon a 12 year old or older (various circumstances); 794.011(5) sexual battery upon a 12 year old or older without physical force or violence; 794.011(8) solicit or engage in sexual battery by person in familial or custodial authority on a person under 18; 794.05 unlawful sexual activity with certain minors; 796.03 procuring person under 18 for prostitution; 800.04 lewd, lascivious offenses committed upon or in the presence of persons less than 16 years of age; 825.1025 lewd , lascivious, offenses committed upon or in the presence of an elderly person or disabled adult; 827.071 sexual performance by a child; 847.0133 protection of minor - prohibition of certain acts in connection with obscenity; 847.0135 computer pornography; 847.0145 selling or buying of minors for portrayal in a visual depiction engaging in sexually explicit conduct; or a violation of a similar law of another jurisdiction. The sexual offender category includes all other persons convicted of (or found to have committed) any of the covered sexual offenses and who were serving sanction for that offense on or after 10/1/1997 or anyone who established a permanent or temporary residence in Florida and who has been designated a sexual predator, a sexually violent predator, or other sexual offender designation in another State or jurisdiction and was subjected to registration, or community notification, or would have been if the person was a resident of that State or jurisdiction.

### **Duration of Registration:**

Lifetime for both sexual predators and for sexual offenders. Both types of offenders can apply to be removed from the Registry after 20 offense-free years following their release from criminal justice supervision. The court may grant or deny such relief if the petitioner demonstrates to the court that he or she has not been arrested for any crime since release, the requested relief complies with federal standards applicable to the removal of the designation and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. Sexual predators who were designated before October 1, 1998 may apply to be removed from the registry

within the same restrictions and provisions as stated above, after 10 offense-free years. All offenders seeking removal from the registry must apply to the court through an attorney and pay all costs. The decision once the petitioner demonstrates compliance with the federal guidelines is at the discretion of the court.

**Offenders in Registry, 2/01:**  
20,000

## ***Automation of Sex Offender Registries***

### **Extent of database automation:**

The Florida SOR has a fully automated database for both text and fingerprints, operated by the Florida Department of Law Enforcement (FDLE).

### **Database is linked to criminal history files**

Yes. The Florida SOR is part of the State's "Offender Database." When an entry is made into the SOR, the SOR automatically updates the FDLE Internet website and sends some information to the criminal history files.

### **SOR transmits electronically to FBI NSOR system**

Yes.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The capability already exists and meets FBI standards.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes.

## ***Operation of Sex Offender Registries***

### **Source for Initial Information on Offender:**

If the court classifies the offender as a "sexual predator," the Clerk of Courts sends a hard copy of the court order to the Florida Department of Law Enforcement (FDLE) and to the Florida Department of Corrections (FDC). For incarcerated offenders, the FDC electronically transmits registration information to FDLE for any sexual offender or sexual predator being released to the community or placed under community supervision. Local law

enforcement agencies send the FDLE registration data (in hard copy) on out-of-state offenders or on those not under criminal justice supervision. Additionally, the Clerks of the Court submit fingerprint cards and any special restrictions imposed by the court on offenders who are not sentenced to incarceration for their qualifying offense(s).

### **DNA Sample:**

Yes. The Florida DNA database is maintained by the State Crime Lab.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Address verification for all offenders and predators under the supervision or custody of the Florida Department of Corrections (FDC) is conducted by the FDC. All other offender and predators are verified by FDLE and local law enforcement. FDLE conducts quarterly mailouts to all predators and offenders whose date of birth falls within that quarter. The letters contain a signed response form that the offender/predator must complete, sign and return to FDLE within a specified timeframe. Results from these mailouts are recorded in the automated database. This information is made available to local law enforcement through a closed *intranet* and by request. Lists of all offenders and predators who failed to respond to the mailouts are available to and distributed to local law enforcement to follow up with on-site verification. Likewise local law enforcement can report their own address verification activities and results directly to the offender's/ predator's record in the registry.

### **SOR Notification Automated:**

See above.

### **Penalties for Noncompliance:**

Violation is a third degree felony. A sexual predator or offender who reports his or her intent to reside in another State or jurisdiction, but who remains in this State without reporting to the sheriff or the SOR in the manner required commits a felony of the second degree.

## ***Dissemination of Sex Offender Registry Information***

### **To Law Enforcement and Criminal Justice Agencies:**

The Florida Department of Law Enforcement

(FDLE), which operates the SOR, enters sexual offender and sexual predator data into Florida Crime Information Center (FCIC) "hot files," which are accessible to all State law enforcement personnel. When an offender is released from incarceration, a teletype notice is sent to all law enforcement agencies in the county where the offender plans to reside. When the FDLE is notified by the Florida Departments of Corrections (FDC) or Highway Safety & Motor Vehicles (DHSMV) of the change of address of a registered offender, the FDLE transmits it to law enforcement agencies in the county of residence and updates the FCIC hot file and the NCIC SOR record.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Organizational notification is a local responsibility. For those offenders classified as "sexual predators" (determined by a court finding, based on type and/or number of offenses), the Sheriff or Chief Law Enforcement Officer of the jurisdiction where the predator will reside is required to notify the public (and organizations) "in a manner deemed appropriate" in addition to the mandatory notification to all schools and day cares within a one-mile radius of a sexual predator's residence within 48 hours of law enforcement's notification from the SOR. For other registered sexual offenders, notification is at the discretion of the local law enforcement agency.

**Procedures for Public Access:**

The general public has access to SOR information through the FDLE Internet Website, through a toll-free phone line (1-888-357-7332), and through fliers and leaflets produced for community notification on sexual predators.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. <http://www.fdle.state.fl.us> Average 5 million hits to the SOR site per month.

# Summary of State Sex Offender Registries: Georgia

Responsible Agency: Georgia Bureau of Investigation

## *Who is in the Registry?*

### **Covered Offenses:**

Page 2 of OCGA 42-1-12(7) Sexually violent offenses and criminal offenses against a minor or an offense that has as its element engaging in physical contact with another person with intent to commit such an offense. Criminal offenses against a victim who is a minor include kidnaping, false imprisonment, or criminal sexual conduct toward a minor; solicitation of a minor to engage in sexual conduct or practice prostitution; or any conduct that is a sexual offense if committed against a minor.

### **Mandated Registrants:**

On or after July 1, 1996, a person who is convicted of a criminal offense against a victim who is a minor or who is convicted of a sexually violent offense shall register within 10 days after his or her release from prison or placement on parole, supervised release, or probation his or her name and current address; place of employment, if any; the crime of which convicted; and the date released from prison or placed on parole, supervised release, or probation with the sheriff's office in the county where such person will reside.

### **Duration of Registration:**

10 years for sexual offenders. Lifetime for Sexually Violent Predators. Individuals classified as Sexually Violent Predators may apply to the Review Board after three years on unsupervised release to have their status changed to sexual offender. The Review Board submits a report and a recommendation to the sentencing court which makes the final decision. As of July 1, 1999, lifetime for individuals who have one or more prior convictions for any of the covered offenses. And, lifetime for individuals who have been convicted of an aggravated offense such as aggravated child molestation or aggravated sexual battery.

### **Offenders in Registry, 2/01:**

4,564

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Georgia text database is fully automated. The Department of Corrections Division and State Board of Pardons and Paroles electronically enter records to the Georgia Sex Offender Registry on sex offenders who are released from prisons and placed on probation, parole or supervised release after July 1, 1996.

### **Database is linked to criminal history files:**

Yes. While the Georgia SOR is a separate database, it is linked to the State's criminal history file. A query to the SOR will not get the full criminal history in response, but any criminal history check will get the SOR information.

### **SOR transmits electronically to FBI NSOR system:**

Yes. The entry of an offender registration into the Georgia Sexually Violent Offender Registry (SVOR) automatically triggers an electronic message to the FBI (and also to the sheriff of the offender's county of residence).

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The capability now exists to store all necessary fingerprint information concerning the SVOR.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes. The Department of Corrections Division and State Board of Pardons and Paroles are automated. A mugshot is submitted with each entry and mugshots are being added to the existing sex offender registry files.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

Information on offenders comes from the Department of Corrections (through individual prisons in the Prison Division and from the Probation Division), and State Board of Pardons and Paroles and is submitted electronically via the CJIS network. This

entry automatically triggers an electronic message to the FBI NSOR and also to the sheriff of the offender's county of residence.

**DNA Sample:**

Yes. The Division of Forensic Science is responsible for the DNA samples and database.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. The SVOR unit sends out certified notification letters (annually for sexual offenders, every 90 days for sexual predators), and the offender must respond confirming his address. If a letter is returned as undeliverable, the SVOR unit notifies the local sheriff, who conducts a physical check. If the offender is not located, the sheriff issues a warrant for his arrest.

**B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

First time the offender fails to comply, he/she is guilty of a misdemeanor. Failure to report a second and any subsequent times will result in a felony and shall be punished by imprisonment for not less than one nor more than three years.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Dissemination to law enforcement and criminal justice agencies takes place in two ways. When the Georgia Crime Information Center (GCIC) enters or updates information in the Sexually Violent Offender Registry (SVOR), that action automatically triggers a notice to the sheriff of the offender's county of residence as well as a notice to FBI. The information is available to other law enforcement and criminal justice agencies through a criminal history query.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The sheriff may prepare a list of all sexual offenders by to specifically include sexual predators, providing each person's name, address, and photograph. The sheriff shall update the list periodically and may post such list in a prominent and visible location in the sheriff's office and each city hall or primary

administrative building of every incorporated municipality within the county. Such list shall also be made available upon request to any public or private elementary, secondary, or post-secondary school or educational institution located in the county.

**Procedures for Public Access:**

The Georgia Bureau of Investigation or any sheriff maintaining records required under this Code section shall release relevant information collected under this Code section that is necessary to protect the public concerning those persons required to register under this Code section, except that the identity of a victim of an offense that requires registration under this Code section shall not be released. In addition to any other notice that may be necessary to protect the public, nothing in this Code section shall prevent any sheriff from posting this information in any public building in addition to those locations enumerated in subparagraph (b)(1)(B) of the Code section.

**Internet Website: (include web address and number of hits per month if applicable)**

The public may utilize the Internet website to view all sex offenders listed in Georgia. The web address is: <http://www.ganet.org/gbi/disclaim.html> The site receives approximately 250,000 hits per month.

# Summary of State Sex Offender Registries: Hawaii

Responsible Agency: Hawaii Criminal Justice Data Center

## *Who is in the Registry?*

### **Covered Offenses:**

Sexually violent offenses and criminal offenses against a victim who is a minor are covered in the Hawaii legislation.

### **Mandated Registrants:**

Any offender who has been convicted of a covered offense is required to register. The law applies retroactively to any offender who has ever been convicted of a covered crime in the State of Hawaii, independent of the date of conviction.

### **Duration of Registration:**

Lifetime.

### **Offenders in Registry, 2/01:**

There are over 1,500 individuals in the Registry, as of 2/01. Estimates of additional persons convicted of qualifying offenses but who have not registered range from 500 to 3,000.

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

Partial. The SOR text database is fully automated and is managed by the Hawaii Criminal Justice Data Center (HCJDC). Submissions from outlying criminal justice agencies, however, may be in hard copy. The capability for out-of-state transmission is limited, and the capability to capture, store, and transmit fingerprints or mugshots electronically is limited.

### **Database is linked to criminal history files:**

Yes. A query to either the criminal history files or to the Sex Offender Registry also triggers a check of the alternate database and release of relevant information.

### **SOR transmits electronically to FBI NSOR system:**

No, not as of February 1, 2001.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

As of 2/01, partial capability exists. Hawaii's AFIS is undergoing a major upgrade to incorporate livescan and digital transmission from the HCJDC to the FBI and its national databases, but local Hawaiian jurisdictions still have to take fingerprints manually and submit hard copy cards to HCJDC.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

As of 2/01 the HCJDC has installed a mugshot system to capture and display photos of registered sex offenders and other arrested offenders, and is able to display those photos to criminal justice agencies throughout the State.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

County police and sheriff departments and other agencies of jurisdiction provide registration data to the Hawaii Criminal Justice Data Center (HCJDC) when the offender is released to the community or appears at his local law enforcement agency to register. Local agencies can use direct, online entry if they have computer connections to the HCJDC registry. Local police departments also take the offender's fingerprints and mugshot and send hard copy of those items to HCJDC.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No, as of 2/01. Address validation was not conducted at that time. (A requirement for address verification every 90 days for *all* sex offenders became effective July 1, 1998. Under this program, HCJDC sends mailers to all registered offenders every 90 days, and monitors responses for accuracy, for updating information and for potential arrests and prosecution by appropriate agencies in instances of noncompliance.

### **SOR Notification Automated:**

As of 2/01, not applicable. (Under the address

validation program initiated 7/1/98, the process is partially automated. Offender data required for notification is extracted every 90 days from the registry, and letters are generated for the mailing.)

**Penalties for Noncompliance:**

Misdemeanor or a felony Class C.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice**

**Agencies:**

Law enforcement and criminal justice agencies can access SOR data through searches of the criminal history files maintained by Hawaii Criminal Justice Data Center (HCJDC).

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Public information on registered sex offenders is available to schools, and organizations serving children, the elderly, the mentally ill, or other vulnerable populations at the HCJDC office, at main county police stations and on the Internet.

**Procedures for Public Access:**

Hawaii's legislation specifies the specific items of SOR data that are to be accessible to the public. Public record registration data is currently available at the main county police departments, at the Hawaii Criminal Justice Data Center (HCJDC), and on the Internet. This information is also integrated into the Criminal History Public Access facility, which can be used by the general public for background checks via various search options.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. [http://www.ehawaii.gov/HI\\_SOR/](http://www.ehawaii.gov/HI_SOR/)

# Summary of State Sex Offender Registries: Idaho

Responsible Agency: Idaho State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Sex offender registration applies to person convicted of the crime or an attempt, a solicitation, or a conspiracy to commit one or more of the following felony offenses enumerated in Idaho Code §18-8304: assault with attempt to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery; battery with attempt to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery; sexual abuse of a child under sixteen years of age; ritualized abuse of a child; sexual exploitation of a child; possession of sexually exploitative material for other than commercial purposes; lewd conduct with a minor child; sexual battery of a minor child sixteen or seventeen years of age; murder committed in perpetration of rape or in perpetration of lewd conduct with a child less than twelve years of age; indecent exposure, but excluding a misdemeanor conviction; first degree kidnaping committed for the purpose of rape, committing the infamous crime against nature or for committing any lewd and lascivious act upon any child under the age of sixteen, or for purposes of sexual gratification or arousal; second degree kidnaping where the victim is an unrelated minor child; rape, but excluding where the female and defendant are eighteen years of age or younger; male rape; incest; crime against nature; and forcible sexual penetration by use of a foreign object.

### **Mandated Registrants:**

Any person who, (1) on or after July 1, 1993, is convicted of a crime, or an attempt, a solicitation, or conspiracy to commit a crime provided for above, (2) enters the State on or after July 1, 1993 and who has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another State, territory, commonwealth, or other jurisdiction of the United States, including tribal courts and military courts, that is substantially equivalent to the offenses listed in the section above, (3) pleads guilty to or has been found guilty of a crime covered in this chapter prior to July 1, 1993, and the person, as a result of the offense, is incarcerated in a county jail facility or a penal facility or is under probation or parole supervision, on or

after July 1, 1993, (4) is a nonresident regularly employed or working in Idaho or is a student in the State and was convicted, found guilty or pleaded guilty to a crime covered by this chapter and, as a result of such conviction, finding or plea, is required to register in his State of residence.

### **Duration of Registration:**

Registration is for the life of the offender. However, a registered sex offender other than a recidivist or an offender designated as violent sexual predator, may petition the court for exemption from the duty to maintain registration after a period of 10 years from the date of release from incarceration or of placement on parole or probation, whichever is greater. Idaho Code §18-8310 of the registration law lists the conditions for the petition.

### **Offenders in Registry, 2/01:**

1,778

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Central Sex Offender database is automated and available to law enforcement electronically. The Department of Corrections, courts and local law enforcement agencies submit registration documents to the Central registry in hard copy form.

### **Database is linked to criminal history files:**

No. The SOR is maintained separately from the criminal history files to avoid any confusion in the access requirements because of the different laws governing each. However, the SOR can be accessed through the Idaho Law Enforcement Telecommunications System (ILETS) and is automated as a "hot file"--that is, it comes up on routine traffic stop inquiries, etc.

### **SOR transmits electronically to FBI NSOR system:**

Yes.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

As of 2/01, partial capability exists. The capacity for

electronic storage and transmission of fingerprints exists through the State's AFIS, which is also housed in the Bureau of Criminal Identification, Idaho State Police (ISP), but fingerprint submissions to the SOR from other agencies are in hard copy and require scanning.

**SOR system has capability for electronic transmittal and storage of mugshots:**

No. The photo systems are in at both ISP and DOC, however the networking issues have not permitted the electronic exchange as yet.

## ***Operation of Sex Offender Registries***

**Source for Initial Information on Offender:**

"Initial" registration data is forwarded from courts, Department of Corrections and sheriff's departments in hard copy form to the Central Registry. (1) Within 10 days of coming into a county to establish residence or temporary domicile, the sex offender must register in person with the sheriff. (2) Within 10 days of commencement of employment or enrollment in an educational institution, the nonresident sex offender must register in person with the sheriff of the county where employed or enrolled. (3) Prior to commencement of employment in counseling, coaching, teaching, supervising, or working with minors in any way regardless of the period of employment, the nonresident sex offender must register in person with the sheriff of the county where employed. (This information is also forwarded to the central registry in hard copy form.)

**DNA Sample:**

Yes, but blood and/or DNA samples are collected under a separate law. That process is administered by Bureau of Forensic Services

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. At the time of conviction or release from incarceration, a sex offender subject to registration is provided notice of the requirements of registration. Notification is achieved by completion of the *Notification and Initial Registration Form SOR-1*. On the first of the month containing the anniversary of a sex offender's last local registration, the central registry mails a non-forwardable notice of annual registration to the offender's last reported address. Within 10 days of the mailing date of the notice, the offender must reregister in person with the sheriff.

**B. SOR Notification Automated:**

No.

**C. Penalties for Noncompliance:**

Yes, a sex offender subject to registration who fails to register or provide required notice is guilty of a felony and may be sentenced by the court to imprisonment for a period of 5 years and fined \$5,000. If the offender is on probation or supervised release at the time of the violation, the probation or release shall be revoked and the penalty for violating the registration law shall be served consecutively to the offender's original sentence. In addition, a sex offender subject to registration who willfully provides false or misleading information in the registration is guilty of a felony and may be sentenced by the court to imprisonment for a period of 5 years and fined \$5,000.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

The text content of the SOR is available online to all criminal justice agencies with access to the Idaho Law Enforcement Telecommunications System (ILETS). When a law enforcement officer makes a driver's license inquiry or a wanted person inquiry (State or national), ILETS will cross-check the automated SOR database.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Schools and nonprofit organizations working with youth, women or other vulnerable populations are exempt from payment of the fees to access registry information. Schools and such nonprofit organizations may request statewide lists from the central registry. They may make inquiries or specified individuals or requests for lists by county or zip code to either the central registry or county sheriff. Schools and nonprofit organizations may also request Internet access through a password protected database on the department's website.

**Procedures for Public Access:**

Any person may inquire on a named individual or request a list of registered sex offenders by zip code or county. This is accomplished through a written public information request submitted to the central registry or a local sheriff. Information provided in

response to a public request is limited to the offender's name, address, aliases, date of birth, crime(s) of conviction, place(s) of conviction, and status as a violent sexual predator. All responses to individual inquiries or requests for lists will include a cautionary statement concerning misuse of the information. Further distribution of registry information or lists must include this cautionary statement. The central registry and sheriffs are authorized to charge \$5 for each inquiry on a named individual and each request for a list of offenders. Any person may also request a photograph of a registered sex offender from the central registry. ISP charges \$5 for each individual photograph. (A bill known under consideration in the Idaho 2001 Legislative session would allow the Idaho State Police to provide free web access to all public information in the database.)

**Internet Website: (include web address and number of hits per month, if applicable)**

<http://www.isp.state.id.us/>

# Summary of State Sex Offender Registries: Illinois

Responsible Agency: Illinois State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Convictions and attempts of criteria felony sex offenses were registerable as of July 16, 1986. Other violent offenses were added in 1996; the murder of a child, kidnaping, unlawful restraint and misdemeanor sex offenses or attempts were added July 24, 1997. As of July 1, 1999, other offenses added to the registry were forcible detention, if the victim is under 18 years of age, indecent solicitation of an adult, soliciting for a prostitute, if the victim is under 18 years of age, pandering if the victim is under 18 years of age, and convictions of comparable crimes in another State, country or in Federal court are covered in the Illinois law.

### **Mandated Registrants:**

Individuals convicted of a covered offense or found not guilty by reason of insanity on or after July 16, 1986, are required to register. As of July 1, 1999, adjudicated juvenile sex offenders were required to register. Adjudicated sex offenders classified as sexually dangerous and sexually violent are required to register. Since July 1, 1999, all sex offenders fitting the definition of a predator are also required to register. Sex offenders living in another State but working in Illinois or attending school are also mandated to register.

### **Duration of Registration:**

Persons classified as sexual offenders must register for 10 years from the date of their conviction if sentenced to probation or for 10 years from the date of their release, discharge, or parole if they were confined. A 10-year extension to a sex offender's registration requirement can be administratively added by the Illinois State Police for violations of the Registration Act. For individuals classified as sexually dangerous persons, sexually violent persons, or sexual predators lifetime registration is required.

### **Offenders in Registry, 2/01**

There are 16,551 total number of sex offenders in the Registry, 13,930 of whom have registered.

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Illinois SOR has a fully automated text database. The "initial notification" is done at the time of conviction if the offender receives a probation sentence, or prior to release, discharge, or parole if he is confined. The LEADS system can serve as a "tickler" system if a law enforcement agency queries their jurisdiction for the sex offenders. Running individual LEADS numbers can provide the agency with the status of the sex offender, those who have failed to register, the last day the sex offender is required to register, date of conviction, county of conviction, LEADS add-ons showing any stops made by any law enforcement agency, place of employment, and so on. While the text database itself is automated, much of the data entry is manual.

### **Database is linked to criminal history files:**

Partially--it is linked for law enforcement purposes. Any routine law enforcement query of LEADS elicits SOR information together with the criminal history record. However, background checks for employment normally check only criminal history records.

### **SOR transmits electronically to FBI NSOR system:**

Yes. As of October 1999, Illinois provides SOR data to the FBI system electronically through NCIC 2000.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. This capability is available through the Illinois AFIS system.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. Photos are part of the sex offender registry, but as of February 2001, they are not digitized. NSOR grant money is presently being used to work on this project.

## ***Operation of Sex Offender Registries***

### **Source for Initial Information on Offender:**

Initial information is derived from the sentencing court (if the offender receives probation) or from the county jail or the Department of Corrections, hospital, or mental health facility (if the offender is confined). Subsequent information comes from the local law enforcement agency when the offender registers in person.

### **DNA Sample:**

Yes, but not as part of the SOR. DNA sampling is part of a separate CODIS system within the Illinois State Police.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Annual notification notices for sexual offenders--and quarterly notices for those classified as high risk offenders--are sent as non-forwardable letters by the Intelligence Bureau of the Illinois State Police. Registering law enforcement agencies are also required to verify addresses annually.

#### **B. SOR Notification Automated:**

Yes.

#### **C. Penalties for Noncompliance:**

Noncompliance is a Class 4 felony, punishable by one to three years in prison. A \$500 fine that is to be shared with the local law enforcement agency and a mandatory 7 days in jail is also required of sex offenders that are convicted for a compliance violation.

## ***Dissemination of Sex Offender Registry Information***

### **To Law Enforcement and Criminal Justice Agencies:**

SOR information is available online, 24 hours per day, to every Illinois law enforcement agency through the Illinois Law Enforcement Agencies Data System (LEADS). The status of a specific offender (registered, not registered, conditions of parole/probation, etc.) is immediately available to any agency conducting a routine query, including a traffic stop.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

The Illinois State Police (ISP) provide quarterly lists of sex offenders to all schools, child care facilities, and to the Illinois Department of Children and Family Services. Local law enforcement agencies developed lists of local organizations that serve children and make sex offender information available to them. By administrative rule, each law enforcement agency must designate a liaison to assist schools, child care facilities, youth groups, and the public regarding access and use of SOR information. Lists of adjudicated juvenile sex offenders are provided to schools and licensed day cares throughout Illinois. Secondary dissemination of juvenile information is prohibited.

### **Procedures for Public Access:**

The local law enforcement "liaison" (see above) assists the public in access and use of the SOR information when an offender is identified as working or residing in circumstances that might compromise public safety. The Illinois State Police (ISP) also operates a victim notification program (at the victim's request, he/she is notified of the offender's release, address changes, death of offender, etc.) Local law enforcement agencies also have discretion to provide SOR information to any person or entity likely to encounter the offender.

### **Internet Website: (include web address and number of hits per month, if applicable)**

Yes, the Illinois sex offender website has been online since November 15, 1999. The public can search by city, county, zip code, name, and multiple searches. Adjudicated juvenile sex offenders are not on the website by law. An e-mail address is provided for any questions or tips the public may have regarding sex offenders on the website.

[http://samnet.isp.state.il.us/ispso2/sex\\_offenders/index.asp](http://samnet.isp.state.il.us/ispso2/sex_offenders/index.asp)

# Summary of State Sex Offender Registries: Indiana

Responsible Agency: Indiana Criminal Justice Institute

## *Who is in the Registry?*

### **Covered Offenses:**

Rape, criminal deviate conduct, child molesting, child exploitation, vicarious sexual gratification, child solicitation, child seduction, sexual battery, sexual misconduct with a minor as a Class A or B felony, incest, also kidnapping if the victim is under 18 years of age, and criminal confinement if the victim is under 18 years.

### **Mandated Registrants:**

The following persons are required to register: anyone convicted in Indiana of the first 10 crimes after June 30, 1994; anyone convicted of last two crimes after June 30, 1998; persons residing in Indiana but convicted of substantially equivalent offenses in other States after the effective dates; juveniles 14 or over, who are adjudicated delinquent in Indiana after June 30, 1996, for an act that would be a covered offense if committed by an adult and found by a court to be likely to repeat such an act.

### **Duration of Registration:**

Local registration is required for 10 years following the sexual offender's release to the community for everyone except those determined to be sexually violent predators. For sexually violent predators, the registration requirement is for an "indefinite" period. Persons identified as sexually violent predators may petition the court, at least 10 years after sentencing, to have the determination of sexually violent predator removed from their name on the Registry. While local registration is required for 10 years, an offender's name appears in the State's Sex and Violent Offender Registry (SVOR) for his lifetime. Currently, there is no provision for petitioning for the removal of a name from the central registry once it is listed.

### **Offenders in Registry, 2/01:**

Approximately 11,656

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

Partial. The SVOR text database itself is automated,

but it is not linked to other automated systems or to local law enforcement agencies. The Indiana State SVOR consists of 4 separate databases of qualifying offenders: one section prospectively covers the period since 1994 when the SVOR was established by statute, and three sections retrospectively cover periods before the legislation was enacted--a Department of Corrections database, a prosecuting attorneys' database, and a State Police database.

### **Database is linked to criminal history files:**

No. Indiana criminal history files are maintained by the State Police. The SVOR database is maintained by the Indiana Criminal Justice Institute (ICJI). Indiana data for the National Sex Offender Registry (NSOR) will be transmitted to the FBI by the State Police criminal records repository, not via the SVOR maintained by ICJI.

### **SOR transmits electronically to FBI NSOR system:**

No. As of 2/01, this capacity does not exist within the ICJI.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

As of 2/01, with the support of BJS NCHIP funds, the required livescan equipment has been placed in 31 of Indiana's 92 counties representing the largest population areas in the State. Final testing of local equipment and work on the hardware required at the State level is underway. 1998 legislation directs that correctional facilities releasing a qualifying offender provide his fingerprints (and other identifiers including a photo) to the State Police, and that the State Police send the fingerprints to the FBI.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 2/01. (see preceding section for information on the installation of equipment required for this technology.)

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

Current information is submitted to the Indiana Criminal Justice Institute (ICJI), by the State courts, the State Department of Corrections, local jails, local

law enforcement agencies, county prosecutors and other State criminal justice agencies. All information is submitted in hard copy.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Legislation effective 7/1/98 institutes annual verification (quarterly for predators), but makes local law enforcement agencies responsible for the notification letters to offenders, conducting verification, and conducting follow-up. The local law enforcement agency notifies the State SVOR if the offender fails to return a signed verification form.

**B. SOR Notification Automated:**

Effective 7/1/98, local law enforcement agencies implemented the notification procedures. The degree of automation within local agencies is not known, but larger departments may automate the notification process.

**C. Penalties for Noncompliance:**

The first offense is a D felony. Subsequent offenses are C felonies. The penalty for a D felony is 1-1/2 years in prison with not more than 1-1/2 years added for aggravating circumstances or 1 year subtracted for mitigating circumstances. The penalty for a C felony is 4 years in prison with not more than 4 years added for aggravating circumstances and not more than 2 years subtracted for mitigating circumstances. Both C and D felony penalties also can include a \$10,000 fine.

Family and Social Services Administration and their licensees (such as group homes), the State personnel department, and to agencies that work with children and have requested copies. The SVOR unit also places copies in all public county libraries. This information contains all four databases. The Indiana Criminal Justice Institute (ICJI) has also made SVOR information available on a computer diskette.

**Procedures for Public Access:**

The general public has access to SOR data in hard copy in public libraries throughout the State and on the State of Indiana website on the Internet. It also has been made available on computer diskette. The SVOR data available to the public does not include street addresses, but does reflect all four databases.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. The Indiana SOR is on the Internet at [http://www.state.in.us/serv/cji\\_sor](http://www.state.in.us/serv/cji_sor)

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

The SVOR data is available to State law enforcement and criminal justice agencies in response to queries, but it is not on a computerized network directly accessible to law enforcement agencies. Agencies also may obtain copies of the updates sent to schools and youth organizations.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The SVOR data and all updates are sent (in hard copy) to all public and private schools, the Indiana

# Summary of State Sex Offender Registries: Iowa

Responsible Agency: Iowa Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include convictions or adjudications for criminal offenses against a minor, aggravated offenses, sexual exploitation, and sexually violent offenses, in the State or in another State, or in any federal, military, tribal or foreign court.

### **Mandated Registrants:**

Individuals convicted or adjudicated of a covered offense on or after July 1, 1995, or who were on probation, parole or work release status, or who were incarcerated on or after July 1, 1995 must register. Requirement includes individuals who have received a deferred sentence or deferred judgment. As of 7/1/98, individuals moving into Iowa who were required to register in the State they are moving from must register with the State of Iowa. Non-resident full-time or part-time students and/or workers must also register.

### **Duration of Registration:**

Sexual offenders must register for 10 years from the date of their release to the community. Sexually violent predators (those convicted of a qualifying offense as specified in the federal Violent Crime Control and Law Enforcement Act of 1994, Public Law No. 103-322) must register for life. Any offender who is convicted of a second or subsequent offense that requires registration must register for life. Any offender who is convicted of an aggravated offense must register for life.

### **Offenders in Registry, 2/01:**

3,921

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The SOR text database itself is automated, with manual entry of the text from hard copy submissions. The Iowa SOR is maintained as a totally separate database in the "Iowa On-line Warrants and Articles System" (IOWA System), the IOWA equivalent to NCIC. The Iowa System can interface directly with

the FBI NSOR and that link is expected to be complete by the Fall of 2001.

### **Database is linked to criminal history files:**

No.

### **SOR transmits electronically to FBI NSOR system:**

No. The process is in development with completion expected in the Fall of 2001.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. A hard copy of the fingerprint card is maintained in a file folder together with the original registration documents. The only way to access the SOR fingerprints is to contact DCI staff and make a specific request.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. A hard copy of the photo is maintained in a file folder together with the original registration documents and the fingerprint card. The only way to access the photo is to contact DCI staff and make a specific request. The photo is then copied and sent by U.S. mail, fax, or e-mail attachment.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The SOR receives registration information when an offender is released to the community. It comes from the Department of Corrections or county jail if offender was confined, from the Iowa Department of Correctional Services if the offender received a probation sentence, from the court if the sentence was a fine only, and from the Department of Human Services if offender is an adjudicated juvenile. All agencies submit information in hard copy for manual data entry.

### **DNA Sample:**

No

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Under both the original and amended

legislation, notification of the address verification requirement is conducted by the Division of Criminal Investigation, Department of Public Safety. Mail verification is required annually during the anniversary month of initial registration. Verification is required every 90 days for offenders classified as "sexually violent predators" (based on conviction offenses specified in federal Violent Crime Control and Law Enforcement Act of 1994.)

**SOR Notification Automated:**

Yes.

**Penalties for Noncompliance:**

The first offense is an aggravated misdemeanor, punishable by up to two years incarceration. A second or subsequent offense is a class D felony, punishable by up to five years imprisonment. If a registrant is noncompliant and commits another sex crime he/she faces a class C felony punishable up to 10 years.

have been determined to be "at risk" to re-offend. No identifiers are needed. Affirmative public notification may be made on "at risk" offenders by any local law enforcement agency based on information provided by DPS. Affirmative public notification may include the offender's name, address, photograph, locations frequented by the offender, and relevant criminal history. Registry information on "at risk" offenders may be distributed to the public by printed materials, visual or audio press releases, and by the criminal or juvenile justice agency's web page.

**Internet Website: (include web address and number of hits per month, if applicable)**

Since March 17, 2000, information on "at risk" offenders has been available on the DPS web site: <http://www.iowasexoffenders.com> Currently, information on over 800 "at risk" offenders is available. The web site generates an average of approximately 9000 hits per month.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

The SOR data from the Department of Public Safety (DPS) is directly accessible to all law enforcement and criminal justice agencies in the State having access to "Iowa On-line Warrants and Articles System" (IOWA System).

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Legislation effective 7/1/98 states that for registrant classified "at risk", affirmative public notification may include "notification of agencies or organizations in the community in which the registrant lives, is employed or attends school." Under both original and amended legislation, the offender receives prior notice of any public notification plans and may appeal.

**Procedures for Public Access:**

Current legislation (effective 7/1/98) allows for registry information to be disseminated from sheriffs' offices and police departments provided that the requester provides the name of the person on which the inquiry is being made; and one additional identifier: date of birth or address. A requester may also ask for a list of all registrants in that county who

# Summary of State Sex Offender Registries: Kansas

Responsible Agency: Kansas Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

The following offenses are covered: (A): rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child, sexual battery, aggravated sexual battery, and aggravated incest. (B): capital murder, murder in the first and second degree, voluntary and involuntary manslaughter (C): kidnaping or criminal restraint (except by parent) when victim is under 18, adultery, criminal sodomy, promoting prostitution, patronizing a prostitute, lewd and lascivious behavior, and unlawful sexual relations; when one party is under 18. Also covered is any attempt, conspiracy or criminal solicitation to commit any of the above listed offenses.

### **Mandated Registrants:**

Anyone convicted of the offenses in List (A) on or after April 14, 1994, must register, if the offense itself occurred on or after April 14, 1994 the registration is public record. Anyone convicted of offenses in List (B) or List (C) on or after July 1, 1997, must register, if the offense itself occurred on or after July 1, 1997, then the registration is public record.

### **Duration of Registration:**

The duration of the registration requirement is 10 years. Lifetime registration is required if the offender has a second conviction for any covered offense. Lifetime registration is also required for anyone convicted for a first offense of rape or aggravated criminal sodomy (or attempt, conspiracy, or criminal solicitation) involving penetration of the victim of any age through use of force or threat of serious violence or penetration of a victim less than 14 years of age.

### **Offenders in Registry, 2/01:**

1,794

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Kansas SOR has a fully automated text database.

### **Database is linked to criminal history files:**

The Kansas Offender Registry (OR) is not linked to the State's criminal history database. However, data available to criminal justice agencies is replicated daily to a "hot file." The Kansas Offender Registry Hot File can be accessed through the State's criminal justice information system and NLETS.

### **SOR transmits electronically to FBI NSOR system:**

The KBI attempted to manually support the FBI's NCIC Sex Offender Registry file. However, the task was too burdensome and time consuming. Information entered is maintained but no new offenders are being added. Fields must be added to the current Kansas OR database before an electronic interface to NCIC can be implemented.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Limited. Court service officers and parole officers have primary responsibility for the initial sex offender registration. Many such offices do not have fingerprint equipment. While the State has an AFIS with livescan capabilities, this is not practical for smaller jurisdictions.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Limited. As of 2/01, digital photography is being used by the State's eight court services offices.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The initial information on an offender is submitted to the Kansas Bureau of Investigation (KBI) by the institution releasing the offender to the community (the Department of Corrections, a jail, or the court). The offender then registers with the local sheriff in his county of residence. If the offender is no longer

under criminal justice supervision, he registers with the local sheriff's office, which also forwards the registration to KBI. All information is received at KBI in hard copy for manual data entry.

**DNA Sample:**

Yes. DNA is required for all offenders convicted of offenses requiring registration. If it is not obtained during incarceration, a sample is taken at the time of registration.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Address verification letters are sent out by Kansas Bureau of Investigation (KBI) which administers the SOR program. Legislative amendments include requirement to verify addresses of *all* registrants every 90 days.

**B. SOR Notification Automated:**

Yes. The SOR database is designed to automatically generate address verification letters and to allow tracking of responses and of the dispositions on actions taken.

**C. Penalties for Noncompliance:**

Violation of any portion of the Kansas Offender Registration Act is a Level 10 Non Person Felony.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

The KBI notifies county prosecutors and law enforcement agencies of any offender noncompliance of the Act such as failure to report address changes or return quarterly address verification forms. Criminal justice agencies have access to the OR data through the Kansas Criminal Justice Information System (KCJIS) and the National Law Enforcement Telecommunications System (NLETS).

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 2/01, the State does not mandate any action for affirmative notification.

**Procedures for Public Access:**

The general public has access to SOR information through an Internet website. Members of the public may also inspect registration records at a local

sheriff's office or at the Kansas Bureau of Investigation. (The date of commission of specific offenses determine whether an offender's registration information is a public record. See "Mandated Registrants")

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. The Kansas SOR website is operated by the Kansas Bureau of Investigation (KBI). The website averages 6,800 hits per month.

<http://www.ink.org/public/kbi/kbiregoffpage.html>

# Summary of State Sex Offender Registries: Kentucky

## Responsible Agency: Kentucky State Police

### *Who is in the Registry?*

#### **Covered Offenses:**

All felony sex crimes: Rape 1, 2, & 3, Sodomy 1, 2, & 3, Incest; Sexual Abuse 1, Unlawful Transaction with a Minor 1, Use of a minor in a sexual performance. Specified crimes against victims that are minors: Promoting a sexual performance of a minor, Promoting prostitution 1, 2, & 3, Kidnaping and Unlawful Confinement (non-parental), Sexual Abuse 2 & 3 (only misdemeanors covered). Any conviction for attempt or solicitation of above offenses.

#### **Mandated Registrants:**

Registration is mandatory for all adults convicted in Kentucky of the above listed crimes, and juvenile offenders convicted of those same crimes, if treated as "Youthful Offenders" in adult circuit court. Also applies to offenders moving into Kentucky, who are required to register by the laws of another State or by federal/military law. Or for offenders convicted of an offense, which if committed in Kentucky, would require registration.

#### **Duration of Registration:**

Lifetime registration is required for all offenders released from custody after April 11, 2000 who have convictions for: Rape 1<sup>st</sup>, Sodomy 1<sup>st</sup>, two or more convictions for a sex crime or crime against a victim who is a minor; Kidnaping and Unlawful Confinement (of a minor, non-parental); or who move in from another State and are required to register; or are designated as Sexually Violent Predators. Also applies to offenders formerly classified as "high" risk, under a previous version of the law. Ten years is required for all other offenses.

#### **Offenders in Registry, 2/01:**

Approximately 2000.

### *Automation of Sex Offender Registries*

#### **Extent of database automation:**

Partial. The Kentucky SOR has a text database that is automated and can be searched through the KY LINK system (Law Information Network of

Kentucky) at LINK/NCIC terminals. Data is currently stored in an IBM mainframe, in an IMS DB/DC database with attendant COBOL programs. This SOR database is in the process of being converted to a more modern and user friendly system, which will be NCIC 2000 compliant, and include submission to the FBI NSOR file. The website database is completely automated, running on a SQL platform. It is a separate system, information is entered into both databases at this time. This will be eliminated once the transfer of data from the older system is complete.

#### **Database is linked to criminal history files:**

Yes. The SOR is one of Kentucky's state-level "hot files," and accessible to all criminal justice agencies that are members of the Law Information Network of Kentucky (LINK).

#### **SOR transmits electronically to FBI NSOR system:**

Not at this time. Electronic transmissions will occur once the database conversion is complete.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Still in development, as described above. Storage of fingerprints is already being done through the statewide AFIS system.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

Still in development, as described above. Hardware is in place but waiting on the interface to new database system.

### *Operation of Sex Offender Registries*

#### **Source for Initial Information on Offender:**

The SOR unit receives offender registration documents from the Department of Corrections on offenders being released from prison who are required to register, and from the Division of Probation and Parole for all non-incarcerated offenders required to register (including move-in offenders from out-of-state). All modifications of address information on offenders are completed with and submitted to KSP by the Division of Probation

and Parole field offices, as offenders change addresses. Information received is manually entered in the SOR database and the SOR web database.

**DNA Sample:**

Yes, a linking mechanism is planned.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes, since 4/1/2000. Kentucky began validating registrant addresses for lifetime offenders in June 2000, and has continued to do so on a quarterly schedule. Address validation procedures began for 10-year registrants in January 2001, and will continue to be done each month, on an annual basis for each offender.

**B. SOR Notification Automated:**

Yes, through a public access website.

**C. Penalties for Noncompliance:**

Noncompliance with registration requirements is a Class D felony, punishable by 1-5 years in prison, a fine, or both.

**Internet Website: (include web address and number of hits per month, if applicable)**

<http://kpsor.state.ky.us>. The website has been functional since April 11, 2000, and as received over 170,000 hits in that time for an average of 15,454 hits per month.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

SOR information is available to all criminal justice agencies that are members of the LINK system, which provides access to State "hot" files, NCIC, NLETS, and NOAA. The Department of Corrections also notifies all law enforcement agencies by mail when any offender is released into their area. A public access website is also available, providing on-line registration information.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Offender registration information is available on-line at the KSP Sex Offender Registry website. Free Internet access is available at all public libraries.

**Procedures for Public Access:**

Offender registration information is available on-line at the KSP Sex Offender Registry website. Free Internet access is available at all public libraries.

# Summary of State Sex Offender Registries: Louisiana

## Responsible Agency: Louisiana State Police

### *Who is in the Registry?*

#### **Covered Offenses:**

Covered offenses include felony sex offenses, first offense prostitution (a misdemeanor), and the following non-sex offenses if committed against a victim who is a minor: simple kidnaping, aggravated kidnaping, interfering with the custody of a child, and false imprisonment or aggravated false imprisonment of a minor.

#### **Mandated Registrants:**

Registration is mandated for all persons convicted of a covered sex offense, committed or attempted, on or after June 18, 1992, or committed prior to June 18, 1992 if the person is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992, and all persons convicted after July 1, 1997 of a covered offense against a victim who is a minor.

#### **Duration of Registration:**

10 years for sexual offenders. For offenders determined to be sexually violent predators, the registration requirement is for life. Those convicted prior to July 1, 1997 may petition the court for relief from the registration requirement. (Act 594 of the 1999 Regular Legislative Session which became effective on August 15, 1999 repealed the provision allowing the court to relieve the person of the duty to register).

#### **Offenders in Registry, 2/01:**

5,708

### *Automation of Sex Offender Registries*

#### **Extent of database automation:**

The Louisiana SOR has a new computer program with the electronic capability of generating notices to law enforcement as offender information is added or updated. The information is then transmitted to the public and law enforcement websites. Preparations have been made in the registry to accept offender modus operandi information which will be accessible to local law enforcement.

#### **Database is linked to criminal history files:**

No, not as of February 2001, but it is close to the testing phase.

#### **SOR transmits electronically to FBI NSOR system:**

No, not as of February 2001. Electronic transmission is pending installation and implementation of NCIC 2000.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Louisiana AFIS provides Livescan capability at sheriffs' offices and jail booking sites, at major municipal police departments, and at major Probation and Parole offices. Livescan stations were purchased in conjunction with the new registry program and placed at various prison facilities within the State. With the AFIS upgrade in the near future, the registry will have the capability of electronically retrieving mugshots and fingerprints on the offenders in the registry, then electronically submit the fingerprints to the FBI SOR.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial. Livescan capability is available for most local law enforcement agencies, major Probation and Parole Offices, and some prisons.

### *Operation of Sex Offender Registries*

#### **Source for Initial Information on Offender:**

The Louisiana Department of Corrections and prisons submit registration information when sex offenders are released from incarceration. Local law enforcement agencies send information when an offender registers locally, and Probation and Parole offices also submit data to SOR. Some information is received electronically from the prisons and Probation and Parole via the SOR. Other information is submitted in hard copy from the relevant agency.

#### **DNA Sample:**

No. Legislation was passed September 1, 1999 for DNA samples to be taken from persons arrested for felony sex offenses, however the State does not have

the capability available to catalog the information for the SOR at this time.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes.

**B. SOR Notification Automated:**

Yes. Programming is in place to automatically generate verification letters to offenders and notices to local law enforcement agencies advising them of cases of noncompliance.

**C. Penalties for Noncompliance:**

The first violation is punishable by a fine of \$1,000 and/or 1 year imprisonment. The second and subsequent violations are punishable by not more than 3 years imprisonment without parole, probation or suspension of sentence.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

The Office of State Police notifies other law enforcement agencies of SOR data by mail and/or fax. Law enforcement officers, statewide, can obtain access to the SOR Law Enforcement Website by applying for clearance through the Bureau of Identification, Sex Offender Registry. Also, probation and parole officers can be granted clearance and obtain query access to the State Police Registry directly. (The link to provide query access of the Registry to law enforcement or the Louisiana Supreme Court, has yet to be established.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Affirmative notification of schools and organizations is at the discretion of the local law enforcement agency where the registrant resides. In addition, community notification provisions require the offender to give notice of the crime for which he was convicted, his name, and his address to the superintendent of the school district where he will reside who, in turn, informs the principal of every school within a one mile radius of the offender's address and the principals of other schools as the superintendent deems appropriate. Other organizations serving children or vulnerable populations may receive notice directly from the

offender as he fulfills the community notification requirements described in the next section.

**Procedures for Public Access:**

Citizens may make a public records inquiry to the local law enforcement agencies or to the Registry. In addition, individual citizens may be informed directly through community notification provisions that require the offender to give notice of the crime for which he was convicted, his name, and his address to at least one person in every residence or business within a one mile radius of his residence in a rural area and a three square block area in an urban or suburban area; as well as to give notice to the school superintendent; to the landlord, lessor, or owner of the residence or property where he will reside; to publish notice twice in the official journal of the governing authority of the parish where he will reside; and to give any other notice deemed appropriate by the court or the Parole Board. The public also has access through the SOR website for queries.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes, as of March 24, 2000. The website averages about 176,678 hits per month. The web address is: <http://www.lasocpr.lsp.org/socpr/>

# Summary of State Sex Offender Registries: Maine

Responsible Agency: Maine State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Prior to September 18, 1999, Maine's law covered gross sexual assault of a victim less than 16 years of age. The 119<sup>th</sup> Maine Legislature passed a law, effective 9/18/99, that brings the State into compliance with Megan's Law, the Wetterling Act, and the Pam Lychner Act. The new law applies if someone is sentenced on or after September 18, 1999 of any of the following offenses: Sexual Exploitation of a Minor 17 MRSA Sec. 2922; Gross Sexual Assault 17-A MRSA Sec. 253; Sexual Abuse of Minors 17-A MRSA Sec. 254; Unlawful Sexual Contact 17-A MRSA Sec. 255; Visual Sexual Aggression Against a Child 17-A MRSA Sec. 256; Sexual Misconduct with a child under 14 years of age 17-A MRSA Sec. 258; Kidnaping (Unless actor is parent of victim) 17-A MRSA Sec. 301; Criminal Restraint 17-A MRSA Sec. 302; Violation of Privacy 17-A MRSA Sec. 511(1)(D); Incest 17-A MRSA Sec. 556; Aggravated Promotion of Prostitution 17-A MRSA 852(1)(B); Patronizing Prostitution of a Minor 17-A MRSA Sec. 855.

### **Mandated Registrants:**

Persons convicted of gross sexual assault on a victim under 16 years of age and sentenced on or after June 30, 1992, and prior to September 18, 1999. Also persons sentenced on or after September 18, 1999 of the following offenses: Sexual Exploitation of a Minor 17 MRSA Sec. 2922; Gross Sexual Assault 17-A MRSA Sec. 253; Sexual Abuse of Minors 17-A MRSA Sec. 254; Unlawful Sexual Contact 17-A MRSA Sec. 255; Visual Sexual Aggression Against a Child 17-A MRSA Sec. 256; Sexual Misconduct with a child under 14 years of age 17-A MRSA Sec. 258; Kidnaping (Unless actor is parent of victim) 17-A MRSA Sec. 301; Criminal Restraint 17-A MRSA Sec. 302; Violation of Privacy 17-A MRSA Sec. 511(1)(D); Incest 17-A MRSA Sec. 556; Aggravated Promotion of Prostitution 17-A MRSA 852(1)(B); Patronizing Prostitution of a Minor 17-A MRSA Sec. 855. (A bill has been submitted to the 120<sup>th</sup> Maine Legislature to revise the most recent sex offender registration and notification law (Sept. 1999) to apply to all sex offenders and sexually violent predators who were sentenced on or after June 30, 1992).

### **Duration of Registration:**

If convicted prior to September 18, 1999, registration is required for 15 years following the offender's release to the community on probation or post-incarceration/parole. Registered offenders may petition for a waiver of the registration requirement after 5 years. For offenders who were sentenced on or after 6/30/92 through 8/31/96, the expiration date of their 15 year registration requirement does not change if they are re-incarcerated for violations of probation, release conditions, or registration provisions. Offenders sentenced on or after 9/1/96 also must register for 15 years following their release to the community, but if they are re-incarcerated, the 15 year registration requirement begins anew following their new release. If sentenced on or after September 18, 1999, a "sex offender" must register for 10 years following release, or if no incarceration, from date of sentence, along with annual address verification. A "sexual violent predator," must register for life, with 90-day address verification.

### **Offenders in Registry, 2/01:**

473

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

Automated database system is completed and is being populated at this time. Currently, it is not being used for public access. Complete automation is expected by Fall of 2002.

### **Database is linked to criminal history files:**

No. Linkage of database to CCH is anticipated by Fall of 2002.

### **SOR transmits electronically to FBI NSOR system**

Yes.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial capability exists. The capability for digital transmission and storage of fingerprints exists in the State AFIS, but the AFIS is not currently linked to Maine's SOR.

**SOR system has capability for electronic transmittal and storage of mugshots:**

This capability is planned for the future as part of the full automation of the database anticipated to be completed by Fall of 2002.

***Operation of Sex Offender Registries***

**Source for Initial Information on Offender:**

The offender submits his registration information in hard copy to the State Bureau of Identification, Maine State Police when he is released to the community or when he moves. The Bureau then notifies (via mail) State, County, and local law enforcement agencies, and the DA's Office with jurisdiction over offender's residence, sending both demographic data and the DOC's risk assessment when it is provided.

**DNA Sample:**

Yes.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes, if sentenced on or after September 18, 1999.

**B. SOR Notification Automated**

Not at this time, however, Maine is currently under design for a new automated Criminal History project, which will include and expand the Sex Offender Registration capabilities in the Fall of 2002.

**C. Penalties for Noncompliance:**

For those offenders sentenced on or after 6/30/92 through 8/31/96, the crime is a class E misdemeanor, punishable by up to six months in jail and/or a fine of up to \$1,000. For those offenders sentenced on or after 9/1/96, the crime is a class D misdemeanor, punishable by up to 364 days in jail and/or a fine of up to \$2,000. For those offender sentenced on or after 6/30/92 to 9/18/99, two or more prior convictions within 10 years of a third charge for noncompliance cause the third charge to be a class C felony, punishable by imprisonment for up to five years and/or a fine of up to \$5,000. If sentenced on or after September 18, 1999, a sex offender or sexually violent predator who fails to register or update the information required under this law commits a Class D misdemeanor crime. They may be sentenced to a definite period of less than one year imprisonment, fine up to \$2,000 and probation for not more than 1 year. A violation when the sex offender or sexually violent predator has 2 or more

prior convictions in this State for violation of this is a Class C felony crime. The sentence shall not exceed 5 years, fine up to \$5,000 and probation not to exceed more than 4 years.

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Local law enforcement agencies are notified of SOR information by U.S. mail. Any name check inquiry through NCIC also checks the SOR. There is anticipated future "web-enabled" direct access over the existing Bureau of State Police network to State and local criminal justice agencies, including those of Penobscot Nation and Passaomquoddy Tribe.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Affirmative notification of schools and organizations is the responsibility of the local law enforcement agency where the offender resides.

**Procedures for Public Access:**

The information in the Maine Registry is based on conviction data and is therefore considered a public record, available to citizens through a request to a State or local law enforcement agency.

**Internet Website: (include web address and number of hits per month, if applicable)**

Not available at this time. There is anticipated future "web-enabled" direct access to SOR information for law enforcement agencies and personnel and – separately – direct public access to information on offenders designated as a predator or high risk.

## Summary of State Sex Offender Registries: Maryland

Responsible Agency: Maryland Department of Public Safety and Correctional Services

### *Who is in the Registry?*

**Covered Offenses:**

Sexual offenses against both children and adults are covered in the Maryland law.

**Mandated Registrants:**

Adults convicted of sexual offenses against children on or after October 1, 1995, and adults convicted of sexual offenses against other adults on or after July 1, 1997, are required to register.

**Duration of Registration:**

10 years. Lifetime registration for those convicted of a second offense.

**Offenders in Registry, 2/01:**

Approximately 1400.

### *Automation of Sex Offender Registries*

**Extent of database automation:**

Automated text database is in implementation stage. The SOR is partially automated through a PC using EXCEL software to maintain the list of registrants. The automation of the Sex Offender Registry is currently in the design and development stage.

**Database is linked to criminal history files:**

Yes.

**SOR transmits electronically to FBI NSOR system:**

Yes. Maryland submits records online.

**SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. Capability exists through the Maryland AFIS (MAFIS). The system has capability for electronic transmittal.

**SOR system has capability for electronic transmittal and storage of mugshots:**

Yes. The Central Repository has the capability in conjunction with MAFIS.

### *Operation of Sex Offender Registries*

**Source for Initial Information on Offender:**

The relevant "supervising authority" (State or local corrections agencies, the courts, Division of Parole and Probation) registers all qualifying offenders before release, and sends a copy of the registration statement (with photo and fingerprints) to the designated local law enforcement agency (DLLEA) for the offender's county of residence and to the Department of Public Safety and Correctional Services for the SOR. When the offender then registers locally with DLLEA, a copy of that registration is also sent to the SOR.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Maryland has four categories of offenders subject to registration: **Child Sexual Offenders**, (sexual) **Offenders**, **Sexually Violent Offenders**, and **Sexually Violent Predators**. The Sex Offender Registry Unit mails manually produced and processed address verification forms annually to registrants in the (Sexual) Offender and the Sexually Violent Offender categories. The DLLEA mails manually produced and processed address verification forms to registrants in the Sexually Violent Predator category every 90 days. Registered Child Sexual Offenders are required to reregister in person annually with the DLLEA.

**B. SOR Notification Automated:**

No.

**C. Penalties for Noncompliance:**

A registrant who knowingly fails to register or knowingly provides false information of a material fact is guilty of a misdemeanor and upon conviction is subject to imprisonment in the penitentiary for not more than three years or a fine of not more than \$5,000 or both.

## ***Dissemination of Sex Offender Registry Information***

### **To Law Enforcement and Criminal Justice**

#### **Agencies:**

Information is made available to State criminal justice agencies through a notation that the individual is a sex offender placed in the Identification Index (IDENT/INDEX) of the Maryland Criminal Justice Information Systems (CJIS). Changes of residency are received from Parole and Probation, local law enforcement agencies, and the registrants. The changes are forwarded to the Sex Offender Registry Unit to update the registry and notify the previous and the current registering agency of the new residency.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

When a child sexual offender registers with a local law enforcement agency, the agency is required to notify the county school superintendent who then notifies school principals. The local law enforcement agency may also notify--as necessary to protect the public interest--community organizations, religious organizations, or any organization that relates to children or youth.

### **Procedures for Public Access:**

Written requests for the registry are mailed, e-mailed or faxed to the Sex Offender Registry Unit and responded to by the Sex Offender Registry Unit.

### **Internet Website: (include web address and number of hits per month if applicable)**

Yes, but *for information only*. The Maryland Department of Public Safety and Correctional Services website includes information on the sex offender registration program, procedures for requesting registrant information, and links to the legislation and other relevant programs, but it *does not include any offender-specific information*.

<http://www.dpscs.state.md.us>

# Summary of State Sex Offender Registries: Massachusetts

Responsible Agency: Massachusetts Sex Offender Registry Board

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include: indecent assault and battery on a child under 14; indecent assault and battery on a person age 14 or over; rape of a child under 16 with force; rape and abuse of a child; assault of a child with intent to commit rape; assault with intent to commit rape; kidnaping of a child under the age of 16; inducing a minor into prostitution; living off or sharing the earning of a minor prostitute; posing or exhibiting a child in a state of nudity; dissemination of visual material of a child in a state of nudity or sexual conduct; disseminating to a minor matter harmful to a minor; possession of child pornography; unnatural and lascivious acts with a child under 16; aggravated rape; rape; indecent assault and battery on a mentally retarded person; drugging persons for sexual intercourse; incestuous marriage or intercourse; unnatural and lascivious acts with a child under 16; open and gross lewdness and lascivious behavior but excluding a first or single adjudication as a delinquent juvenile before August 1, 1992; and any attempt to commit a violation of covered crimes, or a like violation of the laws of another State, the United States or military, territorial or Indian tribal authority.

### **Mandated Registrants:**

A person who resides or works in Massachusetts and who on or after August 1, 1981 has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense *or* released from incarceration or parole or probation supervision or custody with the Department of Youth Services for a conviction or adjudication of a sex offense *or* has been adjudicated a sexually dangerous person *or* released from civil commitment.

### **Duration of Registration:**

Duty to register ends 20 years after the sex offender has been convicted or adjudicated or released from all custody or supervision, whichever occurs last. The duty to register may also be terminated by the SORB. The following offenses result in lifetime registration: convictions for two or more Wetterling Act sex offenses committed on different occasions; conviction for a sexually violent offense defined by

Massachusetts law, determined by sentencing court to be a sexually violent predator.

### **Offenders in Registry, 2/01:**

In September 1999, a new Sex Offender Registry Law (SOR law) was enacted in an attempt to comply with court decisions issued under the previous law. Shortly after the new law was enacted, the mail in registration provision was challenged. In November of 1999, a superior court judge issued an injunction against the SORB that prohibits registration without first offering the sex offender a hearing. As of February 2001, there are approximately 17,000 offenders identified as qualifying for registration. While awaiting the Court's decision, the SORB is in the early stages of offering offenders the opportunity for a pre-registration hearing. On September 11, 2000 and March 8, 2001, oral arguments were heard by the State's highest court, the Supreme Judicial Court (SJC). [On June 28, 2001, the SJC concluded that the SORB can require an offender to provide his home and work address prior to providing the offender a hearing to determine whether or not the offender had to register. The Court also concluded that the SORB can transmit this data, and other data regarding the offender, to police departments. The offender information cannot be disseminated to the public until the Board classifies the offender and the offender has an opportunity to challenge the recommended classification at an administrative hearing.]

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Massachusetts SOR has a fully automated text database.

### **Database is linked to criminal history files:**

Yes. The SOR will be housed on the Criminal Justice Information System (CJIS) of the Massachusetts Criminal History Systems Board (CHSB).

**SOR transmits electronically to FBI NSOR system:**

No, as of 2/01.

**SOR system has capability for electronic transmittal & storage of fingerprints:**

No, as of 2/01.

**SOR system has capability for electronic transmittal and storage of mugshots:**

No, as of 2/01.

## ***Operation of Sex Offender Registries***

**Source for Initial Information on Offender:**

The SOR law requires sex offenders to initially register by mail with the SORB. Upon classification, Level II (moderate risk) and Level III (high risk) offenders are required to register in person at the local police department. At that time, additional registration information is provided by the offender and photographs and fingerprints will be updated. The SOR law additionally requires other registration information be provided to the SORB by agencies that have custody of the offender, including correctional agencies, not less than 90 days prior to the release from custody; by agencies that have supervision of the offender, including probation or parole, within 5 days of assuming supervision of the sex offender; by the sentencing court, within 5 days of sentencing when the sex offender is sentenced to less than 90 days committed.

**DNA Sample:**

No, not as part of the SOR law.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes, under the SOR law. Annual verification forms are to be mailed to each sex offender at the last reported address. Level I offenders (low risk) will be required to annually verify information by mail to the SORB. Level II and Level III offenders will be required to appear in person at the local police department to annually verify information. At that time, an updated photo and fingerprints will be taken. A sex offender who has been determined to be a sexually violent predator or who lists a homeless shelter as his residence shall also appear in person at the police department every ninety days to verify registration information. Whether a low, moderate, or high risk offender, the sex offender shall provide Independent Written Verification of the address at

which he is registered.

**B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

The first conviction shall be punished by imprisonment for not less than six months and not more than two and one-half years in a house of correction nor more than 5 years in a State prison or a fine of not more than \$1,000 or by both such fine and imprisonment. The second and subsequent conviction shall be punished by imprisonment in the State prison for not less than five years. Any offender who lists a homeless shelter as his residence and who violates the Act shall, for a first conviction, be punished by imprisonment for not more than 30 days in a house of correction; for a second conviction, be punished by imprisonment for not more than two and one-half years in a house of correction nor more than five years in a State prison or by a fine of not more than \$1,000, or by both such fine and imprisonment; and for a third and subsequent conviction, be punished by imprisonment in a State prison for not less than five years; provided, however, that the sentence imposed for such third or subsequent conviction shall not be reduced to less than five years, nor suspended, nor shall any person sentenced herein be eligible for probation, parole, work release or furlough, or receive any deduction from his sentence for good conduct until he shall have served five years. Prosecutions shall neither be continued without a finding nor placed on file.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

The SOR information is available statewide to law enforcement and criminal justice agencies through the Criminal Justice Information Systems (CJIS), which reaches more than 600 agencies throughout the Commonwealth.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Community notification is conducted by local law enforcement agencies in accordance with guidelines from the State Sex Offender Registry Board (which also classifies offenders). In general, affirmative

notification to schools or youth serving organizations may be conducted for Level II (moderate risk) offenders and must be conducted for Level III (high risk) offenders.

**Procedures for Public Access:**

There are three procedures by which the general public can access SOR data: 1) by a written request to the Sex Offender Registry Board for information on a specific individual, 2) through Community Notification (reserved for high risk offenders only), and 3) through an in-person request at the local police department. For in-person requests, if the inquirer is 18 years of age or older and gives a reason for the query, information can be obtained on (a) whether a specific individual is a sex offender, (b) whether any sex offenders live or work within the same city and/or town of a specific address, (c) whether any sex offenders live or work on a specific street, or (d) if the police department is located in a city or town with more than one zip code area, inquire whether any sex offenders live or work within a specified zip code area.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. <http://www.state.ma.us/sorb/> There are approximately 900 hits per month. The website does not contain offender-specific information.

# Summary of State Sex Offender Registries: Michigan

Responsible Agency: Michigan State Police

## *Who is in the Registry?*

### **Covered Offenses:**

The following offenses are covered: 750.145a - accosting, enticing or soliciting a child for immoral purposes; 750.145b - accosting, enticing or soliciting a child for immoral purposes; second offense, 750.145c(2),(3) - definitions; child sexually abusive activity or material; expert testimony; acts of commercial film or photographic print processor; applicability and uniformity of section; enactment or enforcement of ordinances, rules, or regulations prohibited. 750.158 - crime against nature or sodomy; 750.167(1)f - "disorderly person" defined: subsequent violations by person convicted of refusing or neglecting to support family; 750.335a - indecent exposure; 750.338 - gross indecency: between male persons\*; 750.338a - gross indecency: between female persons\*; 750.338b - gross indecency: between male and female persons\* (\*not registerable if the offense ended in a juvenile adjudication/disposition); 750.349 - kidnaping; 750.350 - leading, taking, carrying away, decoying, or enticing away child under 14; intent; violation as felony; penalty; adoptive or natural parent. 750.448 - soliciting and accosting to commit prostitution or immoral act; 750.455 - pandering; 750.520b - criminal sexual conduct in the first degree; 750.520c - criminal sexual conduct in the second degree; 750.520d - criminal sexual conduct in the third degree; 750.520e - criminal sexual conduct in the fourth degree; 750.520g - assault with intent to commit criminal sexual conduct. Registration requires three convictions of 750.167(1)f, three convictions of 750.335a, or a combination of both. Registration is required if the victim is less than 18 years of age. Any attempt or conspiracy to commit any of the above offenses and any person convicted of a similar offense as those listed above under federal law, or the law of any State or any country, must also register.

### **Mandated Registrants:**

Individuals convicted of covered offenses on or after October 1, 1995, and those convicted of or adjudicated delinquent for covered offenses earlier but under criminal justice or juvenile services supervision on or after October 1, 1995, and those transferred to Michigan while on probation or parole

for a covered offense committed elsewhere. Also mandated to register is any offender registered in Michigan moving to Michigan for any offense.

### **Duration of Registration:**

Automatic lifetime registration for the following offenses: 750.520b: criminal sexual conduct in the first degree; felony, 750.520c(1)a: criminal sexual conduct in the second degree; felony, 750.349: kidnaping (if the victim is less than 18 years of age.) 750.350: leading, taking, carrying away, decoying, or enticing away a child under 14; intent; violation as felony; penalty; adoptive or natural parent (child kidnaping). 750.145c(2) & (3): definitions; child sexually abusive activity or material; expert testimony; acts of commercial film or photographic print processor; applicability and uniformity of section; enactment or enforcement of ordinances, rules, or regulations prohibited. 25 years for all other offenses not listed above; unless it is a second offense which requires lifetime registration.

### **Offenders in Registry, 2/01:**

26,850

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Michigan SOR has a fully automated text database. It uses the Law Enforcement Information Network (LEIN) system as the computerized database for record keeping of the SOR, creating a "paperless" system.

### **Database is linked to criminal history files:**

No.

### **SOR transmits electronically to FBI SOR system:**

Yes.

### **SOR system has capability for electronic transmittal and storage of fingerprints:**

Partial. The capability exists at the central registry through the State AFIS, but most State police posts, local police departments, prisons, and intake and reception centers do not have livescan equipment for fingerprint submission.

**SOR system has capability for electronic transmittal and storage of mugshots:**

Yes.

***Operation of Sex Offender Registries***

**Source for Initial Information on Offender:**

Initial registration information is submitted through the Law Enforcement Information Network (LEIN) by the probation officer attached to the court (or the juvenile division of probate court) who registers the offender following conviction but prior to sentencing. Additional information comes from the Department of Corrections (DOC) and local law enforcement agencies via LEIN.

**DNA Sample:**

No. But registration data include information on whether a DNA profile of the offender is available.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. As of September 1, 1999, felony offenders are required to verify their address quarterly in person on the 1st-15th of January, April, July and October. Offenders must present digitized photograph on their Michigan ID card or license to local police agencies. Misdemeanor offenders must report annually January 1st-15th.

**B. SOR Notification Automated:**

Not applicable.

**C. Penalties for Noncompliance:**

Noncompliance is a felony offense, punishable by imprisonment for not more than 4 years and/or a fine of not more than \$2,000.

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

SOR data is accessible through the Law Enforcement Information Network (LEIN) which is available to criminal justice agencies statewide. The Central Registry can notify specific agencies through LEIN, and, through LEIN, a patrol officer initiating a query receives automatic warning that subject is a registered sex offender. The central SOR also provides all local agencies with listings by zip code of registered offenders in their jurisdictions.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

No affirmative notification is made to organizations.

**Procedures for Public Access:**

Listings by zip code of the registered offenders within a jurisdiction are available for inspection by the general public during normal business hours at State police posts, local law enforcement agencies, and sheriff's departments. Agencies may make the listing available through computerized, electronic, or other means.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. <http://www.mipsor.state.mi.us> and <http://www.msp.state.mi.us> A search by alias/name of offender and search by estimated age  $\pm$  5 years was added to the website.

# **Summary of State Predatory Offender Registries: Minnesota**

**Responsible Agency: Minnesota Department of Public Safety, Bureau of Criminal Apprehension**

## ***Who is in the Registry?***

### **Covered Offenses:**

Pursuant to M.S. §243.166, Subd. 1, any person charged with, petitioned for, or Court Martialed for a felony violation of, or attempt to violate 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. First degree murder and attempted first degree murder 609.185 (clause 2 only); kidnaping and attempted kidnaping (609.25); criminal sexual conduct in the first degree and attempted criminal sexual conduct in the first degree (609.342); criminal sexual conduct in the second degree and attempted criminal sexual conduct in the second degree (609.343); criminal sexual conduct in the third degree and attempted criminal sexual conduct in the third degree (609.344); criminal sexual conduct in the fourth degree and attempted criminal sexual conduct in the fourth degree (609.345); criminal sexual conduct in the fifth degree and attempted criminal sexual conduct in the fifth degree (609.3451, Subd. 3 only); indecent exposure and attempted indecent exposure (617.23, Subd. 3 only); false imprisonment of a minor 609.255, Subd. 2 only); soliciting a minor to engage in prostitution (609.322 or 609.324); soliciting a minor to engage in sexual conduct (609.352); using a minor in a sexual performance (627.246); possession of pictorial representations of minor (627.247); predatory crime and sentencing as a patterned sex offender (609.108); comparable violations of the Uniform Code of Military Justice; comparable Federal offenses; comparable offenses from other States and registered offenders from other States who enter Minnesota to work or attend school. Covered offenses also include those included pursuant to M.S. §243.167.

### **Mandated Registrants:**

Anyone who was charged with, or petitioned for, a felony violation of any of the covered crimes or an attempt to commit a covered crime, and who was then convicted of, or adjudicated delinquent for, that offense or another offense arising out of the same circumstances is required to register. Also, persons committed as Sexual Psychopath or Sexual Dangerous Persons are mandated to register whether or not they have been convicted of a crime.

### **Duration of Registration:**

10 years from the time the individual initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For registrants committed under section 253B.185, the 10-year period does not include the period of commitment. As of August 1, 2000, lifetime registration applies to offenders who fit the following criteria: (1) the offender was previously convicted of or adjudicated delinquent for committing an offense which required registration and commits another offense after 8/01/2000 which also requires registration or (2) the offender was convicted of or adjudicated delinquent for committing any of the following offenses after 8/01/2000: 609.185, Subd. 2; or 609.342, Subd. 1 a, c, d, e, f or h; or, 609.343, Subd 1 a, c, d, e, f or h; or 609.344, Subd. 1 a, c, or g; or 609.345, Subd. 1 a, c or g; or (3) the offender was committed pursuant to a court commitment under 253B.185; or a similar law of any other State or the United States for an offense committed on or after 8/01/2000.

### **Offenders in Registry, 2/01:**

10,610

## ***Automation of Predatory Offender Registries***

### **Extent of database automation:**

On January 16, 2001, consultants began working on a new database. The expected date of completion is June 30, 2001. Once the new system is complete, law enforcement and probation officials will be able to access Predatory Offender Registry (POR) data via the Internet.

### **Database is linked to criminal history files:**

No. The criminal history records of registered sexual offenders are flagged through a manual download. The process is not automated and there is no link between the systems. As part of the development of the new database, this process will be automated. The expected completion date is Fall 2001.

**SOR transmits electronically to FBI NSOR system:**

No. As part of the development of the new database, the BCA will implement electronic transmission of this information. Expected completion date Fall 2001.

**SOR system has capability for electronic transmittal & storage of fingerprints:**

No. As part of the development of the new database, the BCA will be able to send and receive photographs via electronic transmission.

**SOR system has capability for electronic transmittal and storage of mugshots:**

No.

## ***Operation of Predatory Offender Registries***

**Source for Initial Information on Offender:**

The court informs the offender of his/her duty to register at sentencing, and sends the original and a copy of the signed Notification of Duty to Register form to the Bureau of Criminal Apprehension (BCA) of the Department of Public Safety (DPS). The supervising corrections agent conducts the registration itself and sends BCA the original and a copy of the Registration form. Offenders no longer under supervision or moving to Minnesota from out-of-state register with the local law enforcement agency where they live which sends the registration data to BCA. All forms are in hard copy for manual data entry at the SOR.

**DNA Sample:**

Yes. DNA is required of offenders under DNA Statute 609.117, which also includes offenders from other States by Interstate compact.

**Validation and Reregistration Procedures:**

**A. State POR Proactively Notifies Registrants:**

Yes. Bureau of Criminal Apprehension (BCA) mails an annual address verification letter to each registrant. The letter includes a response form and pre-addressed postage-paid envelope for the offender's response.

**POR Notification Automated:**

Yes. Verification letters are computer generated on the anniversary date of the offender's registration. The POR staff handles the actual mailing (folding

and stuffing envelopes) manually.

**Penalties for Noncompliance:**

As of August 1, 2000, the initial violation is a felony which carries a mandatory 1 year prison sentence. An offender who fails to provide change of address information may also be subject to an additional five year registration period.

## ***Dissemination of Predatory Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Offenders are registered through community corrections probation officers in Minnesota's 87 counties or through Department of Corrections (DOC) staff when the offender serves a prison term. All registering officials send the forms to the Bureau of Criminal Apprehension (BCA) of DPS which manages the POR. The BCA notifies a local law enforcement agency when an offender is moving to their jurisdiction and asks that they verify the offender's address. DOC sends results of pre-release risk assessment to BCA and to the local law enforcement agency.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Any notification is conducted by local law enforcement agency based on offender's risk level. (Offender's risk level--on offenders being released from prison only--is assessed prior to release by expert panel convened by DOC. Assessments are not conducted for offenders who are sentenced to probation, juvenile offenders, or other offenders with non-prison sentences.) Affirmative notification to schools, youth-serving organizations, etc., is normally done for Level II (moderate risk) or Level III (high risk) offenders.

**Procedures for Public Access:**

The Minnesota Peace Officers Standards and Training Board (POST) developed a model policy on community notification procedures. All law enforcement agencies in the State are required to have a formal policy on community notification. In general, for Level I (low risk) offenders, information shared only with law enforcement, victims and witnesses. For Level II (moderate risk) offenders, schools, day care centers, or other organizations are notified. For Level III (high risk) offenders,

thorough community notification, including community meetings, is conducted. The DOC provides an offender fact-sheet with photo.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes, *but not with information on offenders.*

Minnesota Department of Public Safety website has the legislation, forms, and information on the Registry program, but does not mount information on individual offenders: <http://www.dps.state.mn.us/bca>

The DOC currently has a secured website for law enforcement and corrections with detainer information. Agents and police may contact the BCA Registry via E-mail: [mnregistry@state.mn.us](mailto:mnregistry@state.mn.us)

# Summary of State Sex Offender Registries: Mississippi

Responsible Agency: Mississippi Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Under Mississippi statutes, the central registry covers offenders who have been convicted of one of the following sexual offenses: kidnaping a victim below age 18 (97-3-53); statutory rape (97-3-65); rape and assault with intent to ravish; (97-3-71); sexual battery (97-3-95); touching a child for lustful purposes (97-5-23); dissemination of sexually oriented material to children (97-5-27); exploitation of children (97-5-33 (1) or (2)); carnal knowledge of a stepchild, adopted child or child of a cohabiting partner (97-5-41); unnatural intercourse (97-29-59); any other offense committed in another jurisdiction which would be deemed such a crime in the State; and, any offense committed in another State for which registration is required in that State. *Effective July 1, 2001 three (3) additional statutes will be added to this list, including Enticing a Child for Concealment, Prostitution or Marriage (97-5-5); Adultery or Fornication Between Teacher and Pupil (97-29-3); & Attempt to Commit Offense (97-1-7).*

### **Mandated Registrants:**

Any person residing in Mississippi who has been convicted, acquitted by reason of insanity or twice adjudicated delinquent for any covered sex offense or attempted sex offense is required to register. The law became effective in 1995, but applies retroactively. Registration is required for all those convicted of a covered offense independent of the date of conviction.

### **Duration of Registration:**

Lifetime registration is required of all offenders. Certain offenders may be eligible to petition the court to be relieved of the duty to register after ten years of maintaining registration in Mississippi.

### **Offenders in Registry, 2/01:**

1,512

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Mississippi Sex Offender Registry (MSOR) is maintained in an Access-based database. Reregistration letters and notifications are generated from the system.

### **Database is linked to criminal history files:**

No, not as of 2/01.

### **SOR transmits electronically to FBI NSOR system:**

Sex offender information is submitted manually to NSOR as each offender is added to the MSOR.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not at the present time.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not at the present time.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The SOR unit receives information from the courts, the Department of Corrections (DOC), mental institutions, youthful offender facilities and county sheriffs' offices. DPS provides offender registration information to the local law enforcement agency where the offender is residing. The offender must also register in person at the sheriff's office in his resident county.

### **DNA Sample:**

Yes. DNA samples are required from each registrant. The material is maintained by the Mississippi Crime Laboratory.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. All registrants must reregister every 90 days. DPS mails a nonforwardable verification form to the last reported address of each offender every 90 days. The offender must complete and return the form to

DPS within 10 days of receipt.

**B. SOR Notification Automated:**

Yes, letters are generated from the database.

**C. Penalties for Noncompliance:**

The failure of an offender to provide any registration or other information, including, but not limited to, initial registration, reregistration or change of address information is a violation of the law. Additionally, forgery of information or submission of information under false pretenses is also a violation. A violation is considered a felony and is punishable by a fine or not more than \$5,000 or imprisonment in the State Penitentiary for not more than 5 years, or both fine and imprisonment.

**Internet Website: (include web address and number of hits per month, if applicable)**

<http://www.sor.mdps.state.ms.us> The MSOR receives approximately 9,000 inquiries a month.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

All SOR information is open to law enforcement agencies, and is made available by mail, fax, phone, or through electronic means.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

There is no affirmative notification required to these organizations. The Department of Education, the Mississippi Private School Association and the Department of Health are required to notify all schools and licensed day care centers annually regarding the availability upon request of the information.

**Procedures for Public Access:**

Members of the general public can access the name, address, photograph (if available), place of employment, crime for which convicted, date and place of conviction of any registrant on the MSOR website. The information can also be requested by mail from DPS. Sheriffs are required to keep records for offenders in their jurisdiction and make this information available to the public upon request. DPS and law enforcement agencies are also authorized to release any other information deemed necessary for the protection of the public.

# Summary of State Sex Offender Registries: Missouri

Responsible Agency: Missouri State Highway Patrol

## *Who is in the Registry?*

### **Covered Offenses:**

Any offense in violation of Chapter 566 (sex offenses) of the Missouri State Code or in violation of comparable offenses if committed in another State or jurisdiction of the United States.

### **Mandated Registrants:**

Registration is mandatory for individuals who were convicted of, or received suspended imposition of sentences for, the covered felonies and misdemeanors on or after July 1, 1979.

### **Duration of Registration:**

Lifetime

### **Offenders in Registry, 2/01:**

7,500

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

As of 2/01, the text database of the SOR is automated, and the SOR data is available to criminal justice agencies statewide through the Missouri Uniform Law Enforcement System (MULES) telecommunications network, but all data entry is manual.

### **Database is linked to criminal history files:**

No. The SOR data can be linked to the criminal history files by the offender's State Identification Number (SID), but the databases are not linked electronically.

### **SOR transmits electronically to FBI NSOR system:**

No, as of 2/01. Capability to meet all NCIC 2000 and permanent NSOR transmission requirements is near completion.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No not as of 2/01, but the integration of the AFIS and the Criminal History Record System (now underway) will provide this capability. The Department of

Corrections (DOC) has livescans and are able to submit fingerprints electronically.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No not as of 2/01, but the integration of the AFIS and the Criminal History Records System (underway) will provide the capability. The DOC has livescans to submit mugshots electronically but have not completed the integration.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The courts, the Department of Corrections (DOC), and Mental Health Services all send "Notification of Duty to Register" forms signed by the offender to the SOR. Local law enforcement agencies also send offender registration cards (special fingerprint cards) and change of address notices to the SOR in hard copy for manual entry.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Missouri requires all offenders to register annually on the month of their birth. If the victim is under the age of 18, then registration is also required every 90 days.

### **SOR Notification Automated:**

Not applicable as of 2/01.

### **Penalties for Noncompliance:**

Violation of SOR registration requirements is a Class A misdemeanor.

## *Dissemination of Sex Offender Registry Information*

### **To Law Enforcement and Criminal Justice Agencies:**

The SOR offender list is available through the Missouri Uniform Law Enforcement System

(MULES) which also contains the "hot files" for the State and has a direct connection to the Criminal History Records System. All criminal justice agencies in the State have access to the SOR lists through the MULES telecommunication network.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Affirmative notification to schools or other youth serving organizations is a local law enforcement responsibility.

**Procedures for Public Access:**

Upon request, a local law enforcement agency will provide a complete list of the sexual offenders registered within that agency's jurisdiction to any member of the public.

**Internet Website: (include web address and number of hits per month, if applicable)**

No. As of 2/01, Missouri does not have any SOR registrants listed on a State website.

## Summary of State Sex Offender Registries: Montana

Responsible Agency: Montana Department of Justice

### *Who is in the Registry?*

#### **Covered Offenses:**

Covered offenses include both sexual and violent offenses covered in Montana law. The sexual offenses are: violation or attempt, solicitation, or conspiracy to commit violation of 45-5-502(3), 45-5-503, 45-5-504(1), 45-5-504(2)(c), 45-5-507 or 45-5-625 (or equivalent statute of another State or federal government). The violent offenses are: violation of, or attempt, solicitation or conspiracy to commit violation of 45-5-102, 45-5-103, 45-5-202, 45-5-206 (third or subsequent offense), 45-5-301 (by other than parent, victim less than 16), 45-5-302, 45-5-303, 45-5-401, 45-5-603 (1)(b), 45-6-103, 45-5-210, 45-5-212, and 45-5-213.

#### **Mandated Registrants:**

All sexual offenders who were sentenced, in custody, or under supervision on or after July 1, 1989, and all violent offenders who were sentenced, in custody, or under supervision on or after October 1, 1995, are required to register.

#### **Duration of Registration:**

Sexual offenders are required to register for life. Violent offenders must register for 10 years. Offenders in either category may petition the court for relief from the requirement after 10 years with no offenses.

#### **Offenders in Registry, 2/01:**

2,088 registered offenders; 1,027 sex offenders; 1,043 violent offenders; and 18 offenders with both a sex and violent offense.

### *Automation of Sex Offender Registries*

#### **Extent of database automation:**

The database is fully automated as of January 2000.

#### **Database is linked to criminal history files:**

Yes, as of January 2000.

#### **SOR transmits electronically to FBI NSOR system:**

No. Montana is currently working toward this goal.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes, using Montana AFIS.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes.

### *Operation of Sex Offender Registries*

#### **Source for Initial Information on Offender:**

The initial registration information comes to the SOR in hard copy from Probation and Parole (if the offender received a probation sentence), from the Department of Corrections as part of offender's pre-release process (if he was confined), or from the relevant local law enforcement agency for offenders moving into Montana from out-of-state. The planned redesign of SOR, together with the upgrades planned for the criminal history records (CHRS) and the State telecommunications network (CJIN) will automate most of the registration process when completed.

#### **DNA Sample:**

Yes. DNA sample is a requirement of the program, and the registration form asks if the DNA analysis is available. This information is available on a Montana criminal record.

#### **Validation and Reregistration Procedures:**

##### **A. State SOR Proactively Notifies Registrants:**

Yes. The notification to registrants of the need to verify their current addresses is conducted by Department of Justice, which manages the SOR. The Department of Justice then notifies local law enforcement agencies of address changes as appropriate.

##### **B. SOR Notification Automated:**

Yes, as of January 2000.

##### **C. Penalties for Noncompliance:**

Noncompliance with SOR requirements is a felony, punishable by up to five years in prison and/or a fine of up to \$10,000.

## ***Dissemination of Sex Offender Registry Information***

### **To Law Enforcement and Criminal Justice**

#### **Agencies:**

The agency taking the offender's initial registration sends the information to the State Department of Justice (DOJ) and to the local law enforcement agency for the jurisdiction where the offender resides. The DOJ notifies the local law enforcement agency of any subsequent address changes. The new SOR system will be available statewide through the enhanced Criminal Justice Information Network (CJIN).

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

All names and addresses on the Montana Sex Offender Registry are public criminal justice information. Affirmative organizational and community notification is a local law enforcement responsibility. For Level 2 (moderate risk) offenders, law enforcement agencies may notify the public, the victim, and "any agency, organization, or group servicing persons who have characteristics similar to those of a previous victim. "For Level 3 (high risk) offenders, the notification is mandatory.

### **Procedures for Public Access:**

Community notification is conducted by local law enforcement agencies. It is discretionary for Level 2 offenders and mandatory for Level 3 offenders. The State Department of Justice (DOJ) is currently developing policies for public access to SOR data in conjunction with new policies for public access to criminal history records.

### **Internet Website: (include web address and number of hits per month, if applicable)**

Yes. <http://www.svor.doj.state.mt.us>

# Summary of State Sex Offender Registries: Nebraska

Responsible Agency: Nebraska State Patrol

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are kidnaping of a minor, false imprisonment of a minor, sexual assault in the 1st, 2nd, or 3rd degree, sexual assault of a child, sexual assault of a vulnerable adult, incest of a minor, pandering of a minor, child pornography, or attempt to commit or conspiracy to commit any of the listed offenses.

### **Mandated Registrants:**

Any person convicted of a covered crime on or after effective date of the 1997 legislation, any person serving a parole, probation, or corrections jail sentence for a covered crime, and any person released from custody on or after January 1, 1997 who was incarcerated for a covered offense on or after January 1, 1997, is required to register. Any person who moves to Nebraska on or after January 1, 1997, and has been convicted for an equivalent offense for a covered crime or has been released from incarceration or supervision in another State or jurisdiction as of January 1, 1987 is required to register.

### **Duration of Registration:**

10 years from the date the offender is released from confinement, or from the date the offender is discharged from probation or parole, whichever is later. Offenders may petition the court for relief from the requirement to register. Sexually violent offenders (determined by the court with a recommendation from an evaluation board) must register until the sentencing court determines that registration is no longer necessary.

### **Offenders in Registry, 2/01:**

1,120

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Nebraska SOR collects sex offender registration information from local sheriff's offices where registration is completed. This information is entered into a State Patrol computer system where

verification letters are generated. Registered sex offender information and a photo is made available to law enforcement through a secured web site where searches can be made for different criteria. Law enforcement officers are given a user name and password to access the SOR.

### **Database is linked to criminal history files:**

Registered sex offender information is queried from the Nebraska Criminal Information System (NCIS).

### **SOR transmits electronically to FBI NSOR system:**

No, not as of 2/01. Nebraska is purchasing a new switcher to help with the automation of transmitting registered sex offender data to the FBI NSOR.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial. The capability exists at the State Patrol headquarters unit through the Nebraska AFIS, but not in the field throughout the State.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial. Photos are submitted to the State Patrol and are scanned into the Patrol's registry database. These digitized photos can then be sent electronically to other law enforcement agencies or registered sex offender photos can be obtained from the State Patrol's secured law enforcement website.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

Local sheriff's departments, working with their county and district court systems, and State corrections, conduct registrations of convicted offenders and then mail the registration data, fingerprints, and photos to the State Registry. Probation and Parole Services and State Regional Centers are involved in monitoring the offenders in the community.

### **DNA Sample:**

Yes. A DNA sample is taken from all persons convicted of felony crimes in Nebraska, but the DNA sampling is not related to/mandated by the Sex

Offender Registry Program.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. An annual address verification is completed by the Nebraska State Patrol for each registrant, and quarterly address verifications are completed on sexually violent offenders. Reregistration is required if the offender moves to a new county. Notification letters informing registrants of their duty to verify their addresses are distributed by mail from the Nebraska State Patrol.

**B. SOR Notification Automated:**

No. Notification letters informing registrants of their duty to verify their addresses are distributed by mail from the Nebraska State Patrol.

**C. Penalties for Noncompliance:**

Registrants who violate the Nebraska Act are guilty of a Class IV felony, punishable by up to 5 years imprisonment, a \$10,000 fine or both, if the crime requiring registration was a felony. If the underlying crime was a misdemeanor, the violation is a misdemeanor, punishable by up to one year imprisonment, a \$1,000 fine, or both. Violation of SOR rules and regulation is an infraction, punishable by a fine of \$100 for the first offense and up to \$500 for subsequent offenses.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Nebraska law enforcement agencies can request user accounts to have instant online access to registered sex offender information through a secured website location. They can also contact the SOR by phone.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Nebraska law requires a three tiered notification. Active notification for schools, day care centers, religious and youth organizations for moderate and high risk sex offenders is anticipated to start June 2001 via a phone and/or fax system. A secured website has been developed to accommodate the moderate risk sex offender information. Each organization has been given a user account and password to obtain moderate and high risk sex offender information, including a picture, in their

county of residence. Governmental agencies conducting confidential name checks, for employment purposes, are also entitled to registered sex offender information.

**Procedures for Public Access:**

Nebraska law requires a three tiered notification. Active notification is conducted for the public for registered sex offenders who have been assessed as a high risk to re-offend. These notifications are conducted by the State Patrol by faxing information to law enforcement agencies on new high risk offenders and high risk offenders who have changed addresses. Media releases of high risk sex offenders are also faxed to media groups. The notifications are expected to be automated, through a phone and/or fax system, and fully operational by June 2001. Further notification can be done by local law enforcement through direct contact public meetings, or further media releases. A public website has been created to store the past sex offender press releases. From the website, the public can receive high risk sex offender information including photos, frequently asked questions, and a document section that contains the Nebraska Sex Offender Act, Rule and Regulations, and the risk assessment instrument.

**Internet Website: (include web address and number of hits per month, if applicable)**

<http://www.nsp.state.ne.us/sor/index.cfm>

**Summary of State Sex Offender Registries: Nevada**  
**Responsible Agency: Nevada Department of Motor Vehicles and Public Safety**  
**Nevada Highway Patrol Division and Nevada Parole and Probation Division**

***Who is in the Registry?***

**Covered Offenses:**

Two categories of offenses are covered: sexual offenses and crimes against a child where the victim is less than 18. Covered sexual offenses are murder in perpetration of sexual abuse of a child, sexual assault, statutory sexual seduction, battery to commit sexual assault, sexual abuse or exploitation of a child, pornography involving minor, incest, solicitation of a minor for indecent acts, gross lewdness, indecent or obscene exposure, sexual penetration of a dead human body, and attempts to commit any of the covered offenses. Covered crimes against a child (where the victim is less than 18) are kidnaping or false imprisonment, pandering or prostitution, or attempts to commit these crimes.

**Mandated Registrants:**

All offenders convicted of a covered offense on or after July 1, 1956 are required to register.

**Duration of Registration:**

Registration is required for as long as offender resides in or is present within the State. After 15 consecutive years as a registrant with no additional offenses, a registered sexual offender may petition the court to terminate his duty to register. If turned down, he must wait five years before reapplying. However, registrants convicted of sexually violent offenses or declared sexually violent predators may not apply for relief from the registration requirement.

**Offenders in Registry, 2/01:**

2,519 offenders are in the Registry. Approximately 5,000 qualifying offenders are estimated to be living in Nevada.

***Automation of Sex Offender Registries***

**Extent of database automation:**

Partial. There is partial automation of the data collection. When an offender registers with the Division of Parole and Probation, the collected data is entered into a database which is shared with the

State Registry. Completion of the database and its associated functions is expected during 2001.

**Database is linked to criminal history files:**

No, not as of 2/01.

**SOR transmits electronically to FBI NSOR system:**

No, not as of 2/01. (However, the planned automated system will be able to do so through the redesigned NCJIS.)

**SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial. While not part of the current SOR, the capability exists through the State's AFIS.

**SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 2/01.

***Operation of Sex Offender Registries***

**Source for Initial Information on Offender:**

Staff of the Parole and Probation Division of the Nevada Department of Motor Vehicles and Public Safety interview the offenders, fill out the registration forms, take fingerprints and Polaroid photos and then mail the information to the Criminal Records Repository, which is also in the Department of Motor Vehicles and Public Safety. Following a fingerprint search to confirm the offender's identity and the existence of a current Nevada or NCIC III record, the hard copy folder containing all of the registration material is filed by the offender's name. The SOR unit is responsible for notifying the local law enforcement agency where the offender will reside

**DNA Sample:**

Yes, a DNA sample is taken for offenders under criminal justice supervision or in prison.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Effective January 1, 1998, notices informing the registrant of address validation requirements are

sent out annually to registered sexual offenders and every 90 days to high risk offenders by the State SOR unit.

**Internet Website: (include web address and number of hits per month, if applicable)**

No, not as of 2/01.

**B. SOR Notification Automated:**

No, not as of 2/01.

**C. Penalties for Noncompliance:**

Noncompliance is a Class D felony punishable by one to four years imprisonment and/or a fine of not more than \$5,000.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

When the central registry receives a registration notice, it notifies the local law enforcement agency where the offender will reside. When the central registry receives a notice of change of address, it notifies the local law enforcement agencies at both the new location and the jurisdiction the registrant is leaving. As of 2/01, the SOR dissemination to local agencies is provided primarily through the TRAK System, but on occasion by mail or fax.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The local law enforcement agency where the registrant resides conducts the notification to schools and to religious and youth organizations likely to encounter the offender for both Tier 2 (moderate risk) and Tier 3 (high risk) offenders. All community notification proceeds under guidelines developed by the State Attorney General with input from a State Advisory Council.

**Procedures for Public Access:**

Citizens may submit by-name queries about individuals to the Central SOR. For Tier 3 (high risk) offenders, the law enforcement agency where the offender resides notifies not only other law enforcement agencies, schools, and youth organizations, but also the general public "through means designed to reach members of the public likely to encounter the sex offender." Additional provisions apply for those who committed sexual offenses against minors.

# Summary of State Sex Offender Registries: New Hampshire

Responsible Agency: New Hampshire State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include violations or attempted violations of specified sexual offenses (RSA 632-A:2, 632-A:3, 632-A:4, or 645:1,II) and violations or attempted violations of any of the following listed offenses where victim was under the age of 18 (RSA 633:1, 633:2, 633:3, 639:2, 645:2, 645:2,II, 649-B:3, 649-B:4 or RSA 169-B:41,II, 639:3, III, 649-A:3,I; 649-A:3,III or 650:2,II) or reasonably equivalent offenses in laws of another State or the federal government.

### **Mandated Registrants:**

Registration is mandatory for any sex offender, independent of the date of conviction, who is released into the community on or after July 16, 1993, or who has been released earlier, but has not completed his sentence before July 16, 1993, or who has completed his sentence not more than six years before January 1, 1994. Registration is also mandatory for any offender convicted of a covered crime against a child, independent of the date of conviction, who is released into the community on or after August 9, 1996, or who has been released, but has not completed his sentence before August 9, 1996.

### **Duration of Registration:**

Lifetime registration is required for offenders committing violent sexual offenses or violent offenses against children (offenses are specified within the legislation). There is a 10 year registration requirement for other covered sexual offenses or other covered offenses against children.

### **Offenders in Registry, 2/01:**

2,168

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The New Hampshire SOR has an automated text database on a local network server. It is accessible *only* to authorized State Police personnel on that specific LAN. The program for NSOR is currently

being developed.

### **Database is linked to criminal history files:**

No, not as of 2/01.

### **SOR transmits electronically to FBI NSOR system:**

No, not as of 2/01.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partially. The capability for digital storage and transmission of fingerprints to the FBI exists through the Tri-State AFIS of which New Hampshire is a part.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partially. (See preceding section on storage and transmittal of fingerprints)

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The official releasing the offender to the community informs him of his duty to register, and transmits the offender's signed acknowledgment, together with information on the offender and the offense, to the State Police SOR unit for entry into the Law Enforcement Name Search (LENS) System. The offender also must register with the local law enforcement agency where he resides. A copy of that registration is sent to the SOR unit as is any subsequent change of address notice. All forms are submitted to the SOR in hard copy.

### **DNA Sample:**

No. Swabbings of saliva are included.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Non-forwardable notification letters are sent out annually to registered sexual offenders, and quarterly for those sexual offenders released after "extended terms of imprisonment."

#### **B. SOR Notification Automated:**

No.

**C. Penalties for Noncompliance:**

Noncompliance is a misdemeanor punishable by a fine of not more than \$1,000 and/or a jail sentence of not more than one year.

**Internet Website: (include web address and number of hits per month, if applicable)**

No.

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

The State SOR notifies local law enforcement agencies when an offender has indicated he plans to move into their jurisdiction or when an offender is in noncompliant status.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

New Hampshire law permits a local law enforcement agency to notify community organizations where an offender plans to reside only if the offender has been convicted of aggravated sexual assault against a child under the age of 13. Organizations that may be notified include schools, day care centers, youth groups, summer camps, libraries, and similar youth serving groups. The New Hampshire legislature is, as of Spring 1998, considering modifications to its statute to bring it into compliance with the Jacob Wetterling Act, the Pam Lychner Act, and Megan's Law.

**Procedures for Public Access:**

Access to SOR data is limited by statute to law enforcement officials and their authorized designees, with the limited organizational notification noted in preceding section. As noted, the New Hampshire legislature is considering modifications to bring the statute into compliance with Megan's Law, Jacob Wetterling Act, and Pam Lychner Act amendments. Exception - a public access list is published monthly by SOR to local law enforcement agencies of those sex offenders who have been convicted of the following crimes where the victim is under the prescribed age: RSA 632-A:2 (under 13); 632-A:3 (under 13); 645:1,II (under 16); 639:3,III (under 16); 649-A:3 (under 16); 169-B:41,II (under 17); 633:1 (under 18); 633:2 (under 18); 633:3 (under 18; 645:2 (under 18); 650:2,II (under 18). The local law enforcement agency can disseminate this list to any member of the public that requests it. The information released is the offender's name, address, crime committed, court of conviction, and date of conviction.

# Summary of State Sex Offender Registries: New Jersey

Responsible Agency: New Jersey State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include aggravated sexual assault, sexual assault, aggravated criminal sexual contact, endangering the welfare of a child by engaging in sexual contact that would harm child's morals, luring or enticing and (if victim is a minor and offender not a parent) kidnaping, criminal restraint, and false imprisonment.

### **Mandated Registrants:**

Sex offenders released from custody since the effective date of the legislation, 10/31/94, as well as offenders who were on parole or probation on the effective date of the law are required to register. Offenders found to be repetitive and compulsive by experts and by the courts, must register regardless of the date of sentence.

### **Duration of Registration:**

The registration requirement can range from 15 years to life. A registered offender may apply to the State Superior Court to terminate his duty to register after 15 offense-free years following release to the community.

### **Offenders in Registry, 2/01:**

7,495

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

A fully automated text database is in place on a mainframe operated by State Bureau of Identification (SBI), New Jersey State Police. The automated database can be searched by any field.

### **Database is linked to criminal history files:**

Yes. SOR database is completely separate from CCH files. When a sex offender is entered into the SOR, the CCH record will state "Registered Sex Offender." (In 2001, the electronic mugshot files, maintained in the central repository, will be linked to the SOR in the same manner as CCH records.)

### **SOR transmits electronically to FBI NSOR system:**

Yes. The New Jersey SOR can electronically transmit text data. NJ SOR is electronically transmitting to CSORF (NCIC 2000).

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

New Jersey has implemented a Fully Integrated Fingerprint Identification System (FIFIS) in conjunction with its AFIS. Fingerprint card scanner workstations have been purchased and will enable the SOR to scan traditionally inked sex offender print cards into FIFIS, so they can be electronically transmitted to the FBI.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

The New Jersey State Police has developed an Electronic Mugshot file for the storage and retrieval of photos of registered sex offenders, that can be used for law enforcement searches, electronic lineups, and similar purposes, as well as for transmission to the FBI. Digital mugshot capability, with links to the State Police SOR, for both DOC and JJ facilities has been established.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

Municipal Police Agencies and Department of Corrections (DOC) staff provide the initial information on adult sex offenders--manually compiling the registration data, fingerprint cards, photos, and any other material, and submitting it all to the respective county prosecutor's office. In New Jersey, the county prosecutors serve as conduits for *all* SOR information, and they submit the sex offender registration forms to State Police for the SOR. The Juvenile Justice Commission (JJC) follows similar procedures for juvenile sex offenders.

### **DNA Sample:**

Yes. DNA samples are maintained at the State Crime Laboratory.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Registrants must verify their addresses annually. Those classified as repetitive and compulsive must verify their addresses every 90 days. The New Jersey State Police report that address confirmation and reregistration is the responsibility of the county prosecutor for each county.

**B. SOR Notification Automated:**

No. As of 2/01, there is no automated notification. It is handled manually in each county prosecutor's office.

**C. Penalties for Noncompliance:**

A person who fails to register as required is guilty of a crime of the fourth degree and may be sentenced to imprisonment not to exceed 18 months and receive a maximum fine of \$7,500.

mental health and legal experts, and supplemented by a detailed manual explaining criteria and weighting and giving examples. For offenders assessed as high risk, the local law enforcement agency conducts community notification, tailoring it to those members of the public likely to encounter offender.

**Internet Website: (include web address and number of hits per month, if applicable)**

Legislation is pending to develop an Internet website for public access to sex offender data.

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Sex offender registry information is maintained by the State Police State Bureau of Identification (SBI), and is available to all criminal justice agencies that have access to the New Jersey Criminal Justice Information System (CJIS) and/or the FBI Interstate Identification Index (III) System. Registered offenders' files in the Master Name Index (MNI) are flagged, and an officer making a query can move from the MNI to the SOR files.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Since October 1994, notification concerning offenders assessed as low risk has been given only to victim(s) and law enforcement agencies likely to encounter that offender. For offenders assessed as moderate risk, schools and religious and youth-serving organizations are also notified. For offenders determined to be high risk, community notification (next section) is required. (See following section on Risk Assessment procedures.)

**Procedures for Public Access:**

Since October 1994, community notification has only been conducted for Level 3 (high risk) sexual offenders. Risk levels are determined through use of the Registrant Risk Assessment Scale, developed by

# Summary of State Sex Offender Registries: New Mexico

Responsible Agency: New Mexico Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are sex offenses, defined as criminal sexual penetration in the first, second, third, or fourth degree; criminal sexual contact in the fourth degree; criminal sexual contact of a minor in the third or fourth degree; sexual exploitation of children; sexual exploitation of children by prostitution; solicitation to commit criminal sexual contact of a minor in the third or fourth degree; and attempt to commit any of the covered offenses.

### **Mandated Registrants:**

Registration is mandatory for all persons convicted in New Mexico of a sexual offense on or after July 1, 1995, and are residing in New Mexico, attending school in New Mexico, working in New Mexico or are in the Military in New Mexico. Persons convicted of a sex offense prior to July 1, 1995 will be registered if it is a condition of their probation or parole or if it is a requirement of the State that they were convicted in.

### **Duration of Registration:**

Current legislation (Section 29-11A) mandates that registration information be retained for a period of 20 years for certain covered offenses and for 10 years for other offenses, but is silent on the deletion of records after the specified time period. The Department of Public Safety (DPS) requires all registrants in the registry to annually renew their registration prior to December 31<sup>st</sup> following their initial registration.

### **Offenders in Registry, 2/01:**

As of 2/01 there are 1,171 registered sex offenders in the database.

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The New Mexico SOR has an automated text database, fully searchable, and established as a part of New Mexico's criminal history records. The New Mexico SOR is directly linked to the State's Criminal Justice Information System (CJIS), and is accessible

to law enforcement and criminal justice agencies throughout the State.

### **Database is linked to criminal history files:**

Yes. The SOR is part of computerized criminal history files.

### **SOR transmits electronically to FBI NSOR system:**

No, not electronically. The State submits hard copy offender information to the FBI.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partially. New Mexico has an AFIS which provides electronic storage and transmission capability, but as of 2/01, it is not linked with the SOR records and SOR staff report no plans to do so.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partially. As of 2/01, mugshots of registrants are received by the SOR in hard copy from local law enforcement agencies and then are scanned into the criminal history files. With the SOR part of the criminal history files, they are available for transmittal.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The offender registers with the sheriff of his county of residence. The sheriff enters the registration data directly into the SOR database through the State's Criminal Justice Information System (CJIS), and then mails the signed original of the form, the fingerprint card, and the offender's photo to SOR. When a sex offender is convicted, the offender is provided with written notice of his duty to register as a sex offender. When the individual is released from custody, probation or parole, the individual is notified of his duty to register. The sex offender is required to register within 10 days of notification. Notification is also sent to the DPS for "flagging" purposes should a sex offender not register within the required time frame.

**DNA Sample:**

No.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. The DPS provides web access to the public at:

<http://www.nmsexoffender.dps.state.nm.us>

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Effective July 1, 2000, registered sex offenders that are convicted of a sex offense that was committed on or after July 1, 1995 are required to annually renew their registration prior to December 31<sup>st</sup> of each year. There is currently no requirement for address verification.

**B. SOR Notification Automated:**

It is anticipated that by December 31, 2001 the renewal process will be automated.

**C. Penalties for Noncompliance:**

As of July 1, 2000, failure to comply with the conditions of the Sex Offender Registration requirements (which include failure to register) is a fourth degree felony.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

All law enforcement and criminal justice agencies in the State have access to SOR data through the State's Criminal Justice Information System (CJIS), both in response to a request for a specific individual's criminal history record or in searches of the SOR database. If the central SOR unit receives notice from an out-of-state agency that a qualifying offender is moving to New Mexico, the unit staff notify the appropriate local law enforcement agency.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Effective July 1, 2000, sex offender information for persons convicted, incarcerated, or on probation or parole will be available to the public through a website.

**Procedures for Public Access:**

Effective July 1, 2000, sex offender information for persons convicted, incarcerated, or on probation or parole will be available to the public through a website.

# Summary of State Sex Offender Registries: New York

Responsible Agency: New York State Division of Criminal Justice Services

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are New York State offenses that correlate with the Wetterling Act, including convictions for attempts to commit the covered offenses, and convictions of comparable offenses in other jurisdictions.

### **Mandated Registrants:**

Registration is mandatory for (1) persons convicted of a covered offense on or after the effective date of the legislation, 1/21/96; (2) persons on probation or parole for a covered offense as of 1/21/96, independent of date of conviction; and (3) persons discharged, paroled, or released on or after 1/21/96, following conviction for a covered offense, but independent of the date of conviction.

### **Duration of Registration:**

For Level 1 and Level 2 offenders (low and medium risk) registration is required for 10 years from the initial date of registration, with annual reregistration. A Level 3 offender (high risk) must reregister annually but also must verify his address quarterly for a minimum of 10 years unless there is a court determination that offender no longer suffers from a mental abnormality that would make him likely to re-offend.

### **Offenders in Registry, 2/01:**

11,575

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The New York SOR is automated using an Oracle database updated for Forte software.

### **Database is linked to criminal history files**

As of 2/01, the database is not directly linked to the criminal history event. However, State identification numbers are linked.

### **SOR transmits electronically to FBI NSOR system:**

No, not as of 2/01. Participation is anticipated in the coming year.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The capability currently exists through the State AFIS.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

The current system has the capability to store mugshots and link them with the appropriate records, but it cannot transmit electronically to the FBI at this time.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The Sentencing Court sends the Registry hard copy of its final risk level determination. The Department of Correctional Services (DOCS), the courts, or local jails collect the initial registration data and photo and send them to the Registry. Probation, parole, and local law enforcement agencies collect and forward change of address information and supplemental data. As of 2/01, all agencies submit hard copy.

### **DNA Sample:**

No. While New York State collects DNA from certain offenders, it is not linked to the SOR.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Verification letters are sent annually, based on offender's registration date. The local law enforcement agency of jurisdiction is notified if (1) the verification form is not returned on time or (2) the letter is returned as undeliverable. (Offenders determined to be Level 3--high risk--must also verify their addresses *in person* with their local law enforcement agency every 90 days.)

### **SOR Notification Automated:**

Yes. Verification notices are automatically generated and the date is entered in the appropriate field of the

offender's file. Failure to Annually Verify notifications also are generated by the system.

**Penalties for Noncompliance:**

Noncompliance is a Class A misdemeanor for the first offense, a class D felony for a second or subsequent offense. Noncompliance can also be the basis for revocation of parole.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. <http://www.criminaljustice.state.ny.us> This site provides information on the SOR program and provides access to the subdirectory of high-risk (level 3) sex offenders. The site averages around 950,000 hits per month.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

The Division of Criminal Justice Services (DCJS) mails the offender's registration data and photo to the local law enforcement agency with jurisdiction over the offender's residence and also to the agency that arrested the offender. The DCJS mails relevant agencies notices of change of address or of any noncompliance by an offender. State and local police agencies can phone queries to the SOR unit and receive a phone response.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Community notification is at the discretion of the relevant local law enforcement agency, based on the offender's risk assessment level (RAL). The RAL also determines the amount and scope of information released. Schools and organizations may be notified about level 2 (moderate risk) or 3 (high risk) offenders. Ongoing litigation and a temporary restraining order (TRO) continues to stringently limit dissemination when the offense occurred before January 21, 1996.

**Procedures for Public Access:**

The local law enforcement agency has discretion for notification to any "entities with vulnerable populations" concerning offenders at risk levels 2 and 3. The State provides public access, regardless of risk level, through a 900 telephone line (with a fee of \$.50 per call/up to five searches per call) and monthly publishes a subdirectory of Level 3 (high risk) offenders that is distributed to local law enforcement agencies, and available to the public in those local law enforcement agency offices. The 900 phone line and the published subdirectory both continues to operate within constraints of the temporary restraining order.

**Summary of State Sex Offender Registries: North Carolina**  
**Responsible Agency: North Carolina Department of Justice; State Bureau of Identification**

***Who is in the Registry?***

**Covered Offenses:**

Covered offenses are kidnaping; abduction of children; felonious restraint; 1st and 2nd degree rape; 1st and 2nd degree sexual offense; attempted rape or sexual offense; intercourse and sexual offenses with certain victims; incest between near relatives; employing or permitting a minor to assist in offenses against public morality or decency; 1st, 2nd, & 3rd degree sexual exploitation of a minor; promoting prostitution of a minor; taking indecent liberties with children; and attempts to commit any of the listed offenses.

**Mandated Registrants:**

Registration is mandatory for any persons convicted of or released from prison for a covered offense (in North Carolina or in another State) on or after January 1, 1996. Also, persons convicted of, or released from prison for, a federal offense comparable to one of North Carolina's covered offenses, on or after April 3, 1997, are required to register if they move to North Carolina.

**Duration of Registration:**

10 years for sexual offenders. Persons classified as violent sexual predators are required to register "indefinitely," but after 10 offense-free years they may petition the court to review their classification.

**Offenders in Registry, 2/01:**

5,922

***Automation of Sex Offender Registries***

**Extent of database automation:**

The North Carolina SOR has a fully automated text database. North Carolina uses a "real-time interface," so that as soon as a record is entered or updated by a sheriff's office, it is immediately available to law enforcement. The public record (website) is updated every hour, twenty-four hours a day, seven days a week.

**Database is linked to criminal history files:**

No. There is no direct linkage between North

Carolina's Sex Offender Registry database and its criminal history files. However, both the State Identification (SID) and FBI numbers are collected in the Sex Offender Registry Record.

**SOR transmits electronically to FBI NSOR system:**

Yes.

**SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not as part of the SOR system. A registered offender's fingerprints are maintained at the local Sheriff's Department where he registered and are not submitted to the State Registry. However, the State has an AFIS system which can receive arrest fingerprint submissions.

**SOR system has capability for electronic transmittal and storage of mugshots:**

Partially. The North Carolina Division of Criminal Identification (DCI) mounts digitalized photos on its Internet site, but it needs to develop greater storage capacity and transmittal capability and to meet the FBI standards in order to participate in the photo portion of NSOR.

***Operation of Sex Offender Registries***

**Source for Initial Information on Offender:**

On release to the community, an offender must register with the local sheriff for the jurisdiction where he will reside. The statewide Registry is compiled as each sheriff electronically enters registration information into an automated statewide sex offender and sexual predator registration file. Address changes and other data are also entered directly by sheriff's office into the automated system. The sheriff takes photos of the offender, and submits one to the Division of Criminal Information (DCI) where it is entered on the Internet. A "pending" record is established in the State Registry when an offender is released from prison. Registration information is submitted electronically on a daily basis from the Department of Corrections (DOC) to the Sex Offender Registry. Once the offender registers with the sheriff's office, the pending record is updated and the official registration date is

established.

**DNA Sample:**

Yes, but only for specific offenses specified in statute (NCGS 15A-266.4). However, the information is not part of the SOR as of 2/01.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. The address verification requirements became effective in North Carolina on April 1, 1998.

**B. SOR Notification Automated:**

Yes. An automated notification is sent to the resident county sheriff's computer when a sex offender is released from prison and whenever an offender changes residence to a new county.

**C. Penalties for Noncompliance:**

Violation is a Class I felony.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. <http://sbi.jus.state.nc.us/sor> The site averages approximately 61,703 hits per month.

***Dissemination of Sex Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Sheriffs can enter and receive information through an automated statewide sex offender and sexual predator registration file. Local law enforcement agencies can also search the system by name or location. An automated notification is sent to the resident county sheriff's computer when a sex offender is released from prison and whenever an offender changes residence to a new county.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Sex offender registration information and the registry are "public record information" and open for public inspection. A copy of the full registry can be provided to anyone in response to a written request and payment of fee.

**Procedures for Public Access:**

Free public access to SOR information is available on the Internet. Citizens can also obtain a copy of the statewide registry by making a written request to the State's Division of Criminal Information (DCI) and paying a fee, or obtain a copy of a county-wide registry by making a written request to the appropriate sheriff and paying a fee.

# Summary of State Sex Offender Registries: North Dakota

Responsible Agency: North Dakota Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include sexual offenses against an adult or child victim and specified non-sexual crimes against a child when the perpetrator is an adult. Covered crimes against a child are violations of chapter 12.1-16, 12.1-17, 12.1-18, or 12.1-29; subdivision a: of subsection 1, or subsection 2 of section 14-09-22 of the North Dakota Century Code in which the victim is a minor, or an attempt to commit these offenses. Covered sexual offenses are violations of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-06, 12.1-20-07, 12.1-20-11, chapter 12.1-27.2, and subsection 2 of section 12.1-22-03.1 of the North Dakota Century Code or an attempt to commit these offenses.

### **Mandated Registrants:**

Any person convicted of a covered sexual offense or offense against a child on or after August 1, 1985, is required to register. Persons may petition the court to be exempt from registration for an offense against a child (the exception does not apply to kidnaping, felonious restraint, or facilitating prostitution) or misdemeanor sexual offenses if: 1) the offender is no more than three years older than the victim and the victim is a minor; 2) the offender has not previously been convicted as a sex offender or of a felony crime against a child; and 3) the offender did not exhibit mental abnormality or predatory conduct in the commission of the offense.

### **Duration of Registration:**

10 years, unless the offender 1) is a repeat offender, 2) has committed an "aggravated offense," or 3) has ever been civilly committed as a sexually dangerous individual. An offender that fits any of the above three criteria must register for life.

### **Offenders in Registry, 2/01:**

766 offenders registered as of 2/01. (North Dakota also compiles a "non-registration" list, derived from the criminal history record system and listing data for all persons convicted of offenses requiring registration. As of 5/99, there were 1,259 persons on this list: approximately 163 were incarcerated at that time, 300 were known to be out-of-state, 766 were registered, and 30 had not been located.)

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The North Dakota SOR has a partially automated text database. North Dakota manually maintains hard copy files on all registered offenders and also maintains automated files to generate hard copy lists for law enforcement agencies throughout the State.

### **Database is linked to criminal history files:**

A link is in place. Registered sex offenders are flagged in the criminal history files.

### **SOR transmits electronically to FBI NSOR system:**

No, not as of 2/01. Electronic transmission is anticipated for March 2001.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

The capability for electronic storage and transmittal of fingerprints exists through the State AFIS.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 2/01.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The Office of the Attorney General (OAG) operates the SOR system, and all information related to qualifying offenders goes to and through the OAG. The releasing authority sends the OAG a copy of the offender's signed Notification of Duty to Register. The OAG notifies the local law enforcement agency in the residence, school and/or employment jurisdiction. When the offender then registers locally, the local law enforcement agency sends the offender's completed registration form to the OAG. Change of address notices also go through the OAG to the new location. Both the OAG and local agencies track tardy registrations and other violations.

### **DNA Sample:**

All sex offenders are required to provide a DNA

sample to the Health Department, State Laboratory Division.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

In North Dakota the Office of the Attorney General (OAG) verifies the address given by the offender by receiving an affirmation from the postal service that mail for a particular offender is being delivered to the address given on that offender's registration form. Addresses are re-verified through the postal service every six months.

**B. SOR Notification Automated:**

Anticipated by August 2001.

**C. Penalties for Noncompliance:**

The first offense is a class A misdemeanor, carrying a mandatory minimum of 90 days in jail and one year of probation. Automatic revocation of probation or parole is also applicable. A subsequent offense is a class C felony.

protection. Disclosure of "non-registration information" (from criminal history records) is also permitted. As of 2/01, legislation is proposed to develop risk assessment and community notification procedures.

**Internet Website: (include web address and number of hits per month, if applicable)**

Not available as of 2/01.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Registration data is sent to criminal justice agencies throughout the State in hard copy. Federal funds will make SOR information available online through restricted Internet access and through the NLETS network in conjunction with driver's license inquiries.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The list of registered offenders is a confidential record in North Dakota. Information from the list must be released by local law enforcement agencies to the public as needed for the protection of the public. As of 2/01, new legislation would make the SOR information on high risk offenders and lifetime registrants available to the public on a website and would make all SOR information an open record.

**Procedures for Public Access:**

The list of registered offenders is a confidential record, but local law enforcement agencies must release information from the list to the public if the agency determines that the offender is a risk to the public and disclosure is necessary for public

# Summary of State Sex Offender Registries: Ohio

Responsible Agency: Ohio Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

"Sexually oriented offenses," defined by statute section within the legislation, are covered. Covered offenses include sexual offenses against children and also specified sexual offenses regardless of the age of the victim.

### **Mandated Registrants:**

Registration is mandatory for persons convicted of a covered offense on or after July 1, 1997, and for persons released to the community following incarceration for a covered offense, on or after July 1, 1997, independent of the date of conviction, and offenders moving into Ohio after July 1, 1997. Registrants are categorized as (1) sexual predators (requiring community notification); (2) habitual sexual offenders subject to community notification; (3) habitual offenders not subject to community notification, or (4) sexually-oriented offenders (not subject to community notification).

### **Duration of Registration:**

Lifetime, 20 years or 10 years.

### **Offenders in Registry, 2/01:**

5,423

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Ohio SOR now has an automated text and registration database known as Ohio e-SORN. It is housed on a client server at the Bureau of Criminal Identification and Investigation (BCI&I). With connectivity via Ohio LEADS to all of Ohio's 88 Sheriffs Offices and 34 Ohio Department of Rehabilitation and Correction throughout Ohio.

### **Database is linked to criminal history files:**

The systems are not linked electronically. A flag is set in the Computerized Criminal History Files.

### **SOR transmits electronically to FBI NSOR system:**

No. Ohio e-SORN will be linked to the NSOR

system early in the second quarter of 2001.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

The Ohio e-SORN database is now linked to Ohio AFIS and handles electronically submitted fingerprints. Sheriffs only ink-and-roll fingerprints if no hit is found in the Ohio AFIS or e-SORN.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes. Each of the 88 Sheriff registration sites is now equipped with a digital camera to supply photos to the Ohio e-SORN database.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

For offenders with prison terms, the Department of Rehabilitation and Correction electronically send detailed data on an offender to BCI&I and the sheriff that has jurisdiction in the location where the offender is going to live prior to his release from custody. For offenders with non-prison terms, the courts, jail officials, or probation officers, as appropriate, inform offenders of their "Duty to Register," and the sheriff electronically sends the offender's completed form to BCI&I. Local sheriffs electronically send all registration data (when the offender registers locally), change of addresses, and address verifications to BCI&I.

### **DNA Sample:**

DNA is collected as part of the CODIS system.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. The State SOR program is not responsible for address validation or reregistration. In Ohio, reregistration requires the offender to appear personally at his local sheriff's office. Sheriffs have discretion about whether to mail offenders a nonforwardable notification form (using a format prescribed by BCI&I) about their duty to reregister. Sheriffs must make it clear to offenders that they must appear in person at the sheriff's office to reregister.

**B. SOR Notification Automated:**

Not applicable.

**Internet Website: (include web address and number of hits per month, if applicable)**

No.

**C. Penalties for Noncompliance:**

If the underlying sexually oriented offense was a felony, then failure to comply with registration requirements is a felony in the fifth degree. If the underlying sexually oriented offense was a misdemeanor, then failure to comply is a misdemeanor of the first degree.

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Ohio categorizes registrants as: sexual predators (SP), habitual sex offenders (HSO) subject to community notification, habitual sex offenders (HSO) not subject to community notification, and sexually oriented offenders (SOO). Paper reports are sent to each sheriff: 1) quarterly on current, in-compliance registrants; 2) monthly on SOO's and HSO's not subject to community notification who are out-of-compliance for 21 days or more; and SP's and HSO's subject to notification, who are out-of-compliance for 21 days or more.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

For SP's or HSO's subject to notification, the local sheriff notifies the following organizations in writing: the head of the public children's service agency, the superintendents of relevant boards of education, the hiring officers of chartered nonpublic schools, the heads of preschool programs, the administrators or providers of day care centers, and the presidents and heads of institutions of higher education. The specified geographical notification area is the school district.

**Procedures for Public Access:**

For SP's and HSO's subject to notification, the local sheriff notifies in writing all occupants of residences adjacent to the offender's place of residence, and additional neighbors within any category the Attorney General rules a "specified geographical notification area." Generally registration information the local sheriff has on SP's and HSO's subject to notification and SOO's are public records open to inspection by citizens.

# Summary of State Sex Offender Registries: Oklahoma

Responsible Agency: Oklahoma Department of Corrections

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are: child abuse involving sexual abuse or exploitation; rape in the first or second degree or by instrumentation; incest; forcible sodomy; lewd or indecent proposals or acts to a child under 16; kidnaping or solicitation of minors; trafficking of children; pornography involving minors; facilitating, encouraging, offering, or soliciting sexual conduct with a minor; procuring or keeping a child under 18 for prostitution; and sexual battery, caretaker abuse involving sexual abuse or exploitation, and indecent exposure.

### **Mandated Registrants:**

Registration is mandatory for all adult sex offenders convicted in Oklahoma on or after November 1, 1989, and for sex offenders convicted in other States and moving to Oklahoma after November 1, 1989, independent of the date of the out-of-state conviction. Individual with two convictions for covered offenses, one of which is after November 1, 1997 *and* for one of the first five offenses listed in preceding section, are designated "sexual predators" (from 11/1/97 to 10/31/98) and as of 11/1/98 will be designated "habitual sexual offenders."

### **Duration of Registration:**

Ten years following the offender's release to the community for sexual offenders registered by the Department of Corrections (DOC) in the State Sex Offender Registry. Offender registrations at local law enforcement agencies are maintained for 5 years. The State Registry and the local registries are not linked. Lifetime registration is required for offenders classified as "habitual sexual offenders".

### **Offenders in Registry, 2/01:**

4,020

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Oklahoma SOR has a fully automated text database searchable by all fields, so it can be used not only to generate lists of registered offender by

location, but also as an investigative tool for law enforcement (for example, "find all registrants over 6 feet tall with red hair").

### **Database is linked to criminal history files:**

No. The State Bureau of Investigation (SBI) is the Repository for Oklahoma's criminal history records. The SOR is operated by the Oklahoma Department of Corrections (DOC). The DOC notifies SBI of new registrants, and their criminal history records are then flagged by SBI staff.

### **SOR transmits electronically to FBI NSOR system:**

Yes. The DOC's Interstate Identification Index (III) operator enters an Oklahoma sex offender's record directly into the FBI system.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. The SOR receives fingerprints in hard copy (on a card) and forwards them to the SBI. There are no plans for developing an electronic storage or transmission capability within the DOC in the next year.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial capability. Since the early 1990's, when an offender enters the State prison system, a digitalized photo is taken. When a sex offender is released to the community, his photo becomes part of the SOR file.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

Offenders incarcerated in State prison register through prison staff prior to release. Sex offenders who receive probation or qualifying offenders who move into Oklahoma from out-of-state register with their local probation and parole office. Both areas of the Department of Corrections forward the information to the SOR unit.

### **DNA Sample:**

Yes. The DNA sample is collected as part of the Oklahoma Sex Offender Registry program.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Oklahoma has address validation, annually for most registrants, but every 90 days for those designated "habitual sexual offenders." The SOR unit sends out nonforwardable notification letters to both groups. Upon receipt of the address verification letter, the offender has 10 days to verify his address in person with his local law enforcement agency. The local agency returns the signed verification form to the DOC.

**B. SOR Notification Automated:**

Partially. The system automatically generates a monthly list of offenders to be notified, and the basic notification notice is in the system. Filling in the specifics--such as name and address-- is done manually.

**Penalties for Noncompliance:**

Noncompliance is a felony, punishable by up to 5 years in prison and/or a fine of up to \$5,000.

**Internet Website: (include web address and number of hits per month, if applicable)**

The placement of the SOR on the DOC website is planned for late 2001.

***Dissemination of Sex Offender Registry Information, February 2001***

**To Law Enforcement and Criminal Justice Agencies:**

Copies of the complete SOR roster are sent by mail to all district attorney's offices, and all State and local law enforcement agencies at least every six months, but generally more frequently.

**Organizations Serving Children, Elderly, and the Mentally Ill:**

In Oklahoma, affirmative notification of organizations is limited to notice about habitual offenders required to register every 90 days. It is carried out by local law enforcement agencies.

**Procedures for Public Access:**

The Oklahoma SOR data is considered a public record. Citizens can write, phone, or fax a query about a specific individual to the central SOR unit and get a response. Members of the public also can view SOR files in the DOC's Oklahoma City office. Since November 1, 1998, the DOC has made hard copies of the full registry available to the public for a fee (to cover copying costs), and citizens can view the registry files for their jurisdiction at their local law enforcement agency.

# Summary of State Sex Offender Registries: Oregon

Responsible Agency: Oregon State Police

## *Who is in the Registry?*

### **Covered Offenses:**

The Oregon law covers predatory sex offenses: rape, sodomy, unlawful sexual penetration, incest with a child victim, using a child in a display of sexually explicit conduct, encouraging child sex abuse, transporting child pornography into the State, paying to view a child's sexually explicit conduct, compelling prostitution, promoting prostitution, and burglary with the intent to commit a sex crime. The listed crimes in any degree or attempts to commit those offenses are covered. Kidnaping, contributing to the sexual delinquency of a minor and sexual misconduct were added on September 1, 1999.

### **Mandated Registrants:**

Registration is mandatory for all persons classified as predatory sex offenders: any offender, adult or juvenile, under parole, probation, or post-prison supervision who was convicted, adjudicated, or pled guilty to one or more of the four listed crimes. The statute is retroactive.

### **Duration of Registration:**

Lifetime. The registered offender may petition for a waiver from the requirement to register after 10 years. Registrants may petition for relief from registration 10 years after completion of supervision if convicted of one C felony or less.

### **Offenders in Registry, 2/01:**

9,410

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Oregon SOR has an automated database that is housed within the correction offender component of the Law Enforcement Data System (LEDS), a statewide database information system. SORDS (Sex Offender Registration Database System) went into use in August 1999. It accommodates all sex offender information and is accessible to law

enforcement agencies statewide. The database is also compatible with NSOR.

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI NSOR system:**

Yes.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The Department of Corrections (DOC), Probation and Parole or the District Attorney (for bench probation) conducts the initial registration with the offender, entering the offender's data electronically into the SOR on Oregon's Law Enforcement Data System (LEDS). While the offender is under supervision, corrections officials update records as necessary. (The Oregon DOC had "Sex Offender Network" of specialized probation and parole officers who focus on management of sexual offenders in the community.) Offenders no longer under supervision or moving to Oregon from out-of-state register directly with Oregon law enforcement.

### **DNA Sample:**

Yes.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

If the offender moves they are required to report to a law enforcement agency to register. Oregon law enforcement, on a routine basis, has been conducting county-wide sweep operations to verify offender's addresses to ensure compliance with the law and arrest noncompliant offenders. As a result, compliance is running statewide at 86%.

### **SOR Notification Automated:**

Not applicable as of 2/01. New procedures are not known.

**Penalties for Noncompliance:**

Failure to complete initial registration is a class C felony. Failure to complete annual reregistration is a Class A misdemeanor. Failure to notify officials of a change of address is a class C felony if the original sex conviction was for a felony, and a class A misdemeanor if the original conviction was for a misdemeanor.

fax. Criminal Justice Agencies have full access to sex offender information through the law enforcement website.

***Dissemination of Sex Offender Registry Information*****To Law Enforcement and Criminal Justice Agencies:**

Records are available to law enforcement personnel throughout the State through the Law Enforcement Data System (LEDS), a statewide database information system. LEDS is searchable by name and date of birth, but it does not contain photos or allow for parameter searches. SORDS is now available to statewide law enforcement through the Internet. All sex offender information, including photos, is accessible through SORDS.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Any organizational notification is the responsibility of the local law enforcement agency where the offender resides in conjunction with the probation or parole officer supervising the offender. Affirmative notification is limited to offenders classified as sexual predators.

**Procedures for Public Access:**

Regarding community notification, while the offender is under supervision by a corrections agency the corrections agency is responsible for conducting the notification, provided the offender has been determined to be predatory. If the offender is off supervision then law enforcement is responsible for notifying the community, provided the offender has been determined to be predatory in conjunction with the Department of Corrections. The 1999 legislation passed SB740 which allows for the release of sex offender information to the public upon request.

**Internet Website: (include web address and number of hits per month, if applicable)**

There is currently no public access to the sex offender website. The public website is in the Oregon Court of Appeals. Release of public information by request is handled via phone, mail or

# Summary of State Sex Offender Registries: Pennsylvania

Responsible Agency: Pennsylvania State Police

## *Who is in the Registry?*

### **Covered Offenses:**

The following offenses are covered when the victim is a minor: kidnaping, rape, involuntary deviate sexual intercourse, aggravated indecent assault, prostitution and related offenses, obscene materials and performances, indecent assault, incest, unlawful contact or communication with a minor, sexual abuse of children, and sexual exploitation of children. The following offenses are covered independent of the victim's age: rape, involuntary deviate sexual intercourse, aggravated indecent assault, and sexual assault. Attempt convictions for any of the listed offenses requires registration.

### **Mandated Registrants:**

Registration is mandatory for sexual offenders convicted on or after the statute's effective date of April 21, 1996, and for sexual offenders convicted earlier but still under the jurisdiction of the Board of Probation and Parole or of the Department of Corrections on April 21, 1996.

### **Duration of Registration:**

The registration requirement for sexual offenders is 10 years or life. Two convictions of any listed offenses or one conviction of rape, aggravated indecent assault, involuntary deviate sexual intercourse, sexual assault or incest will result in lifetime registration for offenders not designated as sexually violent predators. For those offenders designated sexually violent predators, the registration requirement is for life.

### **Offenders in Registry, 2/01:**

4,533

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Pennsylvania SOR has an automated text database housed on a personal computer. All data entry is manual.

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI NSOR system:**

No. As of 2/01, Pennsylvania does not submit to the NSOR. Tape submissions to the FBI's system are scheduled to begin in July 2001.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. Pennsylvania's current electronic fingerprint network involves 42 agencies throughout the State and currently transmits prints in 65 percent of all arrests.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 2/01.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

Completed paper registration forms are sent to State Police for the SOR from correctional facilities, probation and parole offices, and Pennsylvania State Police Stations. The SOR unit both verifies the information and enters it manually into the database.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Notification notices are sent out annually for sexual offenders and every 90 days for those designated sexually violent predators.

#### **B. SOR Notification Automated:**

Yes. Letters, reports, and fliers are automatically generated by the current system.

#### **C. Penalties for Noncompliance:**

Noncompliance is a felony of the first or third degree.

## ***Dissemination of Sex Offender Registry Information***

### **To Law Enforcement and Criminal Justice Agencies:**

Dissemination to State and municipal police is through Sexual Offender Fliers and via uniscope messages using the Commonwealth Law Enforcement Assistance Network (CLEAN). The information is available to all law enforcement, although the SOR database cannot be accessed directly through CLEAN.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

State and municipal police conduct notifications for sexually violent predators and those out-of-state offenders subject to notification. The central SOR unit prepares the notification fliers, and local, State and municipal police personnel notify qualifying child and youth service agencies; public, private and parochial schools; day care centers and preschool programs; and institutions of higher learning. The procedures are established by State law, State Police regulations and municipal police regulations.

### **Procedures for Public Access:**

Community notification is conducted by the appropriate State or municipal law enforcement agency for both sexually violent predators and out-of-state offenders subject to notification. The State Police prepare the flier, and the local State police or municipal department notifies the victim (for sexually violent predators only), and qualifying neighbors, and maintains records of those notified. Community meetings may be held. Individual citizens or representatives of the media may request a specific flier by appearing in person at the local State or municipal agency and requesting the information. "Blanket" requests for information on multiple offenders are referred to the State Police SOR unit.

### **Internet Website: (include web address and number of hits per month, if applicable)**

No.

## Summary of State Sex Offender Registries: Rhode Island

Responsible Agency: Rhode Island Office of the Attorney General

### *Who is in the Registry?*

#### **Covered Offenses:**

Both criminal offenses against a minor and sexually violent offenses against an adult or child victim are covered. Criminal offenses against a minor include kidnaping (11-36-1), kidnaping with intent to extort (11-26-2), where victim is age 16 and older but under age 18, or kidnaping of a minor (11-26-1.4), any violation of 42 U.S.C. §14701, 18 U.S.C. 4042(c), 3<sup>rd</sup> degree sexual assault (11-37-6), assault with intent to commit 1<sup>st</sup> degree sexual assault (11-37-8), 1<sup>st</sup> degree child molestation (11-37-8.1), 2<sup>nd</sup> degree child molestation (11-37-8.3), Soliciting an incompetent person (11-1-10) where the underlying offense is a violation of Chapter 34 (Prostitution and Lewdness), or or false imprisonment of a minor; Exploitation for commercial or immoral purposes (11-9-1 (b) or (c)), or Murder (11-23-1) in the commission of, or attempted commission of kidnaping where the victim is under age 18. Sexually violent offenses include: 1<sup>st</sup> degree sexual assault (11-37-2), 2<sup>nd</sup> degree sexual assault (11-37-4), 3<sup>rd</sup> degree sexual assault (11-37-6), assault with intent to commit 1<sup>st</sup> degree sexual assault (11-37-8), 1<sup>st</sup> degree child molestation (11-37-8.1), 2<sup>nd</sup> degree child molestation (11-37-8.3), assault with intent to commit specified felony limited to sexual assault (11-5-1), murder in the commission of, or attempted commission of rape, or any degree of sexual assault or child molestation or any substantially equivalent offense in any other jurisdiction (11-23-1), or any violation of 42 U.S.C. §14701, or 18 U.S.C. 4042(c). SEE R.I.G.L §11-37.1-2 (5)&(10).

#### **Mandated Registrants:**

Registration is mandatory for any person convicted in Rhode Island on enumerated offenses listed above in "Covered Offenses" along with any person who in Rhode Island or any other jurisdiction has been convicted of an offense against the victim who is a minor, has been convicted of a sexually violent offense, has been determined to be a sexually violent predator (offender must be convicted of a sexually violent offense, have a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses), is determined to be an aggravated offender (convicted of 1<sup>st</sup> degree child molestation or 1<sup>st</sup> degree sexual

assault), is a recidivist (an offender having a prior conviction of any offense described in covered offenses), and non-resident students or workers defined in §11-37.1(d). SEE R.I.G.L §11-37.1-3.

#### **Duration of Registration:**

The registration requirement for offenders is for 10 years upon their release into the community from incarceration, or upon being placed on probation in the event of an offender who is not incarcerated quarterly address verification for the first two years and annually for years 3-10, UNLESS the offender is determined to be a sexually violent predator, aggravated offender, or recidivist, registration is mandated for the offender's lifetime. Address verification is done quarterly for lifetime registrants. Regarding non-resident students or workers, registration is annually for as long as the non-resident student or worker is present at school or work in Rhode Island. SEE R.I.G.L §11-37.1-4.

#### **Offenders in Registry, 2/01:**

There are 1,424 registered sex offenders in the central registry as of February 1, 2001.

### *Automation of Sex Offender Registries*

#### **Extent of database automation:**

As of 2/01, automation of the Rhode Island SOR was very limited. However, a new, fully automated SOR database will be put on the new Rhode Island Law Enforcement Telecommunication System (RILETS) and be available to criminal justice agencies statewide. The SOR database is in transition. Data conversion and entry is currently taking place. The Central Registry Node is currently operational. Electronic registration intrastate is being developed and is expected to be available in late 2001.

#### **Database is linked to criminal history files:**

As of October 2000, the Rhode Island SOR and the criminal history files are linked to RILETS. When the SOR is populated with offender information after data conversion and entry, testing will be conducted on the database so that any name query for warrants and criminal history data will automatically check the SOR database and respond with any

information.

**SOR transmits electronically to FBI NSOR system:**

No, not as of 2/01. The SOR system is fully compatible with NCIC-2000, and will have the capability to electronically transmit data.

**SOR system has capability for electronic transmittal & storage of fingerprints:**

Rhode Island has taken delivery of a complete AFIS. Currently, the development of protocols is being accomplished to electronically store fingerprints and livescan protocols are being developed to electronically transmit fingerprints. (The AFIS acquisition was supported by an earlier NCHIP award.)

**SOR system has capability for electronic transmittal and storage of mugshots:**

As of February 1, 2001, digital cameras have been purchased for local law enforcement agencies and training has been conducted. Protocols are being developed concerning storage and transmittal of photographs electronically.

## *Operation of Sex Offender Registries*

**Source for Initial Information on Offender:**

As of 2/01, the offender's signed "Notification of Duty to Register" form is sent to the SOR by the relevant corrections officials. The offender's residential registration, photo and fingerprints are sent by the local law enforcement agency from the jurisdiction where the offender resides, to the Bureau of Criminal Identification in the Office of the Attorney General. Presently, this information is transmitted manually from local law enforcement. It is anticipated by late 2001 that Rhode Island local law enforcement can enter and update offender information directly into the system.

**DNA Sample:**

Rhode Island has established a State DNA database pursuant to R.I.G.L. §12-1.5-1 et. seq. The database is administered through the Department of Health.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Local law enforcement notifies offender registrants concerning address verification. Offender's initial registration is done by personal appearance at the local law enforcement agency, where the offender

stated identified as their residence within 24 hours of sentencing, or release from incarceration. Non-resident students or workers most report within 24 hours of their entry into the State. Presently, this information is collected manually and transmitted manually to the SOR. Protocol, procedures, and electronic connection to the SOR by local law enforcement has been developed as of February 2001.

**SOR Notification Automated:**

No, not as of February 2001. With the development of protocols and procedures and an electronic connection to the SOR through RILETS, local law enforcement will be able to generate and send verification notices for offenders residing within their jurisdiction. It is anticipated that local law enforcement will be able to update verification information in the SOR when the protocol is implemented.

**Penalties for Noncompliance:**

R.I.G.L. §11-37.1-10 proscribes that noncompliance of registration or verification is a felony punishable by up to two years incarceration and/or a fine up to \$2,000. Also, failure to comply with registration or address verification is violation of the terms of release and may result in probation or parole revocation or other sanction.

## *Dissemination of Sex Offender Registry Information*

**To Law Enforcement and Criminal Justice Agencies:**

The SOR data is accessible statewide to law enforcement agencies through the Rhode Island Law Enforcement Telecommunications System (RILETS) §11-37-11-(b)(1).

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The Attorney General has promulgating and filed with the Secretary of State Community Notification Guidelines under the Administrative Procedures Act. The Parole Board assess the risk of re-offense by each offender referred to it and determines the appropriate level of notification. Upon notice to the offender, the offender can challenge the level of notification and the sentencing court will review the information and make a determination of the appropriate level of community notification. Local

law enforcement carries out the determined level of community notification pursuant to a "Community Notification Plan" filed with the Parole Board, yearly, from each jurisdiction, and the Attorney General's Community Notification Guidelines. Organizational notification is mandatory for those offenders determined to be Level II (moderate risk) and Level III (high risk) who are not in a residential treatment facility.

website have not been developed. R.I.G.L. §11-37.1-12(c)(5).

**Procedures for Public Access:**

The Rhode Island statute is a tier level system where the Parole Board assigns a risk level for each offender and community notification is accomplished pursuant to a plan filed with the Parole Board by each local law enforcement jurisdiction. If the offender is determined to be a Level II offender (moderate risk), notification takes place to organizations within the jurisdiction where the offender resides. This notification is to the victim and/or witnesses if requested, day care centers, schools, women's organizations or church groups where the people whom the offender might victimize are located. Regarding school notifications, the community notification plan request that each school provide a list of parents who wish to have notification regarding sex offenders who reside in the area of the school receiving community notification. For offenders determined to be Level III (high risk) offenders, local law enforcement agencies notify organization types listed for Level II and individual members of the community in the area where the offender resides or other areas where people who may be victims of the offender may have contact with the offender. Community notification for Level III offenders can be accomplished by fact sheets, fliers, news releases, advertisements, computerized access to fact sheet information, and/or public access to fact sheets at agency offices. Offenders subject to community notification receive notice of the proposed community notification and can object to the proposed notification and have a right to judicial review of the proposed community notification.

**Internet Website: (include web address and number of hits per month, if applicable)**

Rhode Island has amended the statute to allow the Parole Board to utilize the Rhode Island State Police Web Site for the public release of identifying information of Level III sexual predators who have been convicted, incarcerated, and released, and who the Parole Board finds are likely to travel out of the State. No juvenile identifying information will be listed. As of February 1, 2001, the protocols for the

# Summary of State Sex Offender Registries: South Carolina

Responsible Agency: South Carolina State Law Enforcement Division (SLED)

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are listed in Section 23-3-430 of the South Carolina Code of Laws.

### **Mandated Registrants:**

Registration is mandatory for all sex offenders convicted in South Carolina and residing within the State, regardless of age, and for all offenders, regardless of age, who have been convicted in another State of "any offense which can be reasonably interpreted as corresponding to those provided for in the South Carolina Sex Offender Registry" and who move to South Carolina. This includes persons who remain in the State for a total of 30 days during a 12 month period such as military personnel and students.

### **Duration of Registration:**

Lifetime

### **Offenders in Registry, 2/01:**

4,924

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The South Carolina SOR has an automated database with connectivity for data entry via Intranet and inquiry via Internet.

### **Database is linked to criminal history files:**

No, not as of 2/01. South Carolina reports that future linkage is anticipated.

### **SOR transmits electronically to FBI NSOR system:**

Yes.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not as of 2/01. South Carolina is in the process of upgrading its current AFIS database to an Integrated AFIS (IAFIS) in order to be FBI-compliant, but most local sites will not have compatible livescan fingerprinting systems. Initially,

IDIS software is being proposed as an alternative for low volume contributors.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

"Pre-registration" information on an offender comes from the South Carolina Department of Corrections (SCDC), the Department of Juvenile Justice (DJJ), or the Department of Probation, Parole and Pardon Services (PPPS) via an automated form to the South Carolina Law Enforcement Division (SLED), which manages the Sex Offender Registry. SLED ensures entry of the pre-registration information into the SOR and notifies the sheriff in the offender's county of residence. The offender must register in person with the sheriff, who also takes the offender's photo and fingerprints, and transmits the full package to the South Carolina SOR.

### **DNA Sample:**

Yes, a DNA sample is taken and maintained, but not as part of the SOR program. Offender DNA samples are covered under a separate section of State Criminal Code.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. South Carolina law mandates annual registration of all convicted sex offenders with the county sheriff of the jurisdiction where the offender resides, but makes such annual registration the responsibility of the offender. Sexually violent predators are required to reregister every 90 days.

### **SOR Notification Automated:**

Not applicable at this time.

### **Penalties for Noncompliance:**

The first offense is a misdemeanor with a mandatory sentence of 90 days incarceration. The second offense is a misdemeanor with a mandatory sentence of one year of incarceration. A third or subsequent offense is a felony with a mandatory sentence of five

years' incarceration.

## ***Dissemination of Sex Offender Registry Information***

### **To Law Enforcement and Criminal Justice**

#### **Agencies:**

Text information is available statewide to all criminal justice agencies with access to South Carolina Law Enforcement Division (SLED) Criminal Justice Information System (CJIS).

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

Affirmative notification is the responsibility of the county sheriff where the offender lives and is to be conducted in the interests of public safety and preventing criminal activity. SOR law specifies that for "persons adjudicated delinquent in family court" for certain non-violent/less serious offenses, information may be released *only* to schools and other relevant organizations.

### **Procedures for Public Access**

Local SOR information is open to public inspection upon a request to the county sheriff. Requests must be made in writing and include the name of the requestor and the name or address of the person about whom information is sought. SLED provides public access via the Internet to statewide SOR information.

### **Internet Website: (include web address and number of hits per month, if applicable)**

Yes. The SOR website is within the agency website and may be found at: <http://www.sled.state.sc.us>  
A substantial number of hits are believed to occur monthly but are not tracked separately.

# Summary of State Sex Offender Registries: South Dakota

Responsible Agency: South Dakota Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

All felony sex offenses are covered.

### **Mandated Registrants:**

Registration is mandatory for all sexual offenders convicted as adults in South Dakota, all Federal or out-of-state offenders convicted of covered sexual offenses in other jurisdictions and moving into South Dakota, and juveniles, 15 years or older, adjudicated since 1997 of certain enumerated sex offenses.

### **Duration of Registration:**

Lifetime, with the exception of persons placed on the Registry as juveniles. They may petition the court for removal based on 10 offense-free years.

### **Offenders in Registry, 2/01:**

1,182, including adjudicated juveniles, and federal and convicted felons from out-of-state now residing in South Dakota

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The South Dakota SOR has an automated text database. The initial steps in the process are manual. The Division of Criminal Investigation (DCI) receives hard copy sexual offenders' acknowledgments of the Duty to Register notice and their Registration Forms. The DCI runs criminal history checks, processes offenders' fingerprints into the AFIS, and creates a name folder for the hard copy forms and photo. The data is then entered into the automated SOR.

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI NSOR system:**

No, not as of February 2001. The State is in the process of upgrading its system to allow participation in the permanent NSOR.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partially. South Dakota is part of a 3-state regional AFIS now being upgraded under NCHIP funding.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 2/01.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

"Duty to Register" forms and acknowledgments are completed by offenders and the relevant probation, court services, State DOC, or Federal officials. The original is sent to the Division of Criminal Investigation (DCI) for entry in the SOR. Copies go to the applicable local law enforcement agency, the State's attorney, and the offender. The DCI Compliance Coordinator monitors the offender's official registration with the local law enforcement agency where he will reside. The original of the Registration Form is sent to DCI, with the offender's fingerprints (on an FBI card) and his photo. All forms are submitted to DCI in hard copy.

### **DNA Sample:**

DNA sample is not taken as a formal part of the SOR registration, but there is a DNA indicator field to note if State Forensic Lab has a sample on file. Division of Criminal Investigation (DCI) has the responsibility for collecting and filing DNA information from all persons convicted of sex crimes.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. The Division of Criminal Identification (DCI) conducts direct certified mailing to all registered offenders annually as an address verification audit. The form must be signed by the offender and returned within 10 days. The registered offender is also required to verify his address annually with his local registering agency by filling out a reregistration or update form. An offender has 10 days to notify the local law enforcement agency of any change of address by completing an update form where he is residing.

**B. SOR Notification Automated:**

No, not as of 2/01.

**C. Penalties for Noncompliance:**

Failure to register initially and violations of the reregistration requirements carry the same penalties. The first offense is a class 1 misdemeanor, punishable by up to one year in jail and/or a fine of up to \$1,000. Any subsequent offense is a class 6 felony, punishable by up to two years in prison and/or a fine of up to \$2,000.

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

South Dakota states its registered sex offender automated database is accessible to all criminal justice entities nationwide instantly through standard telecommunication formats. Intrastate access is through the South Dakota Law Enforcement Telecommunication System (SDLETS), available to law enforcement agencies on a 24-hour basis.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

No procedures for affirmative notification to organizations are specified. Names of school or child welfare employees or potential employees may be submitted to a law enforcement agency for a sexual offender records check.

**Procedures for Public Access:**

The Division of Criminal Investigation (DCI) sexual offender registration file is available to all law enforcement agencies on a 24-hour basis, but is not open to inspection by the public. However, the registration records collected by local law enforcement agencies and the registration lists provided to local law enforcement by DCI are public records and may be viewed at local law enforcement offices.

**Internet Website: (include web address and number of hits per month, if applicable)**

No.

# Summary of State Sex Offender Registries: Tennessee

Responsible State Agency: Tennessee Bureau of Investigation

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are aggravated rape; rape; rape of a child; aggravated sexual battery; sexual battery; sexual battery by an authority figure; statutory rape; aggravated prostitution; especially aggravated sexual exploitation of a minor; aggravated exploitation of a minor; sexual exploitation of a minor; incest; especially aggravated kidnaping of a minor (except by a parent); aggravated kidnaping of a minor (except by parent); false imprisonment or kidnaping of a minor (except by a parent); attempt, conspiracy or solicitation to commit a covered offense; criminal responsibility for facilitating the commission of a covered offense; and accessory after the fact of a covered offense.

### **Mandated Registrants:**

Registration is mandatory for persons convicted of a covered offense, including those convicted of a comparable offense in another State, country, or a military court. Registration is mandatory for persons convicted of a covered offense before January 1, 1995, but discharged from incarceration with or without criminal justice supervision after January 1, 1995 (i.e. anyone who was still serving his sentence or still under supervision on January 1, 1995 must register).

### **Duration of Registration:**

10 years after the termination of criminal justice supervision or discharge from incarceration without supervision, at which point the offender may petition for relief from the registration requirement. Exceptions: (a) one or more prior conviction(s) for sexual offense(s); or (b) convicted of sexually violent offense - - must register for life.

**Offenders in Registry, 2/01:**  
4,561

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Tennessee SOR has an automated text database. It is accessible to local law enforcement through transactions on the State law enforcement network.

**Database is linked to criminal history files:**  
Yes.

### **SOR transmits electronically to FBI NSOR system:**

Yes. Tennessee contributes to the FBI via the State law enforcement network.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes, through the State's AFIS. Through a combination of NCHIP and Byrne funds, TBI's AFIS is being upgraded and the Department of Corrections (DOC) is upgrading their livescan equipment to be more compatible with the TBI repository.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

Initial information comes from the agency releasing the offender to the community: the Department of Corrections (DOC), Probation or Parole, or court services. The offender completes and signs (1) his Notification of Duty to Register form and (2) the official Registration Form. Both forms are then sent to the Tennessee Bureau of Investigation (TBI) where the data is manually keyed into the registry and sent on to the FBI. Local law enforcement can access SOR data through the State law enforcement telecommunications network.

### **DNA Sample:**

Yes, but the DNA program operates under a separate law. Tennessee Code Annotated, Title 40-35-321 requires TBI to establish a DNA database for convicted sexual offenders, maintained by Forensic Services Division.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Every 90 days TBI sends, by certified mail with return receipt requested, a nonforwardable Verification and Monitoring Form to *all* registered offenders. Registrants must sign it and return it to

TBI headquarters within 10 days. Exceptions: (a) incarcerated offenders; and (b) offenders whose address is unknown, both groups stay on the registry but do not receive monitoring forms.

**B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

The first offense is a Class A misdemeanor, punishable by not less than 180 days in the county jail. Any subsequent offense is a Class E felony.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Text information is available to all criminal justice agencies through the State's law enforcement telecommunications network. The Tennessee Bureau of Investigation (TBI) notifies the applicable local law enforcement agency of the offender's places of residence and employment and changes of address. TBI also notifies all district attorneys general of all offenders in their jurisdiction, both those in and out of compliance.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The TBI or a local law enforcement agency may release relevant information deemed necessary to protect the public concerning a specific sexual offender. TBI policy is to leave such decisions up to local law enforcement agencies.

**Procedures for Public Access:**

For offenses committed prior to 7/1/97, the registry information is confidential and is released only to law enforcement officials. For offenses committed on or after 7/1/97, the registry information is by statute a public record. It can be accessed by using the TBI website or by calling toll free 888-837-4170.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. [http://www.ticic.state.tn.us/SEX\\_ofndr/search\\_short.asp](http://www.ticic.state.tn.us/SEX_ofndr/search_short.asp) The website is operated by the Tennessee Internet Crime Information Center (TICIC). The website only includes offenders whose offenses were committed on or after July 1, 1997.

# Summary of State Sex Offender Registries: Texas

Responsible State Agency: Texas Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are categorized as sexually violent offenses or sexual offenses. Covered sexually violent offenses are indecency with a child, by contact; sexual assault; aggravated sexual assault; sexual performance by a child; aggravated kidnaping with the intent to abuse the victim sexually; and burglary if committed with the intent to commit any listed offense. Covered sexual offenses are indecency with a child, by exposure; incest; indecent exposure (2nd conviction); compelling prostitution; possession or promotion of child pornography; attempted conspiracy or solicitation to commit any of the listed offenses.

### **Mandated Registrants:**

Registration is mandatory for persons (adult and juvenile) incarcerated or under probation, parole, or mandatory supervision on or after 9/01/97 for conviction of a covered crime, or with adjudication occurring on or after 9/01/70. The exception is the offense of "Compelling Prostitution" (Section 43.05) which requires registration if the conviction or adjudication occurs on or after 9/01/97.

### **Duration of Registration:**

For adults incarcerated or under supervision as of 9/01/97, there is a lifetime registration requirement for a sexually violent offense or specified offenses against children and a registration requirement of "duration of supervision plus 10 years" for other covered offenses. For adults discharged from supervision before 9/01/97, the duty to register expired on the date of discharge. For juveniles, the registration requirement is for "duration of supervision plus 10 years" if they are adjudicated on or after 9/01/95. For juveniles adjudicated before 9/01/95, the duty to register expires on the date of their discharge from supervision.

### **Offenders in Registry, 2/01:**

29,494

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Texas SOR has an automated text database on a client server environment. The department has set up a secure website that allows registering agencies to verify and update registration information online. This allows the database to be updated in a timely manner eliminating the paper forms.

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI NSOR system:**

No. As of 2/01, SOR data has been tested and should be online by June 2001.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial. The capability for electronic storage and transmittal of fingerprints exists through the State AFIS, but the agencies submitting fingerprints to the SOR send special fingerprint cards in hard copy to the SOR.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes. The system has the capability of keeping a historical file of mugshots.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The institution releasing the offender to the community (the Department of Corrections, the local jail, or Court Services) completes the initial registration and a written Notice of Duty to Register, and sends the forms to the local law enforcement agency where the offender will reside. That agency completes registration with the offender, verifies the address, obtains the offender's fingerprints and photo, and submits the full package to the Department of Public Safety (DPS) which enters the data into the SOR. The local law enforcement agency conducts any required school or newspaper notification.

### **DNA Sample:**

Yes. A parallel program within DPS focuses on building a DNA database of all convicted sexual offenders.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

No. As of 2/01, offenders are responsible for personally verifying their addresses annually with the local law enforcement agency where they reside. Offenders with two convictions for sexually violent crimes must verify their addresses every 90 days. The procedural requirements for verification are at the discretion of the local law enforcement agency. The Department of Public Safety provides sample forms which local agencies may use.

**B. SOR Notification Automated:**

Not applicable.

**C. Penalties for Noncompliance:**

Noncompliance is a State jail felony and can result in revocation and re-incarceration.

the Texas Department of Public Safety (DPS) requesting listings of registered offenders.

**Internet Website: (include web address and number of hits per month, if applicable)**

SOR data is available, free of charge, on the Crime Records Website: <http://records.txdps.state.tx.us/>  
The site currently receives an average of 1.4 million hits per month.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Local law enforcement agencies can access the SOR database through a specialized Texas Crime Information Center (TCIC) inquiry issue via the Texas Law Enforcement Telecommunication System (TLETS). Out-of-state law enforcement agencies have access to information through the Interstate Identification Index (III) or NCIC. Criminal justice agencies can also access the SOR database through a secure website. The website allows online updates and multiple queries.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The local law enforcement agency for the jurisdiction where the offender resides provides written notice to the superintendent of public schools and to the administrators of private primary and secondary schools concerning any registered sexual offender whose victim was under the age of 17.

**Procedures for Public Access:**

Registry data is public information, but the, social security number, phone number, driver's license number, and photo are not released. Newspaper notification is made on *adult* offenders only for convictions or adjudications on or after 9/01/95 where the victim was under the age of 17. Citizens may write to their local law enforcement agency or

# Summary of State Sex Offender Registries: Utah

## Responsible State Agency: Utah Department of Corrections

### *Who is in the Registry?*

#### **Covered Offenses:**

Violations of Utah Code Sections 76-7-102, 76-9-702.5, 76-5a-3, 76-10-1306, 76-5-301.1, and attempting, soliciting or conspiring to commit a felony under Title 76, Chapter 5, Part 4, Sexual Offenses are covered offenses.

#### **Mandated Registrants:**

Registration is mandatory for adults and any juveniles who have been certified as adults and who have been convicted in Utah of a covered offense; any individual convicted of any comparable offense by any other State or by the United States Government; any individual committed to a State mental hospital for the commission or alleged commission of one or more covered offenses; non-resident offenders who are employed, carry on a vocation or who are a student in the State of Utah.

#### **Duration of Registration:**

The registration requirement begins upon conviction and continues for 10 years after termination of the offender's sentence.

#### **Offenders in Registry, 2/01:**

5,192

### *Automation of Sex Offender Registries*

#### **Extent of database automation:**

The Utah SOR has an automated text database incorporating mugshot capture and storage capability. The Utah SOR is part of the Department of Corrections (DOC) automated offender tracking system (O-Track). The sex offender registration portion of the O-Track system is named I-Track. Registration information submitted by law enforcement or the courts is submitted in hard copy form, while registrations completed by Adult Probation and Parole Offices are submitted electronically. The Utah SOR began utilizing this database in October 2000.

#### **Database is linked to criminal history files:**

The Bureau of Criminal Identification (BCI) of

Department of Public Safety maintains the State's criminal history files. The DOC maintains the State's SOR files separately from BCI. BCI allows access to its NCIC data link for timely online data entry of SOR information. A direct link allowing information exchange between these two departments' files is anticipated by the end of 2001.

#### **SOR transmits electronically to FBI NSOR system:**

DOC began electronic transmission to the FBI NSOR in September 2000. The manual entry of registrant's information was found to be resource intensive. Therefore, DOC is reviewing options, which will allow for a mass data dump of the required NSOR fields.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

DOC has obtained livescan equipment for all offices of Adult Probation and Parole throughout the State. DOC plans to use electronic uploads and online entry rather than hard copies. This process has yet to be determined.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

Mugshot capability has been incorporated into the I-Track system. The added ability to store a series of mugshots on an individual offender is forthcoming.

### *Operation of Sex Offender Registries*

#### **Source for Initial Information on Offender:**

Law enforcement agencies are mandated, by State law, to notify the SOR of the arrest of a person suspected of any offense, which if convicted would require registration. The convicting courts are mandated to submit a copy of the Judgment and Sentence to the Department. County Sheriff's are required to register and submit registrations on offenders not remanded to DOC's supervision or custody. DOC is mandated to register all offenders placed on supervision with or in the custody of the department.

#### **DNA Sample:**

No.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. The SOR sends address verification notices to registrants as directed by the Utah State Code.

Offenders must register annually and also within 10 days of every change of address with the probation and parole office responsible for the jurisdiction of residence. For lifetime parolees (sexually violent predators), address verification is required every 60 days.

**SOR Notification Automated:**

No, not as of 2/01. DOC plans to automate this process in the future.

**Penalties for Noncompliance:**

Violation is a Class A misdemeanor, carrying a term of incarceration of not less than 90 days and also at least one year of probation.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Department of Corrections (DOC) employees can access the SOR database through the O-Track system. Any Utah law enforcement agency may request access to the O-Track system. The SOR also notifies law enforcement agencies on a monthly basis of offenders who are paroling or discharged from prison.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Since the creation of the Utah Sex Offender Registry in 1987, the State Office of Education has been notified of all registered sex offenders who have reported employment within the education system.

**Procedures for Public Access:**

Effective 04/29/96, registration data, specified in State law, became public record when released upon a written request. In 1998, the information was designated public, and DOC utilizes the Internet to disseminate. By year-end, however, legal issues and constraints precluded adding new offenders. In September 2000, resolution of the legal issues was obtained. The resolution allows DOC to utilize the Internet, and display all current registrants. Written requests are accepted as well.

**Internet Website: (include web address and number of hits per month, if applicable)**

In December 2000, DOC/SOR displayed an improved Internet registry website containing all current registrants. Located at:

<http://www.udc.state.ut.us>

# Summary of State Sex Offender Registries: Vermont

Responsible State Agency: Vermont Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are sexual assault, aggravated sexual assault, lewd and lascivious conduct, sexual activity by a caregiver, (all as defined in specified statute sections) or an attempt to commit any of the offenses listed. If the victim is a minor, covered offenses include all of those already listed, plus kidnaping, lewd and lascivious conduct with a child, in violation of specific statute sections, sexual exploitation of children (all as defined in specified statute sections) or attempts to commit any of these offenses. For purposes of covered offenses requiring registration, conduct that is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is under the age of 18.

### **Mandated Registrants:**

Registration is mandatory for persons convicted of any of the covered offenses listed above and for persons who have been convicted of a comparable sex crime in any jurisdiction of the United States, including a State, territory, commonwealth, the District of Columbia, or a military court and subsequently take up residence in Vermont. (As noted above, conduct that is criminal only because of the age of the victims shall not be considered a criminal offense requiring registration if the perpetrator is under the age of 18.)

### **Duration of Registration:**

Registration is required for 10 years after release to the community and discharge from probation or parole. A person designated as a sexually violent predator may petition the court for removal of the designation 10 years after release from incarceration or after discharge from probation or parole, whichever is later. The petition must include the recommendations of at least two experts in the behavior and treatment of sexual offenders.

**Offenders in Registry, 2/01:**  
1,509

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Vermont SOR has an automated text database on a stand-alone personal computer. It is maintained by the Vermont Criminal Information Center (VCIC) of the Department of Public Safety. Most processes are manual. NCHIP funds are being used to move the SOR to a different hardware and software platform for interfaces with the FBI and with the computerized criminal history system, and in order to automate accessing and transmitting data.

### **Database is linked to criminal history files:**

No, not as of 2/01.

### **SOR transmits electronically to FBI NSOR system:**

No.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The capability exists through the Tri-State AFIS network shared by Vermont, New Hampshire, and Maine, although, as of 2/01, it was not linked in any way with the current SOR.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as part of the SOR as of 2/01. Fingerprints are stored in the AFIS, but most photographs are maintained in paper form.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The court submits the initial registration data from the offender to the Department of Public Safety's Vermont Criminal Information Center (VCIC) immediately upon conviction and then submits the conviction record within 10 days of sentencing. Prior to an offender's release, the Department of Corrections (DOC) formally notifies the offender of his Duty to Register, notifies the offender's parole officer, and updates and adds to the SOR data at VCIC. The Department of Public Safety/VCIC will then notify the FBI.

**DNA Sample:**

No.

of the VCIC SOR, the registration requirements, and a link to the text of the law.

[http://www.dps.state.vt.us/cjs/s\\_registry.htm](http://www.dps.state.vt.us/cjs/s_registry.htm)

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

No.

**B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

The first offense is punishable by imprisonment for not more than two years or a fine of not more than \$1,000 or both. The second and subsequent offenses are punishable by imprisonment for not more than three years or a fine of not more than \$5,000 or both.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

As of 2/01, no automated links exist between the SOR and Vermont's intra-state law enforcement network, the NLETS, or NCIC. All requests to the SOR for data or dissemination are processed manually.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Vermont registry information is confidential. It may be given to law enforcement agencies for law enforcement purposes, to State or federal agencies for confidential background checks, and to employers and school districts authorized to request Vermont Crime Information Center (VCIC) data for public protection purposes, as well as to the offender for review purposes. Legislation to expand community and organizational notification was introduced in the legislature in January 1999, but no action was taken.

**Procedures for Public Access:**

As of July 1, 2000, information is available to the public regarding a specific offender if the requester articulates a public safety concern. Requesters may contact the registry in writing or by telephone.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes, but the Vermont website provides only information on the Registry. *No data is posted on registered offenders.* The website has a description

# Summary of State Sex Offender Registries: Virginia

Responsible State Agency: Virginia State Police

## *Who is in the Registry?*

### **Covered Offenses:**

The following sexually violent offenses are covered: rape, forcible sodomy, sexual penetration with an object, abduction for immoral purposes and aggravated sexual battery or any attempts of the aforementioned offenses except aggravated sexual battery. The following sexual offenses also are covered: abduction (victim is a minor, physically helpless or mentally incapacitated), carnal knowledge of a child between 13 - 15 years, carnal knowledge of certain minors, attempted aggravated sexual battery, crimes against nature, incest, taking indecent liberties with a child, indecent liberties with a child by a person in a custodial relationship, break and enter with intent to commit rape and pornography involving children.

### **Mandated Registrants:**

Registration is mandatory for adult sex offenders convicted of a covered offense on or after July 1, 1994, and for juvenile felony sex offenders convicted in circuit courts or any person serving a sentence of confinement or under community supervision as of July 1, 1994.

### **Duration of Registration:**

Sexual offenders are required to register for 10 years. They may then petition the court for removal from the registry, but if denied, they must wait two years to re-petition. Those convicted of a second covered offense or designated as sexually violent offenders must register for life.

### **Offenders in Registry, 2/01:**

9,306

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Virginia SOR database itself is fully automated. The system calculates dates and generates notices for offenders' reregistration, is searchable by county or zip code, and generates reports for the program.

### **Database is linked to criminal history files:**

No, not as of 2/01.

### **SOR transmits electronically to FBI NSOR system:**

Yes, since June 2000.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, the Virginia SOR does not have this capability as of 2/01. The State has an AFIS and uses the Networked AFIS Transaction Management System (NATMS) to automatically enter and update its criminal history records, but the Virginia State law requires that the SOR fingerprints be stored separately from any other records. NSOR-AP funds will add SOR transactions to Card Scan, NATMS, and LiveScan to enhance automated fingerprint entry and comparison on AFIS, and electronic transmission to the FBI.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

As of 2/01, the SOR scans and stores color photographs of all sex offenders and they are a part of violent offender registrations via the Internet for public inquiry. Otherwise, there is currently no statewide system or standard for photo-imaging system.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

At conviction, the court remands the offender to the local law enforcement agency which completes the registration, fingerprints the offender, and takes his photo, and mails hard copy to Department of State Police (DSP). The Department of Corrections (DOC), the local sheriff or the jail administrator update the data prior to the offender's release to the community and mail hard copy to DSP. Local agencies also mail hard copy information on offenders moving to Virginia from out-of-state, on address changes, and on reregistrations. SOR registrants are flagged in the DOC databases in order to raise compliance with registration requirements.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. The State Police SOR computer system automatically calculates the appropriate reregistration date for each registered offender and produces a reregistration notice. The forms are sent via "restricted delivery," so that only the offender can sign for and receive them. Reregistration forms require inked thumbprints that are done by any local law enforcement agency or by the State Police.

**B. SOR Notification Automated:**

Yes. Reregistration notifications are automated. The SOR system generates notification letters and also automatically generates a listing of offenders who fail to reregister. Notification to law enforcement agencies of an offender's failure to reregister is programmatically produced and a program to initiate a DMV query will begin after completion of NSOR projects.

**C. Penalties for Noncompliance:**

Violation is a Class 1 misdemeanor for individuals originally convicted of a "sexual offense" and a Class 6 felony for individuals originally convicted of a "sexually violent offense."

protection of children in general. Effective 1/1/99, schools and child care organizations will be able to request and receive automatic notification (electronic or U.S. Mail) of all registrations and reregistration in their own or contiguous zip codes. Effective 7/1/99 the scope of dissemination will be expanded to include day care services and child-minding services.

**Procedures for Public Access:**

Information regarding a specific person shall be disseminated to citizens upon receipt of an official request form, which may be submitted directly to the Department of State Police or to the State Police through a local law enforcement agency. The official request form shall include a statement of the reason for the request. Effective 1/1/99, violent sex offender records became available through the Internet.

**Internet Website: (include web address and number of hits per month, if applicable)**

Effective 1/1/99, Internet website completed to include information and photos of violent sex offender registrants. There are 10,000 to 12,000 visits to the SOR website daily.

<http://www.vsp.state.va.us>

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

The Department of State Police (DSP) makes complete sex offender registrations available via the Virginia Criminal Information Network (VCIN) for criminal justice purposes. The DSP notifies the chief law enforcement officer of a jurisdiction of any registrations or reregistrations in his/her jurisdiction. The QXS transaction that was initiated on 1/01 automatically returns a SOR upon a query of QD, QH, QNAM and QW.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

SOR information can be disseminated by DSP only to public, private and parochial schools; child welfare agencies; day care homes or a register or unregistered small family day care home; employment, volunteering services, for public protection, and the

# Summary of State Sex Offender Registries: Washington

Responsible State Agency: Washington State Patrol

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are the offenses defined as sex offenses by the Revised Code of Washington (RCW) 9A.44, 9A.64, 9A.68A and 9.94A.030, and sexual exploitation of a minor, sexual misconduct with a minor, pornography involving minors, patronizing a juvenile prostitute, and criminal attempt, solicitation, or conspiracy to commit a sexual offense.

Washington law also covers kidnaping offenders where the victim is a minor and the offender is not the minor's parent. (NOTE: Washington law can be viewed on the Internet using URL:

<http://www.leg.wa.gov>)

### **Mandated Registrants:**

Registration is mandatory for adult and juvenile felony sex offenders convicted, in custody, or under criminal justice supervision on or after July 28, 1991; for those convicted of comparable offenses in other jurisdictions; and for defendants charged with a felony sex offense and found "not guilty by reason of insanity." Registration also is mandatory for kidnaping offenders convicted, in custody, or under criminal supervision, on or after July 27, 1997.

### **Duration of Registration:**

Registration is required for lifetime if the offender was convicted of a Class A felony, for 15 years after the last date of release from confinement if the offender was convicted of a Class B felony, and for 10 years after the last date of release from confinement if the offender was convicted of a Class C felony. Any registrant may petition the court for relief from the registration requirement, but must show "clear and convincing evidence" that future registration will not serve the purpose of the law. Juveniles who were under 15 at time of their offense must be offense free for 24 months and meet a "preponderance of the evidence" standard in accordance with RCW 9A.44.140.

### **Offenders in Registry, 2/01:**

15,304

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

Full. The Washington State Patrol (WSP) manages the Sex and Kidnaping Offender Registry (SOR). The data is linked between two databases: 1) Washington State Identification System (WASIS - criminal history); and 2) Washington Crime Information Center (WACIC - wants, warrants). WASIS and WACIC now support the data collection needed for the FBI NSOR and to provide the SOR data online for Washington criminal justice agencies.

### **Database is linked to criminal history files**

Yes.

### **SOR transmits electronically to FBI NSOR system:**

Yes. As of July 2000, Washington's law enforcement telecommunications system, ACCESS, meets the transmission requirements for the permanent NSOR and NCIC 2000.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial. Some sex offender fingerprints are still submitted on paper cards taken by conventional inking methods. Currently, 21 sheriff's offices have livescan units. The date projected for the interface between local sheriffs' livescan units, the State criminal history files and the AFIS is July 1, 2002.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes. WASIS is capable of storing mugshots. The projected date for capability of transmitting digital images of mugshots is July 1, 2002.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The Department of Corrections (DOC) registers offenders prior to their release with the sheriff in their planned county of residence and with the WSP for the SOR. The offender confirms the information with the sheriff upon his release, and the sheriff submits the offender's photo, fingerprints, and other

material to WSP. If a Wanted Person Inquiry into WACIC is done it will provide law enforcement with information on registered sex offenders and corrections client details from DOC.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. It is the responsibility of local law enforcement agencies to conduct annual address verifications and reregistrations that are required. It is the responsibility of the WSP to notify offenders each year of any legislative changes that affect registration requirements.

**B. SOR Notification Automated:**

No.

**C. Penalties for Noncompliance:**

Noncompliance is a Class C felony if the underlying conviction was for a Class A felony offense. In other cases, noncompliance is a gross misdemeanor.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Dissemination of SOR information is available to local law enforcement and Indian tribal police. "Wanted" checks conducted through WACIC return SOR flags for DOC registered sex offenders. Criminal history checks conducted through WASIS yield rap sheets that contain sex offender information. Offender photos and current addresses are included on the rap sheet. There is a projected data of July 1, 2002, for law enforcement statewide to receive access to mugshots online.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Eight months prior to release, sex offenders are classified for risk by a DOC committee, however the local law enforcement agency for the jurisdiction where the offender resides makes the final risk determination. For Level II and III (moderate and high risk) offenders, the local school, neighbors and community groups may be notified under the community notification act. A WSP pre-employment records check, requested in writing or through a

limited access Internet site, will note if the individual is a registered sex offender.

**Procedures for Public Access:**

WSP disseminates limited sex offender information to the public and only in response to a written "public information disclosure request." Based on the offender's risk level, the local law enforcement agency has the authority to notify neighbors and community groups for moderate and high risk offenders, and may issue press releases for high risk offenders. Some local law enforcement agencies also use Internet sites for dissemination of information on registered offenders in their jurisdiction.

**Internet Website: (include web address and number of hits per month, if applicable)**

No. The only SOR data on a State website is a restricted access site used for employment background checks.

# Summary of State Sex Offender Registries: West Virginia

Responsible State Agency: West Virginia State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are sexual assault in the 1st, 2nd, or 3rd degree; sexual abuse in the 1st, 2nd, or 3rd degree; abduction of a person or kidnaping of a child; procuring for prostitution; incest; sex abuse by a parent, guardian, or custodian; filming, distributing, exhibiting, or facilitating materials depicting sexually explicit conduct of minors or any attempt to commit the above named offenses. Also covered are those individuals found not guilty by reason of mental illness, mental retardation or addiction of any of the above named offenses. Also covered is any offense that is determined to be sexually motivated.

### **Mandated Registrants:**

Registration is mandatory for those convicted of any covered offense, those under community supervision for a covered offense, and those released following incarceration for a covered offense, or those convicted of similar offenses elsewhere and moving to West Virginia. Registration is mandatory for those convicted of covered offenses who work or attend school within West Virginia while residing in another State.

### **Duration of Registration:**

10 years is required for sexual offenders. Lifetime registration is required for violent, recidivistic, predatory offenders, or any qualifying offense involving a minor.

### **Offenders in Registry, 2/01:**

950

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The West Virginia SOR has limited automation of its text database. It can be searched and sorted by name and date of birth only. The SOR resides on the State's computerized criminal history system (CCH).

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI NSOR system:**

No, not as of 2/01.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. As of 2/01, WVSOR required only a single thumbprint, and had no AFIS. The planned AFIS is to have livescan capability at the regional jails for digitalized fingerprints and mugshots, and to have AFIS investigative workstations at local State police offices. Legislation, effective 6/15/98, mandated full fingerprints, so there is also a need to get the full ten-prints on offenders registered prior to 6/15/98.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

26 digital cameras in place and able to electronically transmit mugshots. Approximately half of SOR photos are currently maintained in hard copy.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

As of 2/01, if the offender is incarcerated, the DOC faxes data to both the SOR and the State Police detachment where the offender will reside, prior to his release. If the offender has a probation sentence, it is the responsibility of his probation officer to ensure that he is registered and the SOR is notified. Hard copy forms are sent to the Criminal Identification Bureau. (Under legislation effective 6/98, information now comes at the time of conviction from the supervising criminal justice authority, and is updated at pre-release from confinement.)

### **DNA Sample:**

Yes. Since July 1996, all persons convicted of violent crimes and sexual crimes are placed into a CODIS DNA database.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. The SOR generates a letter with a reregistration card annually for sexual offenders and every 90 days for sexually violent predators. The offender must personally take his card to the local State Police

detachment within 10 days. The State Police phone the postal service to verify the offender's address, update their records and may re-photograph the offender. They also do an unannounced verification visit to each offender.

Police website. Twenty-three counties are currently online. <http://www.wvstatepolice.com>

**SOR Notification Automated:**

No.

**Penalties for Noncompliance:**

The first offense is a misdemeanor, punishable by a fine of \$250.00 to \$10,000, or imprisonment for not more than one year, or both. A subsequent offense, or *any offense for those with lifetime registration*, is a felony, requiring imprisonment for one to five years.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

SOR data is available electronically to all criminal justice agencies that have access to WATCH (West Virginia's criminal history records system). As of 4/98, the State Police notified the city and county law enforcement agencies where the offender would reside after an offender registered with them. Legislation effective 6/98 now requires additional notification if the residence jurisdiction differs from the school or work location.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

State Police fax notification to school superintendents and child protective agencies of all registered offenders in their counties. Other civic and religious organizations can register with SOR and automatically receive SOR data.

**Procedures for Public Access:**

Individual citizens can receive SOR information (on 10 registrants) upon application to (and approval by) the circuit court of jurisdiction where the requestor reside. Legislation effective 6/15/98 makes lifetime registrants subject to community notification. West Virginia began its community notification program in September 1998.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. In conjunction with community notification, data on lifetime registrants is mounted on the State

# Summary of State Sex Offender Registries: Wisconsin

Responsible State Agency: Wisconsin Department of Corrections

## *Who is in the Registry?*

### **Covered Offenses:**

All Wisconsin felony sexual offenses are covered. All felony sex convictions from other jurisdictions are treated as covered offenses.

### **Mandated Registrants:**

Registration is mandatory for offenders convicted of, incarcerated, or under criminal justice supervision for any felony sex offense on or after 12/25/93, including persons entering Wisconsin under interstate compacts, persons committed under the sexually violent persons law to mental health institutions, and any offender whose crime the court determines to be "sexually motivated." Juveniles adjudicated for a covered offense are required to register, unless waived by court order. As of May 27, 2000, all people found to have committed a sex offense by another jurisdiction (another State, Federal court, military court, or tribal court) and enters Wisconsin to live, work, pursue a vocation and/or attend school, must register in Wisconsin.

### **Duration of Registration:**

Registration is required for 15 years following discharge from Wisconsin supervision, as well as for the full term of any form of community supervision. There is a lifetime registration requirement for offenders committed under the Sexually Violent Person law, those convicted of two separate episodes of felony sexual offense, or those convicted of First or Second Degree Sexual Assault, First or Second Degree Sexual Assault of a Child, or Repeated Acts of Sexual Assault of a Child. Offenders who are registered due to a conviction by another jurisdiction and enter Wisconsin to live, work, pursue a vocation and/or attend school, must register for whichever is less: 10 years or the period of time that the person lives, works, pursues a vocation or attends school in Wisconsin.

### **Offenders in Registry, 2/01:**

11,999 are now in the Registry database. Wisconsin reports that of these, approximately 10,000 have full and complete registration information, in part due to legislative amendments effective 6/01/97, but with retroactive application to 12/25/93.

## *Automation of Sex Offender Registries*

### **Extent of database automation:**

The Wisconsin Sex Offender Registry Program (SORP) has an automated text database maintained by the State Department of Corrections (DOC). The SORP has only a batch interface with the State Department of Justice (DOJ) TIME system, which transmits to NCIC and to law enforcement agencies statewide.

### **Database is linked to criminal history files:**

Yes. The computerized criminal history files (CCH) maintained by the State DOJ indicates whether an individual is in the DOC SORP.

### **SOR transmits electronically to FBI NSOR system:**

Wisconsin Department of Corrections began contributing to the FBI's interim system on 6/01/98 and submits data monthly, on diskette. DOC SORP now has an online linkage for system upgrades between FBI NSOR and the DOC SORP through the DOJ TIME System.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes, as of June 1, 2001. DOC will require registrants to provide a recent photograph. Digital cameras have been purchased for every community corrections office, institution, and Sex Offender Registration Specialist statewide.

## *Operation of Sex Offender Registries*

### **Source for Initial Information on Offender:**

The Sex Offender Registry Program (SORP) is run by Wisconsin Department of Corrections (DOC). The initial registration is submitted prior the offender's release from prison or jail or comes directly from a supervising field agent to the DOC. The long range plan is to achieve more timely information by automating and decentralizing the data entry function, so that the supervising agent for offenders on active field supervision can directly

enter information into the SORP for both the initial registration and for changes of addresses and other updates.

**DNA Sample:**

Yes. The SORP registration form has a field indicating if a DNA sample was required and taken.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. The DOC is required to mail non-forwardable annual reregistration notices to all regular registrants and send notices every 90 days to persons committed under the Sexually Violent Person law. Registrants must complete the form and submit it to the DOC SORP within 10 working days. The DOC SORP reviews the data and enters it manually into database.

**B. SOR Notification Automated:**

As of 2/01, functions related to automated registrant notification and random/scheduled verification letters are completed. Automated reports are produced, documenting all contacts and attempts to locate noncompliant registrant, and provided to local district attorneys to have a warrant issued for arrest.

**C. Penalties for Noncompliance:**

For a first offense, the penalty is a misdemeanor: up to \$10,000 fine and/or 9 months in jail. For a second and subsequent offenses (as determined for a prior conviction for noncompliance): up to \$10,000 fine and/or five years in prison.

## ***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

Some SORP data is available through the Department of Justice (DOJ) online database (TIME system), which is now updated weekly by a batch interface between the DOJ and the Department of Corrections (DOC). The DOC also develops Special Bulletins on high risk registrants prior to release from prison.

**To Organizations Serving Children, Elderly, and the Mentally II:**

The DOC Sex Offender Registry Program (SORP) provides SORP data on geographic areas to Neighborhood Watch Groups, in response to a written request that has been approved by the local law enforcement agency. Affirmative notification to schools or other organizations is the decision and

responsibility of the local law enforcement agency.

**Procedures for Public Access:**

Victims and victims' families have direct access to SORP information related to their offender(s) via 1-800-Victim Information Notification Everyday (VINE) and their Victim Access number, or they may request written notification of the offender's change of address or similar information. The general public can access basic SORP data on a specific person, but they must provide the name, date of birth, and the Social Security Number *or* the driver's license number of the subject of their inquiry. Affirmative community notification is the responsibility of the local law enforcement agency.

**Internet Website: (include web address and number of hits per month, if applicable)**

The website is in development and an informational page will be available on June 1, 2001.

<http://widocoffenders.org>

## Summary of State Sex Offender Registries: Wyoming

Responsible State Agency: Wyoming Office of the Attorney General

### *Who is in the Registry?*

#### **Covered Offenses:**

Wyoming felony (aggravated) sex offenses, include first and second degree sexual assault, incest, most third degree sexual assaults and most immoral and indecent acts, plus crimes against children convictions. Conspiracy to commit any of the above offenses has the same registration requirements as having committed the actual offense.

#### **Mandated Registrants:**

Registration is mandatory for persons convicted of a covered offense who are sentenced on or after January 1, 1985. This includes those individuals convicted of a comparable offense in another State or jurisdiction who move to Wyoming.

#### **Duration of Registration:**

There is lifetime registration for offenders convicted of first, second and some third degree sexual assaults, incest, and some immoral and indecent acts (aggravated sex offenders). For other sexual offenders, the registration requirement is for 10 years following release to the community (Non-aggravated sex offenders). Time is tolled for any confinement time. Upon release from confinement the county attorney who has jurisdiction over the offender will conduct a risk of re-offense hearing. The hearing is mandatory for aggravated sex offenders. The county attorney may determine a non-aggravated sex offender is low risk or conduct a hearing for a higher risk. The offender may petition for a reduction of the risk assessment.

#### **Offenders in Registry, 2/01:**

682

### *Automation of Sex Offender Registries*

#### **Extent of database automation:**

The Wyoming central registry now exists within a database on an AS400 computer. A contract is currently in place to establish an interface to the Wyoming Criminal Justice Information Network (WCJIN) to support statewide law enforcement

access, NLETS queries, and transmission to NCIC and FBI.

#### **Database is linked to criminal history files:**

No as of 2/01 the AS400 is not linked to Wyoming's computerized criminal history files (CCH).

#### **SOR transmits electronically to FBI NSOR system:**

Individual entries are manually loaded into NCIC by teletype.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. IAFIS is online and in the testing process.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes, transmission and storage is available for the State registry but not into NCIC. Pictures of all offenders are received when registered, but only those found to have a high risk of re-offense are scanned and stored in the State system. If there is a need for an offender's photo, it can be scanned and forwarded electronically. The SOR is currently pursuing browser technology to permit a subject's photo image to be maintained electronically.

### *Operation of Sex Offender Registries*

#### **Source for Initial Information on Offender:**

Offenders are registered prior to release from confinement by Department of Corrections personnel and if no confinement was adjudged then the County Sheriff will register a convicted offender prior to release by the court. The Sheriff having jurisdiction of the offender will register individuals entering the State. Registrations are forwarded in hard copy, with photo and fingerprint cards to the Division of Criminal Investigation.

#### **DNA Sample:**

Yes. Mostly for those individuals leaving the Department of Corrections after July 1, 1999.

#### **Validation and Reregistration Procedures:**

##### **A. State SOR Proactively Notifies Registrants:**

No. A system is currently being developed and should be in use shortly.

**B. SOR Notification Automated:**

No.

**C. Penalties for Noncompliance:**

The first offense is a high misdemeanor, punishable by a fine of up to \$750, imprisonment for not more than one year or both. Any subsequent violation is a felony punishable by a fine of up to \$1,000, imprisonment for not more than two years, or both.

***Dissemination of Sex Offender Registry Information***

**To Law Enforcement and Criminal Justice Agencies:**

As of 2/01 the only access is through NSOR and only those individuals that have an FBI number are registered (many do not have FBI numbers). Access is currently being developed for law enforcement statewide.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The District Court or County Court determines the offender's risk of re-offense. For moderate and high risk offenders, State statute authorizes local law enforcement to notify organizations in the community, including schools, religious groups, and youth organizations.

**Procedures for Public Access:**

For offenders determined to have a moderate or high risk of re-offense, local law enforcement will provide notification to all residents living within 750 feet of the offender, plus organizations in the community including schools, religious and youth organizations. Notifications are by handbills, which include the offenders photograph, name, address, date of birth, date and place of conviction, crime for which convicted, and physical characteristics including race, sex, height, weight, eye and hair color. High risk offenders are also posted on the website using the handbill format as noted above.

**Internet Website: (include web address and number of hits per month, if applicable)**

Yes. This office is currently using the State website:  
<http://attorneygeneral.state.wy.us/dci>