

# Adam Walsh Child Protection and Safety Act

Or SORNA – Sex Offender  
Registration and Notification Act

By

Chris Phillis

Maricopa Public Defender

# Signed into law by George W. Bush on July 27, 2006

- Creates a national registry for sex offenders
- Extends the class of sex offenders and sex offenses that are required to register
- Requires consistent registration of sex offenders in jurisdictions where they live, work or attend school

- Requires more extensive registration information
- Requires periodic in person appearances
- Requires information to be posted on a web site
- Requires longer durations for registration

# Covered Jurisdictions

- All Fifty States
- District of Columbia
- Territories
- Indian Tribes

# Applies Retroactively to all Sex Offenders

Including those who have completed their prison sentence or probation period.

# Covered Offenses

- Sexual Act and Sexual Contact

A criminal act that has an element involving a sexual act or contact or is a specified offense against a minor

- Any type or degree of genital, oral or anal penetration
- Any sexual touching of another's body, either directly or through a persons clothing

# Covered Offenses Continued

- Specified Offenses Against Minors
  - Kidnapping
  - Solicitation
  - Use in a Sexual Performance
  - Video Voyeurism
  - Child Pornography
  - Criminal Sexual Conduct and related internet activities

# Covered Offenses Continued

- Specified Federal Offenses
- Specified Military Offenses
- Attempts and conspiracies to commit sexual offenses



# Juvenile Sex Offender

- Must be 14 years of Age
- Adjudicated of a serious assaultive sexual offense or a child molestation
  - Force or threats of violence
  - Rendered unconscious or involuntarily drugging
  - Engaging in a sexual act with a child under 12 year of age

# Excluded Offenses

- Foreign Conviction if no safeguards of fundamental fairness and due process
- Consensual sexual conduct
  - Victim is at least 13 years of age
  - Accused is no more than four years older than victim.

# Tier 3

- Tier Three are the most serious offenders and will have to register for life. Tier III sex offenders are defined as a sex offender whose offense is punishable by imprisonment for more than a year and
- Is comparable to or more severe than (including attempts and conspiracies to commit) aggravated sexual abuse or sexual abuse. (i) Aggravated sexual abuse as defined by the US Code is, knowingly causing another person to engage in a sexual act by using or threatening to use force, rendering the person unconscious before engaging in a sexual act or engaging in a sexual act with a person under the age of 12.

# Tier 3 Cont.

- (ii) Sexual abuse as defined by the US Code is, causing another to engage in a sexual act by threats or placing the person in fear; or if the person is incapable of appraising the nature of the conduct or is physically incapable of declining participation.
- Involves the kidnapping of a minor
- Occurs after the offender becomes a tier II sex offender.

# Tier 2

- Tier Two offenders will have to register for 25 years. They are defined as sexual offenders, other than tier III offenders, whose offense is punishable by imprisonment for more than 1 year and
- Is comparable to or more severe than (including attempts and conspiracies to commit) sex trafficking of a minor, coercion and enticement involving a minor, transportation with the intent to engage in a criminal sexual activity with a minor and abusive sexual contact with a minor.

## Tier 2 Cont.

- Involves the use of a minor in a sexual performance, solicitation of a minor to practice prostitution or production or distribution of child pornography.
- Occurs after the offender becomes a tier I offender.

# Tier 1

- Tier One offenders will register for fifteen years. All sex offenders who are not a tier II or III are considered tier I.
- Offense is not punishable by more than one year of imprisonment
- All tribal convictions
- Unless a specified crime against a minor, exempted from Web site disclosure.

# Automation –Electronic Database and Software

- Cyber technology
- Sex offender information immediately available
- Three years to comply



# Failure to Comply

- 10% reduction in Federal justice assistance funds (Byrne Justice Assistance Grant Funds used to prevent and control crime. Originally used for substance abuse funds. Arizona drug, gang and violent crime strategy is where the money is being spent at this time.)
  - Money split among jurisdictions in compliance
  - Or
  - Money used to bring noncompliant jurisdiction into compliance

# SMART Office

- Responsible for determining substantial compliance
  - Administrative policies and procedures
  - Statutes

# Require information for the Registry

- Name and Aliases
- Internet identifiers
- Telephone numbers
- Social Security Number
- Residence, Travel and Lodging information
  - Seven or more days

# Registration information Cont.

- Travel and Immigration Documents
- Name and address of employer
- Professional licenses
- School information
- Vehicle information

# Registration information Cont.

- Date of Birth
- Physical description
- Text of statute violated
- Criminal history
- Photograph
- Fingerprints
- DNA
- Driver's license

# Website

- Easily accessible
  - Search by zip code and radius
- Field searches available on National site
- Personal sex offender information
  - Name, address, employer address, school address, license plate and vehicle description, physical description, sex offense and current picture.

# Keeping Registration Current

- Initial registration
  - while incarcerated
  - 3 business days from sentencing
- Change of personal information
  - within 3 business days
- In person verifications
  - Tier 1 –yearly
  - Tier 2- every six months
  - Tier 3 – every three months

# Duration of Registration

- Tier I – 15 years, reduction of 5 years for clean record
- Tier II – 25 years, no reduction
- Tier III – Life, no reduction
  - Exemption, juveniles with a clean record for 25 years.



# Non-compliance

- Imprisonment for greater than one year.

# Arizona Laws

- Registration is required
  - Unlawful imprisonment if victim is under 18.
  - Kidnapping if victim is under 18.
  - Sexual abuse if victim is under 18.
  - Sexual conduct with a minor.
  - Sexual assault.
  - Sexual assault of a spouse prior to 8-12-05.
  - Molestation of a child.

# Arizona Laws Cont.

- Continuous sexual abuse of a child.
- Taking a child for prostitution.
- Child prostitution.
- Commercial sexual exploitation of a minor.
- Luring a minor for sexual exploitation.
- Sex trafficking of a minor.
- Second public sexual indecency to a minor under 15.

# Arizona Law Cont.

- Second indecent exposure to a minor under 15.
  - Third indecent exposure.
  - Third public sexual indecency.
  - Failing to register.
- 
- Arizona does not require citizens convicted of conspiracy crimes, video voyeurism, child pornography or sexual conduct involving the internet to register.

# Juveniles

- No mandatory registration for juveniles adjudicated in juvenile court.
  - Registration is at the discretion of the judge.
  - Registration terminates upon the juvenile reaching 25.
  - No Romeo/ Juliet provision.

# Juveniles Cont.

- Juveniles convicted in adult court are required to register.
  - Judge may terminate the requirement to register upon successful completion of probation.
  - Juveniles personal information is not listed on the website.

# Sex Offender Classification

- Arizona uses a level system
  - Levels are determined by risk assessment scores.
  - Levels are 1-3.
  - Levels 2-3 are placed on the Internet website.
  - Registration is for life (exception, juvenile offenders).

# Registering

- Offender has 10 days to initially register.
- Offender must register a change of employment, school or address with Arizona if the offender was convicted in another jurisdiction and will remain in Arizona for more than fourteen consecutive days.
- Offenders report once a year to update information, (exception: transients every 90 days).



# Registration Continued

- Arizona does not require the offender to register in the jurisdiction where employed.
- Offenders convicted of unlawful imprisonment of a minor or kidnapping of a minor must register for ten years after completion of prison or probation.

# Required Information

- Name
- Address
- Age
- Mailing location
- School
- Photograph
- Website address
- Nonoperating or vehicle license.

# Required information for Website

- Name
- Age
- Address
- Photograph
- Offense committed
- Risk level