

# **SEX AND KIDNAP OFFENDER REGISTRY**

## **BAGELS AND BRIEFINGS**

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# **SEX AND KIDNAP OFFENDER REGISTRY**

## **OUTLINE**

### **HISTORY OF THE REGISTRY**

**FEDERAL LAW**

**STATE BY STATE**

**UTAH'S REGISTRY**

**KEY QUESTIONS**

**DISCUSSION**



# **SEX AND KIDNAP OFFENDER REGISTRY**

## **HISTORY OF THE REGISTRY**



# SEX AND KIDNAP OFFENDER REGISTRY

**WHERE DID THE IDEA FOR A REGISTRY COME FROM?**

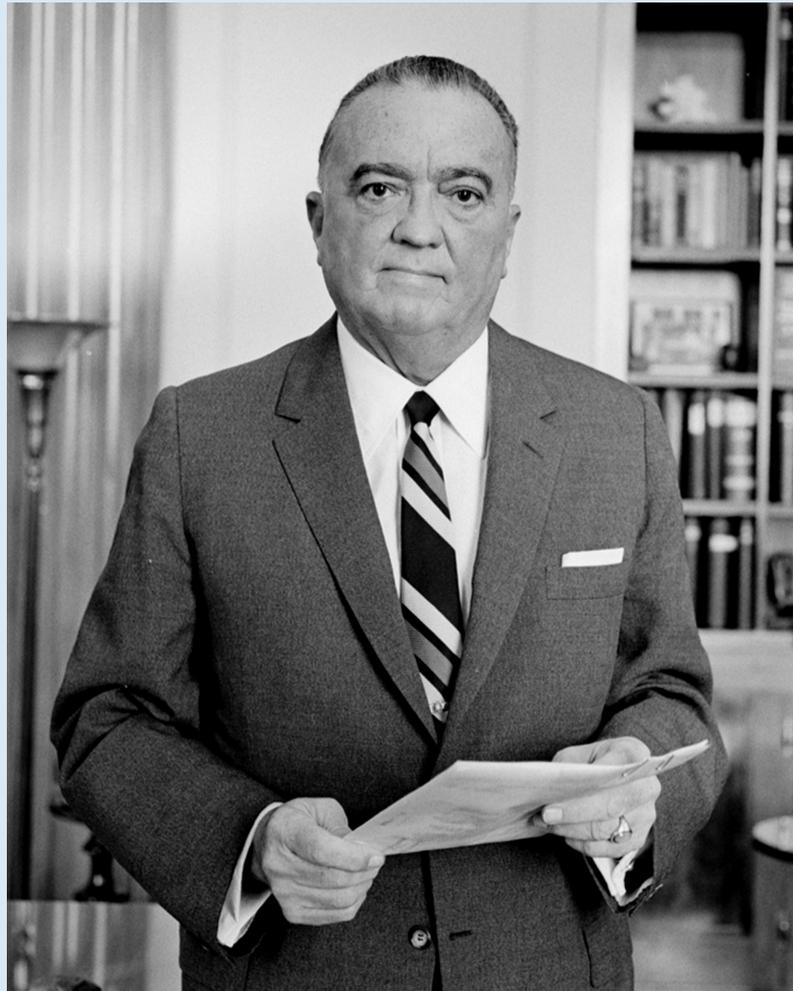


Rising crime rates after WWII  
Sexual Psychopath Laws  
Relatively limited number of registerable offenses

**CALIFORNIA, 1947**



# SEX AND KIDNAP OFFENDER REGISTRY



## SEXUAL PSYCHOPATH LAWS

**"The most rapidly increasing type of crime is that perpetrated by degenerate sex offenders .... Should wild beasts break out of circus cages, a whole city would be mobilized instantly. But depraved human beings, more savage than beasts, are permitted to rove America almost at will."**

-J. EDGAR HOOVER, 1947



# SEX AND KIDNAP OFFENDER REGISTRY

Scattered registries in the 1950s and 1960s

Renewed interest in the 1980s and 1990s

- **Arizona**
- **Florida**
- **Nevada**
- **Ohio**
- **Alabama**



# SEX AND KIDNAP OFFENDER REGISTRY

## INTRODUCTION OF UTAH'S REGISTRY

- **Created in 1983**
- **Did not include public access/notification**
- **Intended for limited use**



# SEX AND KIDNAP OFFENDER REGISTRY

## INTRODUCTION OF COMMUNITY NOTIFICATION

- **First State with Community Notification: Washington State, 1990**
- **The Case of Earl Shriner**
- **Does not become part of federal law until 1996**





# **SEX AND KIDNAP OFFENDER REGISTRY**

**FEDERAL LAW**



# SEX AND KIDNAP OFFENDER REGISTRY

## THE WETTERLING ACT (1994)

- **All states must create a registry**
- **By 1996, 49 states had registries**
- **Required registration of address for 10 years**

# SEX AND KIDNAP OFFENDER REGISTRY

## MEGAN'S LAW (1996)



- **Community notification in all states**
- **Internet sites with state sex-offender information**
- **Left most of the specifics up to the states**



# SEX AND KIDNAP OFFENDER REGISTRY

## ADAM WALSH (2006)

- **More comprehensive, uniform requirements**
  - Reporting
  - Offense list
  - Verification Standards
- **Establishes a tiered system for sex offenders**
- **Project Safe Childhood**
- **SMART**





# SEX AND KIDNAP OFFENDER REGISTRY

## ADAM WALSH (Cont.)

### Sex Offender Registration and Notification Act (SORNA)

#### 5 BASIC CATEGORIES

Offense and Offenders Included

Tracking and Penalizing Absconders

Community Notification

Offender Appearance and Verification

Information Sharing



# SEX AND KIDNAP OFFENDER REGISTRY

## SORNA: TIERED SYSTEM

### TIER III

#### LIFETIME REGISTRY

- Aggravated sexual abuse
- Abusive Sexual Conduct
- Kidnapping a minor
- Offenses against a child younger than 13

### TIER II

#### 25 YEAR REGISTRY

- Sex trafficking
- Coercion/enticement/solicitation
- Abusive sexual contact committed against 13 or older
- Production/Distribution of child pornography

### TIER I

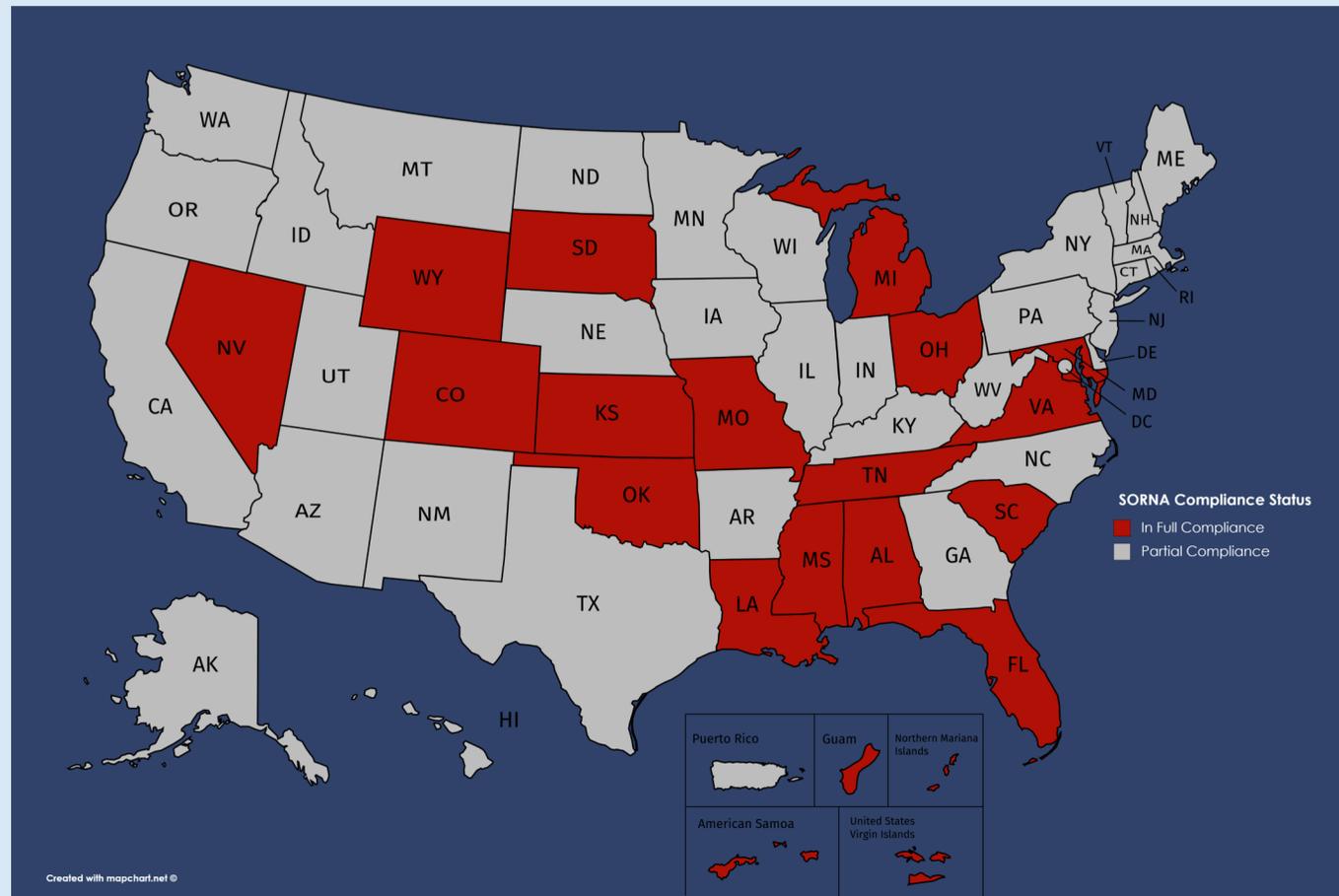
#### 15 YEAR REGISTRY

- Anyone who does meet criteria for Tier II or III



# SEX AND KIDNAP OFFENDER REGISTRY

**17 states and 4 territories in full compliance with SORNA**





# **SEX AND KIDNAP OFFENDER REGISTRY**

**STATE BY STATE**



# **SEX AND KIDNAP OFFENDER REGISTRY**

## **STATE BY STATE**

- **Population Comparisons**
- **Registry Times**
- **Registry Periods**
- **Risk Assessments/Conviction Based**
- **Petition Release**

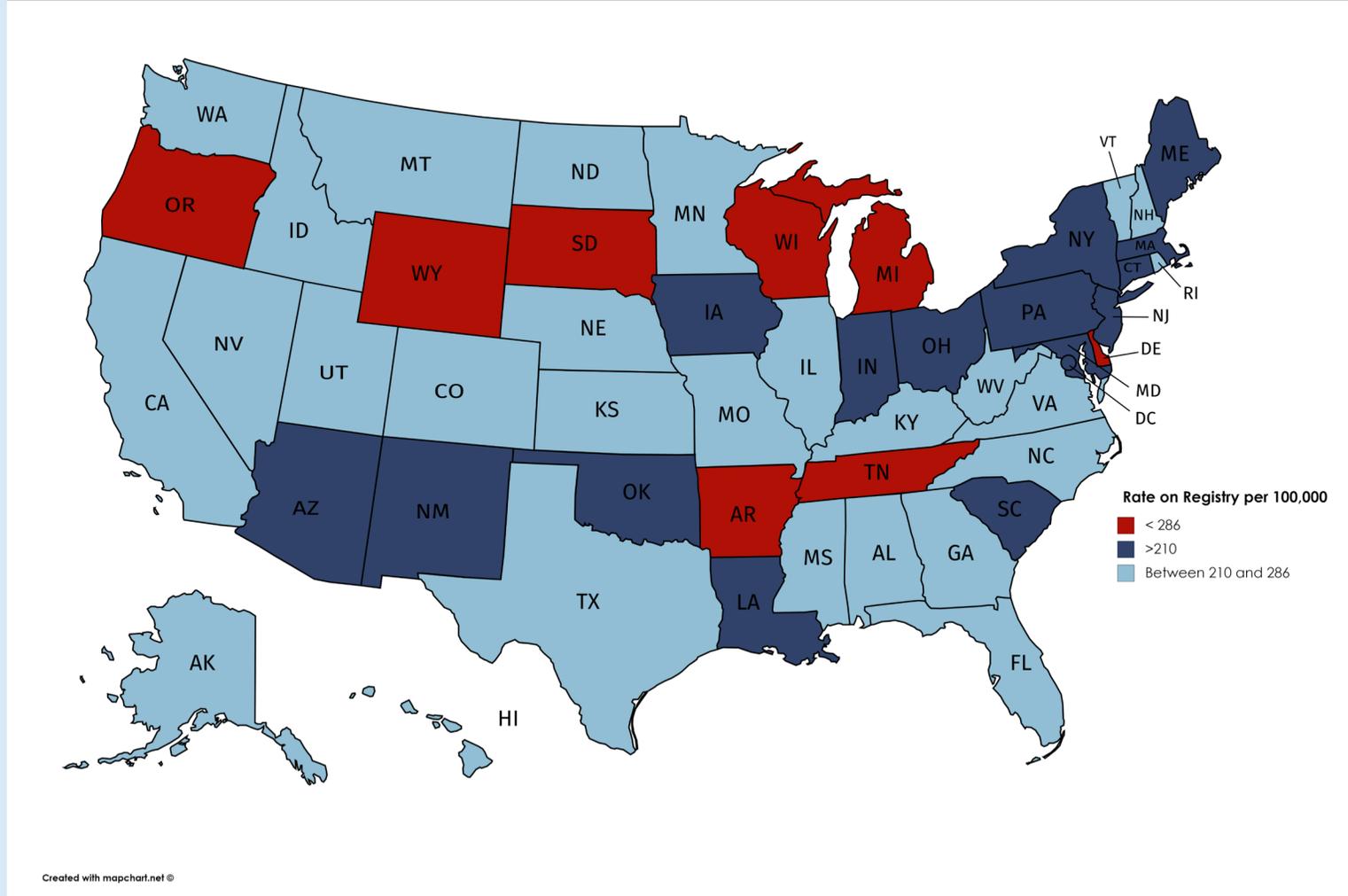


# SEX AND KIDNAP OFFENDER REGISTRY

## POPULATION COMPARISONS

HIGHEST:  
OREGON  
(679)

LOWEST:  
MARYLAND  
(120)



UTAH: FALLS IN  
THE MIDDLE

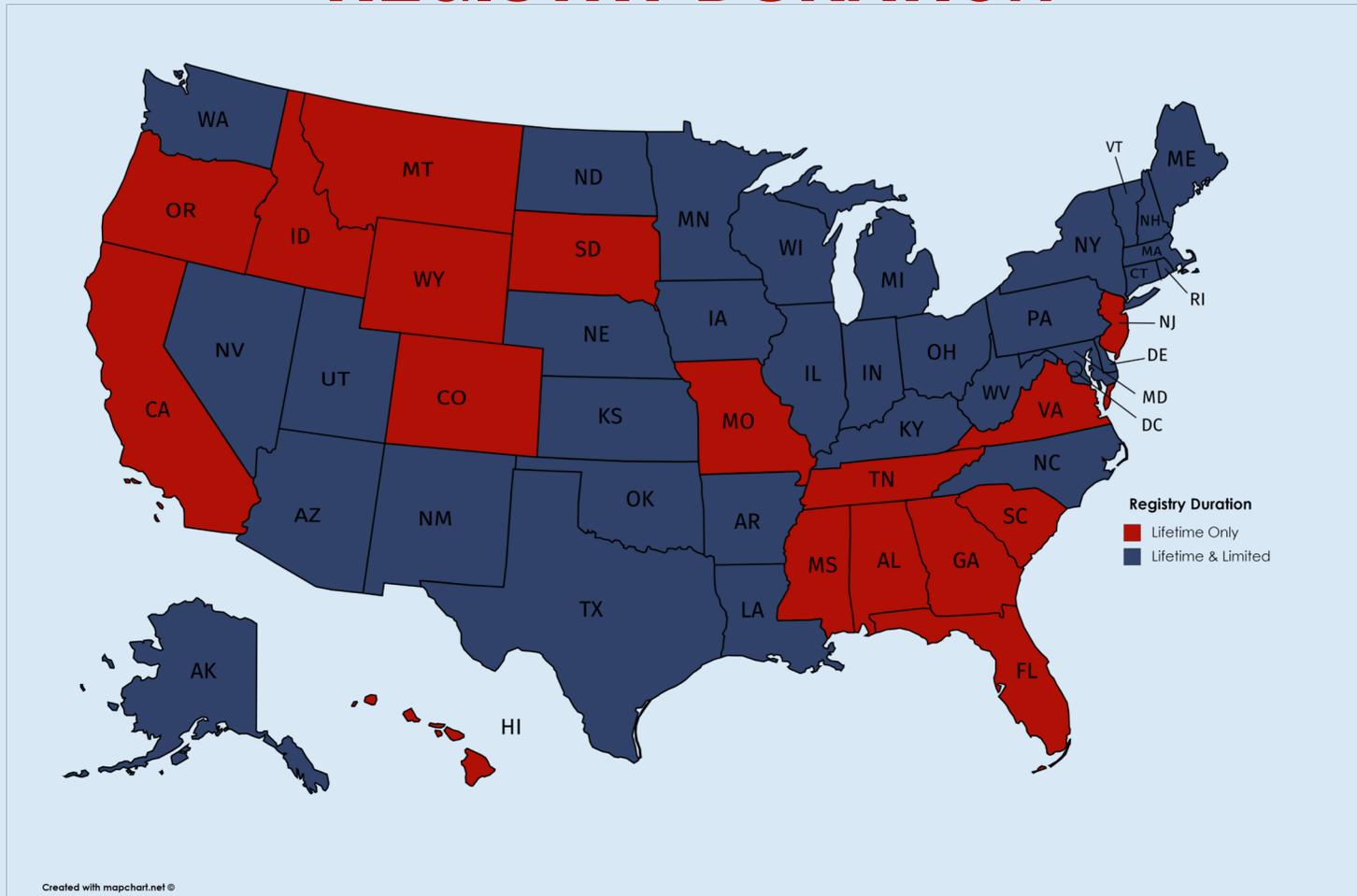
26<sup>TH</sup> OUT OF  
THE 50 STATES

266 PER  
100,000  
OR 8247 TOTAL



# SEX AND KIDNAP OFFENDER REGISTRY

## REGISTRY DURATION



## Registry Periods

### Two Basic approaches

#### 1. Release from Incarceration

- Iowa: I.C.A. § 692A.106: The duration of registration required under this chapter shall be for a period of ten years. The registration period shall begin ... I.C.A. § 692A.103: From the date of placement on probation; date of release on parole or work release; or date of release from incarceration.

#### 2. Release from Custody

- Arizona: A.R.S. § 13-3821: "for a period of ten years from the date that the person is released from prison, jail, probation, community supervision or parole and the person has fulfilled all restitution obligations."



# SEX AND KIDNAP OFFENDER REGISTRY

## Risk Assessment

- **Not everyone convicted of a registerable offense is registered**
- **21 states utilize some form of risk assessment tool**

## Conviction Based

- **Registration is automatic with conviction**
- **The most common approach**



# SEX AND KIDNAP OFFENDER REGISTRY

## Petition Release

### LIFETIME REGISTRIES

**Some states with lifetime registries allow registrants to petition for release.**

EX: Arkansas

Tier 1, 2, & 3 offenders may petition the court for relief 15 years after release from incarceration.

### LIMITED REGISTRIES

**Some states with limited registries also include a petition process for earlier release.**

EX: Delaware

Tier I offenders (15 years) may petition for relief 10 years from last day of sentence. Tier II/III offenders may petition for redesignation and eventually reach a Tier I designation.



# SEX AND KIDNAP OFFENDER REGISTRY

## UTAH'S REGISTRY

# SEX AND KIDNAP OFFENDER REGISTRY

## UTAH SORNA COMPLIANCE

Utah 	
<b>Offenses and Offenders Included</b>	
Required state, tribe, territory, federal and military offenses	
Required juvenile offenses	
Retroactively apply requirements	
Required early registry removal standards	
<b>Tracking and Penalizing Absconders</b>	
Requisite criminal penalty for Failure to Register	
Notification to originating jurisdiction when offender fails to appear for registration	
Investigation procedures for suspected absconders; jurisdictional referral of suspected absconders to local and/or federal law enforcement and prosecutors	
<b>Community Notification</b>	
Maintain public registry website; post all required offenders and offender information	
Immediate notation of changes in offender information on the public website	
Email notification system alerting public when offenders relocate into or out of a particular ZIP code or geographic radius	
<b>Offender Appearance and Verification</b>	
Required if convicted, incarcerated, residing, working or attending school in the state	
Register before release from prison or immediately after sentencing or relocating to state	
Offense-based tiering and required duration of registration and frequency of reporting	
Immediate reporting of registration information changes	
21-day advance notice of international travel	
<b>Information Sharing</b>	
Collect all identification and location information in registry	
Provide registration information to law enforcement and prosecution agencies within the jurisdiction	
Immediate notification of changes in offenders' information to any affected jurisdiction	
Immediate notification to NCIC/NSOR of all new and updated registration information	

		
Meets minimum requirements	Does not meet minimum requirements	Does not meet any requirements



# SEX AND KIDNAP OFFENDER REGISTRY

## BASICS OF UTAH'S REGISTRY

- 10 YEAR AND LIFETIME
- OPPORTUNITY FOR PETITION
- 2-TIERED SYSTEM
- NO RISK ASSESSMENT
- DOES INCLUDE AREA RESTRICTIONS BUT NOT HOUSING
- MUST REGISTER EVERY YEAR, INCLUDES DL COMPONENT



# SEX AND KIDNAP OFFENDER REGISTRY

## SEX OFFENSES THAT WILL GET YOU ON THE REGISTRY 10 YEAR REGISTRY

- Kidnapping
- Voyeurism
- Unlawful Sexual Activity with a Minor
- Unlawful Sexual Conduct with a 16 or 17 Year Old
- Forcible Sexual Abuse
- Incest
- Lewdness (4 convictions required for registration)
- Sexual Battery (4 convictions required for registration)
- Lewdness Involving a Child
- Aggravated Human Trafficking
- Custodial Sexual Relations (if victim was under 18 years of age)
- Sexual Exploitation of a Vulnerable Adult
- Sexual abuse of a minor
- Attempting, soliciting, or conspiring to commit any felony offense listed above (or in the "life" list below)



# SEX AND KIDNAP OFFENDER REGISTRY

## SEX OFFENSES THAT WILL GET YOU ON THE REGISTRY

### LEWDNESS

“A person is guilty of lewdness if the person...performs any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of another who is 14 years of age or older:

- (a) an act of sexual intercourse or sodomy;
- (b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area;
- (c) masturbates; or
- (d) any other act of lewdness.”



# SEX AND KIDNAP OFFENDER REGISTRY

## SEX OFFENSES THAT WILL GET YOU ON THE REGISTRY LIFETIME REGISTRY

- Child Kidnapping
- Aggravated Kidnapping
- Enticing a Minor over the Internet
- Rape
- Rape of a Child
- Object Rape
- Object Rape of a Child
- Forcible Sodomy
- Sodomy on a Child
- Sexual Abuse of a Child or Aggravated Sexual Abuse of a Child
- Aggravated Sexual Assault
- Sexual Exploitation of a Minor
- Aggravated Exploitation of Prostitution



# SEX AND KIDNAP OFFENDER REGISTRY

## PETITIONS

**REGISTRANTS MAY PETITION THE COURTS FOR RELEASE IF:**

- 5 years have passed since completion of sentence
- Only have 1 registerable offense
- Has not reoffended
- Was convicted of a crime eligible for petition
- Successfully completed all treatment ordered by BOPP
- Not convicted of any other crime



# **SEX AND KIDNAP OFFENDER REGISTRY**

## **PETITIONS**

### **CRIMES ELIGIBLE FOR PETITION :**

- **Enticing a minor (if class A misdemeanor)**
- **Kidnapping**
- **Unlawful detention**
- **Unlawful sexual activity with a minor, not more than 10 years older than victim**
- **Unlawful sexual conduct with a 16 or 17 year old and not more than 15 years older than the victim**
- **Voyeurism**



# SEX AND KIDNAP OFFENDER REGISTRY

## REGISTRATION PROCESS

- ➔ Out-of-state offenders must register within 10 days of entering the state, regardless of the length of stay.
- ➔ Offenders under AP&P supervision shall register with AP&P.
- ➔ Offenders no longer under AP&P supervision shall register with the local law enforcement (police department or sheriff's office).
- ➔ Offenders must register twice each year — once during his/her birth month, and once during the month that is six months following that month.
- ➔ **Registration requirements last for the duration of the sentence and the following 10 years after termination of the sentence in some cases, and for life in more serious cases**
- ➔ Offenders must register within three business days of every change of primary residence, any secondary residence, place of employment, vehicle information, or educational information.



# SEX AND KIDNAP OFFENDER REGISTRY

## AREA RESTRICTIONS

Daycares/preschools

Swimming pools open to the public

Public or private primary/secondary schools



Community park open to the public

Playground open to the public



# SEX AND KIDNAP OFFENDER REGISTRY

## KEY QUESTIONS



# SEX AND KIDNAP OFFENDER REGISTRY

## ISSUES TO CONSIDER

CONSTITUTIONALITY

PUNITIVE MEASURE?

PUBLIC SAFETY



# **SEX AND KIDNAP OFFENDER REGISTRY**

**DISCUSSION**