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## **FACT SHEET: The Proposed Guidelines for the Sex Offender Registration and Notification Act (SORNA)**

SORNA establishes a comprehensive set of minimum registration and notification standards for sex offenders. Sex offenses qualifying sex offenders for registration include criminal offenses that have an element involving a sexual act or sexual contact with another person, specified offenses against minors, specified federal and military offenses, and attempts and conspiracies to commit any of these crimes (42 USC §16911).

- The SORNA Guidelines provide guidance and assistance to the jurisdictions implementing SORNA. These include the 50 States, the District of Columbia, the principal U.S. territories, and federally recognized Indian Tribes.
- SORNA covers all individuals convicted of a qualifying sex offense, including persons convicted of a qualifying sex offense prior to the enactment of SORNA or prior to a jurisdiction's implementation of SORNA.
- The Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office is responsible for administering SORNA and providing guidance and assistance to jurisdictions working to implement and comply with SORNA.

### **Important Dates**

- July 27, 2009: Deadline for substantial implementation of SORNA for all registration jurisdictions.
- April 27, 2009: Date for all registration jurisdictions to submit compliance packets establishing substantial compliance to the SMART Office.
- July 27, 2007: Date by which federally recognized tribes must elect to become a SORNA registration jurisdiction or elect to delegate registration and notification functions to the state or states in which the tribal land is located. There will be an automatic delegation of duties to states for tribes not electing by July 27, 2007.

### **Jurisdiction Implementation and Compliance with SORNA**

- Failure to implement SORNA by July 27, 2009, will result in a mandatory 10 percent reduction in Byrne Justice Assistance Grant funding.
- Determining substantial implementation of SORNA by registration jurisdictions is the responsibility of the SMART Office.
- Jurisdictions must make sex offender registration information available to the public and other specified entities. The Guidelines detail what information must be obtained from a sex offender, which entities registry information must be shared with, and what sex offender information must be available on public websites.
- Jurisdictions are free to exceed the minimum standards for registration and notification requirements set forth in SORNA.

- Jurisdictions', registries and websites must allow for immediate electronic exchange of information among registration jurisdictions, community notification, and a variety of search capabilities.
- SORNA applies to juveniles prosecuted as adults and to juveniles who have been adjudicated delinquent, are 14 years or older at the time of the commission of the crime, and commit an offense comparable to or more severe than aggravated sexual abuse as defined in 18 USC 2241, or an attempt or conspiracy to commit such an offense.
- Sex offenders with foreign convictions and tribal convictions are required to register under SORNA. However, registration jurisdictions may choose to exclude from registration sex offenders with foreign or tribal convictions achieved without fundamental fairness or due process. The Guidelines provide guidance for determining if the legal processes in foreign countries and tribal courts meet SORNA standards.
- Jurisdictions are not required to institute the SORNA tiering system for classifying sex offenders. Jurisdictions achieve compliance with SORNA so long as sex offenders who satisfy the SORNA criteria for placement in a specific tier are consistently subject to at least the duration of registration, verification requirements and notification required by SORNA.
- Jurisdictions must register incarcerated sex offenders prior to release from custody or within three business day of sentencing for a non-incarcerative sentence.
- To comply with SORNA, jurisdictions must have a failure-to-register offense requiring a maximum term of imprisonment greater than one year (tribes are excluded from this requirement).

### **Offender Compliance with SORNA**

- Offenders must initially register in the conviction jurisdiction, and subsequently keep their registration current in each jurisdiction where the sex offender resides, is employed, or is a student.
- Offenders must, no later than three business days after each change of name, residence, employment or student status, appear in person to update required registration information.
- Minimum registration terms are as follows: 15 years for tier I sex offenders; 25 years for tier II sex offenders; and lifetime for tier III sex offenders.

Questions regarding implementation dates, exemptions, extensions and all other questions should be directed to the SMART Office at 202-514-4689 or [getsmart@usdoj.gov](mailto:getsmart@usdoj.gov)

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