

SORNA: Miscellaneous FAQ's

1. **Will jurisdictions receive any assistance in updating their websites to assure compliance with SORNA?**
2. **Will jurisdictions receive any technical assistance in the implementation of SORNA?**
3. **Are the provisions of SORNA retroactive?**
4. **How are juveniles treated under SORNA?**
5. **How are foreign convictions and tribal convictions treated under SORNA?**
6. **Do jurisdictions have to make statutory changes to substantially implement SORNA?**

1. **Will jurisdictions receive any assistance in updating their websites to assure compliance with SORNA?**

The Department of Justice, in consultation with the jurisdictions, will develop and support registry management and web-based software. This software will facilitate the immediate exchange of sex offender information among jurisdictions, public access to sex offender information and other forms of community notification through the Internet, and compliance in other respects with the SORNA requirements.

See Part II.D of the Final Guidelines for more detail.

2. **Will jurisdictions receive any technical assistance in the implementation of SORNA?**

The SMART Office has established a technical assistance email, getSMART@usdoj.gov. The Office is currently receiving a steady stream of technical assistance requests regarding a variety of issues involved in the implementation of SORNA.

The SMART Office website (www.ojp.usdoj.gov/smart) provides information related to sex offender registration, sexual abuse and exploitation with a focus on legal and legislative developments. The Office posts a bi-weekly case law update addressing developments in sex offender registration litigation, as well as other articles of relevance and interest.

3. **Are the provisions of SORNA retroactive?**

Yes. SORNA applies to all sex offenders, including those convicted of their registration offenses prior to the enactment of SORNA (July 27, 2006) or prior to particular jurisdictions' incorporation of the SORNA requirements into their programs. Jurisdictions are specifically required to register such sex offenders if they remain in the system as prisoners, supervisees, or registrants, or if they later reenter the system because of conviction for some other crime (whether or not the new crime is a sex offense).

See Part II.C and IX of the Final Guidelines for more detail.

4. How are juveniles treated under SORNA?

Section 42 U.S.C. §16911(8) provides that delinquency adjudications count as convictions “only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.”

Hence, SORNA does not require registration for juveniles adjudicated delinquent for all sex offenses for which an adult sex offender would be required to register, but rather requires registration only for a defined class of older juveniles who are adjudicated delinquent for committing particularly serious sexually assaultive crimes (or attempts or conspiracies to commit such crimes). Considering the relevant aspects of the federal “aggravated sexual abuse” offense referenced in section 42 U.S.C. §16911(8), it suffices for substantial implementation if a jurisdiction applies SORNA's requirements to juveniles at least 14 years old at the time of the offense who are adjudicated delinquent for committing (or attempting or conspiring to commit) offenses under laws that cover:

- engaging in a sexual act with another by force or the threat of serious violence; or
- engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.

“Sexual act” for this purpose should be understood to include any degree of genital or anal penetration, and any oral-genital or oral-anal contact.

5. How are foreign convictions and tribal convictions treated under SORNA?

Foreign convictions require sex offenders to be registered under SORNA unless the foreign conviction “was not obtained with sufficient safeguards for fundamental fairness and due process for the accused.” The Final Guidelines establish rules for determining if legal processes in foreign countries meet the standard required under SORNA. However, jurisdictions may choose to surpass SORNA’s minimum standards and register all foreign convictions for sex offenses obtained regardless of safeguards for fundamental fairness and due process.

See Part IV.A-B of the Final Guidelines for more detail.

6. Do Jurisdictions have to make statutory changes in order to substantially implement SORNA?

No. While SORNA sets minimum standards for jurisdictions’ registration and notification programs, it does not require that these standards be implemented by statute. Hence, in assessing compliance with SORNA, the totality of a jurisdiction’s rules

governing the operation of its registration and notification program will be considered, including administrative policies and procedures as well as statutes.