

Sex Offender Registration and Failure to Register FAQ's

Sex Offender Registration

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1. In which jurisdictions must sex offenders register?

SORNA requires sex offenders to register and keep their registration current in each jurisdiction in which they reside, are employed, or attend school. A sex offender must also initially register in the jurisdiction in which convicted if it is different from the jurisdiction of residence. Jurisdictions' registration programs must incorporate these requirements to implement SORNA.

See Part VIII of the Final Guidelines for more detail.

2. When must initial registration be carried out?

Jurisdictions must register incarcerated sex offenders before their release from imprisonment for the registration offense or, in case of a non-imprisonment sentence, within three business days of sentencing for the registration offense.

See Part IX of the Final Guidelines for more detail.

3. What are the requirements for keeping registry information current?

A sex offender must, not later than three business days after each change of name, residence, employment, or student status, appear in person in at least one jurisdiction in which the sex offender is required to register and inform that jurisdiction of all changes in the information required for that sex offender in the sex offender registry. This information must immediately be provided to all other jurisdictions in which the sex offender is required to register. Jurisdictions must also require a sex offender to provide notice if he or she is leaving the jurisdiction prior to the move; the sex offender must provide information about the jurisdiction to which he or she is going.

See Part X of the Final Guidelines for more detail.

4. How often must a registered sex offender appear in person to update his or her registration information?

A sex offender must appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that sex offender is required to be registered not less frequently than:

- Annually for a tier I sex offender,
- Every six months for a tier II sex offender, and
- Every three months for a tier III sex offender.

Sex offenders must carry out this schedule of personal appearances in all jurisdictions where they reside, are employed and attend school. As with other SORNA requirements, jurisdictions may require in-person appearances by sex offenders with greater frequency than the minimum required by SORNA.

See Part XI of the Final Guidelines for more detail.

5. What changes of information require in-person appearances to update?

A sex offender must, not later than three business days after each change of name, residence, employment, or student status, appear in person in at least one jurisdiction in which the sex offender is required to register and inform that jurisdiction of all changes in the information required for that sex offender in the sex offender registry.

6. What is the minimum required duration of registration?

SORNA specifies the minimum required duration of sex offender registration for tier I sex offenders to be 15 years, for tier II sex offenders to be 25 years, and for tier III sex offenders to register for life. The registration period begins to run upon release from custody for a sex offender sentenced to incarceration for the registration offense, or in the case of non-incarcerated sex offenders, at the time of sentencing for the sex offense.

7. Are certain classes of sex offenders allowed to reduce the time of their registration requirement?

Yes. SORNA allows jurisdictions to reduce the registration period for a tier I sex offender by 5 years after the sex offender maintains a clean record for 10 years and to terminate registration for a sex offenders who is required to register under SORNA based on juvenile delinquency adjudication after the sex offender maintains a clean record for 25 years.

Achieving a clean record means the sex offender must fulfill the following requirements:

- Not be convicted of any offense for which imprisonment for more than one year may be imposed,
- Not be convicted of any sex offense regardless of the penalty,
- Successfully complete any periods of supervised release, probation, and parole, and
- Successfully complete an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

See Part XII of the Final Guidelines for more detail.

8. For purposes of reducing a registration requirement under the “clean record” exception, what does it mean to say a sex offender treatment program is “certified by a jurisdiction”?

Jurisdictions are free to decide what certification criteria they will use and how they will determine which programs are “certified by” the jurisdiction. For instance, a jurisdiction that established a board to certify treatment programs and determine which offenders successfully completed their certified programs would be in compliance with SORNA. Another possible option that would comply with SORNA would be to publish a list of approved programs and require a certificate of successful completion by the treatment provider. Other options also are possible. Determining a set of criteria for certification and how to certify programs is within each jurisdiction’s discretion.

9. Are jurisdictions required to have a failure to register statute?

Yes. SORNA requires jurisdictions (other than Indian tribes) to provide a criminal penalty that includes a maximum term of imprisonment greater than one year for the failure of a sex offender to comply with the SORNA requirements. Hence, a jurisdiction’s implementation of SORNA includes having a failure-to-register offense for which the maximum authorized term of imprisonment exceeds a year. Indian Tribes are also required to have a failure to register statute, though the maximum term of imprisonment, by definition, will not exceed one year.

See Part XIII of the Final Guidelines for more detail.

10. What is the federal penalty for failure to register?

Under 18 U.S.C. §2250, the federal failure-to-register offense, a federal criminal penalty of up to 10 years of imprisonment exists for sex offenders required to register under SORNA who knowingly fail to register or update a registration as required where circumstances supporting federal jurisdiction exist, such as interstate or international travel or travel on or off an Indian reservation by a sex offender, or conviction of a federal sex offense for which registration is required.

See Part XIII of the Final Guidelines for more detail.

11. Can a non-federally convicted sex offender be prosecuted in the federal system for failure to register?

Yes. If a sex offender convicted or adjudicated delinquent in a jurisdiction's court is required to register under SORNA, and knowingly fails to register or update a registration as required, and the sex offender engages in interstate or international travel or enter or leaves or resides in Indian country, then the offender can be prosecuted under 18 U.S.C. §2250, the federal failure-to-register offense.

See Part XIII of the Final Guidelines for more detail.