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# **Summary of State Sex Offender Registries: Automation and Operation, 1998**

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## Overview

### Background

In the early 1990's public outrage and concern rose in response to a number of violent sexual assaults, mainly against children, committed by persons with histories of prior sexual offending. Citizens began to demand that the justice system develop ways to rigorously monitor the location of sexual offenders released to the community and to share more of that information with the public than had been the practice in the past.

In an effort to respond to this concern, the Congress passed three separate pieces of legislation: the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (enacted in 1994), the Federal version of "Megan's Law," and the Pam Lychner Sexual Offender Tracking and Identification Act (both enacted in 1996). Together, they mandate that States strengthen their techniques for keeping track of sexual offenders by establishing registration and notification programs--the first, so that local law enforcement and criminal justice agencies will know the location of sexual offenders released into their jurisdictions, and the second, so that citizens are informed about sexual offenders living in their community. These requirements placed major challenges before the States, particularly given the compliance deadlines of the legislation, and the need to develop not simply more rigorous State systems, but systems that also would be compatible with a new National Sex Offender Registry.

The Lychner Act, in addition to mandating more stringent registration requirements than previously promulgated, also charged the FBI with the responsibility to establish a national sexual offender database and to handle sexual offender registration and notification in those States not implementing "minimally sufficient" programs (a standard defined in the Act). The FBI's permanent National Sex Offender Registry (NSOR) is being developed as part of the FBI's NCIC-2000 system. The NSOR will include fingerprint and photo (mugshot) images of registered offenders and will be a "hot file," accessible to authorized users without submitting fingerprints. The permanent system is to be in place by mid-1999. However, until the permanent system is implemented, the FBI has established an interim national pointer system that operates through a link from the National Law Enforcement Telecommunications System which is used to track Federal parolees and probationers. The interim system flags the criminal history records of individuals identified by the States as being registered sexual offenders and identifies the State registry containing the full information on an offender.

To assist the States to meet the requirements of the legislation and to be ready to participate in the FBI's permanent national system, the Bureau of Justice Statistics (BJS), in March 1998, issued the *Program Announcement for the National Sex Offender Registry Assistance Program (NSOR-AP)* providing \$25 million in Federal assistance to the States and territories for this effort. The NSOR-AP had two primary goals. As stated in the Program Announcement, NSOR-AP was to help States ensure that:

- (1) State sex offender registries could identify, collect, and properly disseminate relevant information that was consistent, accurate, complete, and up-to-date; and
- (2) States could establish appropriate interfaces with the FBI's national system so that State registry information on sex offenders could be obtained and tracked from one jurisdiction to another.

### **Project Focus, Data Collection, and Organization of the Report**

The focus of the project was to develop information on the status of State sex offender registries in April 1998, prior to any NSOR-AP awards. Information of particular interest included the organizational structure of the registry; the sources of the information contained in the registry; registry operation and level of automation; its relationship with the State's criminal history system and with other criminal record systems within the State; and its capabilities for electronic transmission of text, fingerprints, and photo images to the FBI, as well as to other criminal justice agencies in the State. The dissemination and use of sex offender registry information are critical issues, and summary information was collected on the State's dissemination practices, particularly where automated systems, such as the Internet, played a role in the process. However, neither community notification nor offender management was a focus of this project since detailed descriptive information and training materials on these topics are being developed by the OJP-sponsored Center for Sex Offender Management.

Information was collected on each of the 50 States and the District of Columbia. The material was developed through a variety of sources: review of the NSOR-AP applications, State sex offender registry legislation, and prior reports on State sex offender registries; phone interviews with selected registry directors and staff members; and online research. Draft summary materials were submitted for verification to each jurisdiction, and the resulting corrections and additions incorporated into the final report.

Each State Summary presents information on the agency (or agencies) responsible for the management and operation of the sex offender registry, on registry legislation and registration requirements, on the level of automation of the registry database and its digital storage and transmission capabilities, and summary data on registry operation and dissemination practices. Systems and procedures are described as of April, 1998 to provide an overview of State sex offender registry operations prior to the NSOR-AP awards. However, where information was available on upcoming legislation and/or other major changes, these have been included, as have summary data on the State's plans for use of NSOR-AP funds in these areas. The appendices to the report present information from the State summaries organized by issue area.

Finally, the abbreviation "SOR" is used throughout for "Sex Offender Registry," and, for reasons of simplicity and clarity, only the male pronoun is used when referring to sexual offenders, although it is recognized that most registries do include some female offenders.

## Summary Findings

*Extent of Centralized Sex Offender Registries:* As of April 1998, 49 States and the District of Columbia had centralized sex offender registries. In Connecticut in April 1998, sex offender registries were maintained locally. In May 1998, however, legislation passed establishing a centralized State sex offender registry to be effective October 1, 1998.

*Participation in the FBI's Interim Sex Offender Registry:* In April 1998, 25 States and the District of Columbia were submitting records on sexual offenders to the FBI's Interim Sex Offender Registry. An additional 12 States reported plans to begin submitting to the Interim Registry during calendar 1998, and 3 States expected to begin participating in the first half of 1999. Eleven (11) States anticipated participating when the FBI's permanent National Sex Offender Registry is established in mid-1999. (See Figure 1 for details.)

*Organizational Location:* States have chosen to house their sex offender registries in a variety of criminal justice agencies, most frequently within the organization that also handles the State's criminal history records. As of April 1998, 10 States located the SOR in the Department of Public Safety, 15 States made it the responsibility of the State Police (or Troopers, or Patrol), 7 placed the registry in the Office of the Attorney General, and 3 housed it in the Department of Corrections. In the remaining 13 jurisdictions, the SOR was located in a different agency, again most often where the responsibility for criminal history records also resided. In two States, responsibility for program operations is shared between agencies. In Alabama, the Department of Public Safety maintains the official records and provides State support for local notification programs, while the Alabama Criminal Justice Information Center maintains all automated files, including criminal histories, and submits Alabama data to the FBI. In New Jersey, the State Police maintain and operate the SOR, based on submissions that come through the county prosecutors, while the Office of the Attorney General interprets the law, establishes policy, and oversees all community notification and dissemination of SOR information.

*Size of the Sex Offender Registries:* As of April 1998, the centralized SOR's of 49 States and the District of Columbia held the records of a total of 276,216 convicted sexual offenders. The SOR for the District of Columbia reported 50 offenders. The number of offender records in individual State SOR's ranged from 200 in Maryland to 78,000 in California, with the median being Iowa's 2,240.

Several factors in the authorizing legislation significantly influence the size of any particular registry, among them the number of different offenses requiring registration, the date that "triggers" the registration mandate, and the duration of the registration requirement. While legislative analysis was not part of this project, respondents made clear that the trend in recent amendments and new legislation is to expand rather than decrease the number of offenses covered. Also, while the majority of SOR laws mandate registration for sexual offenders convicted or released to the community on or after the effective date of the legislation, a number

of SOR laws make the registration requirement retroactive. Eight States require registration for covered convictions prior to 1980. While California's SOR, the nation's oldest, goes back to 1944, both Hawaii and Mississippi, with later legislation, mandate registration for all those convicted of a covered offense, independent of the date of conviction.

With respect to the duration of State registration requirements, in April 1998, they ranged from 10 years to life. Twenty-three State SOR's (47%) had a 10 year registration requirement for most sexual offenders. Of these 23 SOR's, however, 14 also required those offenders classified as high risk, sexual predators, or sexually violent to register for life or for an "indefinite period" (normally until there was a court determination of reduced risk). In 12 States (24%), the SOR mandates lifetime registration for everyone in the registry.

*Level of Registry Automation:* In April 1998, the level of SOR automation varied considerably not only across States but also by the category or type of automation being reported. While over three-quarters of the State SOR's reported having a fully automated text database on registered offenders, capabilities for electronic data entry or for the storage and transmission of digital fingerprints and photo images were more limited. In terms of the *text database*, 39 SOR's reported a fully automated text database, 7 SOR's reported partial to very limited text automation, and 4 SOR's reported no automation of their text information. The situation was quite different with respect to SOR capability for electronic receipt and entry of text information. As of April 1998, 6 SOR's (12%) reported that all or almost all of their text data was entered electronically, while 12 reported partial to limited electronic data entry. The remaining SOR's (64%) reported that all data was entered manually.

Also of interest was the SOR capability for the electronic storage, management, and transmission of offender fingerprints and photos. Thirteen (13) of the SOR's, or 26%, reported such capability existed for fingerprints, while 20 SOR's (40%) reported a partial capability--in most cases reflecting the need for further connection or linkage between the SOR and the State's automated fingerprint identification system (AFIS). The remaining 17 SOR's (34%) reported they did not have the capability for electronic storage or transmission of fingerprints in April 1998. With respect to the electronic storage and transmission of offender photos, 5 SOR's (10%) reported having this capability in April 1998. Twelve (24%), had partial capabilities in this area, and 33 SOR's (66%) could not electronically store or transmit offender photo images at that time.

The relationship of the SOR to other criminal justice information systems in the State affects how information on registered sex offenders is transmitted to, or can be accessed by, State and local law enforcement and criminal justice officials. Two (2) State SOR's reported that in April 1998 the registry was part of the State's computerized criminal history system (CCH), while 18 registries reported that the SOR and CCH in their State were linked. Thirty (30) SOR's reported that the SOR and CCH databases were completely separate in April 1998. Of these, 2 States flagged criminal history records for registered sex offenders although there was no electronic link between the two systems. It should be noted that 16 States reported plans to establish or increase the links between their SOR and CCH during the latter half of 1998 and 1999, often supported by NSOR-AP funds.

In April 1998, 33 State SOR's were linked to some other automated State system, most frequently the State's criminal justice information system or its law enforcement telecommunications network. The data thus available electronically to law enforcement or criminal justice agencies ranged from the identification of an individual as a registered sexual offender to full access the SOR data base. In this area also, 10 SOR's reported plans to establish or increase links to State criminal justice information systems in order to provide law enforcement with online access to SOR data in 1999.

*Initial Registration and Reregistration:* In April 1998, all of the 50 jurisdictions operating centralized SOR's required qualifying offenders to appear in person and register with the local law enforcement or probation/parole agency in the community where they lived or planned to reside, and to do the same each time they moved. However, 82% of these SOR's received the *initial* information on a qualifying offender from another criminal justice agency--the courts, the prosecutor, the Department of Corrections, or the jail--usually in advance of the offender's personal appearance for local registration. The remaining 18% of the SOR's received notice of a qualifying offender only when that offender registered with his local agency and that information was forwarded to the SOR.

In 74% of the jurisdictions operating centralized SOR's, reregistration or address verification was required at least annually. In 81% of these jurisdictions, the SOR sent individual notices to each registrant when reregistration was required. In 37% of the SOR's the notification process was automated, while 13% reported partial automation. Fifty percent (50%) of the SOR's reported no automation of the notification process.

*Dissemination of Registry Information:* With respect to notifying law enforcement, in April 1998, over two-thirds (68%) of the centralized SOR's were able to disseminate at least some information electronically, including through Internet sites, to local law enforcement or to other agencies charged with offender supervision. The remaining 32% reported disseminating information to law enforcement and other criminal justice agencies only through mail, phone or fax.

In terms of disseminating SOR information to schools and organizations serving youth or other vulnerable populations, 58% of the registries reported that organizational notification was the responsibility of local law enforcement. In over half (52%) of these jurisdictions, however, State agencies shared in the responsibility, by providing guidelines, regulations, or sponsoring the risk assessments that trigger notification. Ten percent (10%) of the registries reported that State agencies conducted all organizational notification, while 32% of the centralized registries reported that no specific procedures for organizational notification were required or in place in their jurisdictions in April 1998.

Public access to SOR data varied widely across jurisdictions in April 1998. Internet websites were then being used by 12% of the SOR's to make all or some portion of their SOR databases widely available, and websites were being widely discussed in other jurisdictions. Thirty SOR's



(60%) reported that citizens could obtain SOR information through formal requests to local law enforcement agencies, the State agency responsible for the SOR, or, in one jurisdiction, the circuit court. Information thus available ranged from State or county lists of registered offenders to responses to whether a specific individual appeared in the registry. Several jurisdictions had two or more mechanisms for public access to SOR information, for example an Internet site, plus special phone lines, victim networks, or procedures for written requests.

On the other hand, in 28% of the jurisdictions, SOR data was considered confidential--to be available to law enforcement only and only for law enforcement purposes--and was frequently so defined in statute. In most of these jurisdictions, however, the law enforcement agency had the discretion to share the information as needed for public protection, and in one, the confidentiality requirement operated in parallel with a formal community notification program. Eleven SOR's (22%) reported that by April 1998 there were Statewide guidelines or procedures in place that governed the operation of community notification programs, while 3 SOR's, or 6%, reported that community notification concerning medium and high risk offenders was conducted at the discretion of local criminal justice agencies.

## **Looking Forward**

As the individual summaries that follow make clear, many State sex offender registries are now in the process of significant change--from implementing new State legislation to addressing compliance with the guidelines for the Federal legislation. In a field that is both comparatively new and marked by rapid change, the opportunity to collect data that accurately describes what is happening and can then be used to guide future evolution and refinement is particularly important. Some areas in which research could be useful include the following:

- o Descriptive statistics on who is in the registries--demographics of the registrants, their offenses, and their sentences,
- o Similar statistics on offenders mandated to register but not in the registry--a comparison of criminal history records with the SOR,
- o Analyses of compliance rates with both annual and 90-day reregistration and address verification requirements,
- o Case studies of the techniques being developed to respond to noncompliance with reregistration or address change requirements, including the use of emerging "compliance enforcement units," and
- o Analyses of how jurisdictions are conducting offender risk assessments--the procedures, time and costs involved in various approaches.

The Department of Justice guidelines for compliance with the Jacob Wetterling Act and its amendments provide discretion to State and local governments on a number of provisions, from

procedures for assessing an offender as a sexually violent predator to the time period for prior offense that would classify an offender as a recidivist. Studies that examined both the choices made by different jurisdictions in such areas and the subsequent experience with the selected approaches could be helpful as the field moves forward. The State Statistical Analysis Centers, individually or in consortiums, seem well placed to conduct such research.

## **Summary of State Sex Offender Registries: Alabama**

**Responsible Agencies: Alabama Department of Public Safety (DPS) and  
Alabama Criminal Justice Information Center (ACJIC)**

(DPS maintains official record and photo and operates the notification program. ACJIC maintains all automated files--including criminal history files--and submits data to the FBI.)

### ***Who is in the Registry?***

#### **Covered Offenses:**

Covered offenses are those criminal sexual offenses specified in Alabama Code 13-A,6-60 through 70.

NOTE: As of 4/98, there were some differences between the offenses requiring registration and those requiring community notification, but amendments to be effective 8/1/98 were expected to reconcile those differences.

#### **Mandated Registrants:**

Mandated registrants include all those convicted of a covered offense and released to the community on or after May 1996, plus those released earlier but moving to a new address after May 1996 (and thus being required to register for change of address).

#### **Duration of Registration:**

Lifetime

#### **Offenders in Registry, 4/98:**

440 in community notification register

### ***Automation of Sex Offender Registries, April 1998***

#### **Extent of database automation:**

Partial. Operation of the data base(s) is automated, as is some transmission. Most data entry, however, is manual. The Alabama Department of Public Safety (DPS) maintains the "official record" and photo of each sex offender and operates the notification program at the State level. The Alabama Criminal Justice Information Center (ACJIC) maintains the automated files used for dissemination, submits data to the FBI, and maintains the State's criminal history files. (FY'98 NSOR-AP funds were sought to automate transfer of data to ACJIC and other authorized agencies.)

#### **Database is linked to criminal history files:**

Yes. ACJIC flags the criminal history files of registered offenders and identifies sex offenders on routine ACJIC/NCIC "person inquiries."

#### **SOR transmits electronically to FBI interim system:**

No. ACJIC transmits SOR data (text only) on tape to the FBI interim system.

#### **Text material for SOR database is received and entered electronically:**

There is limited electronic transmission and data entry for SOR. Alabama Department of Corrections (DOC) provides information on upcoming prison releases to ACJIC by electronic file according to the Alabama NSOR application. DPS reports that all SOR information is received in hard copy.

Information from local law enforcement (offender's local registration, change of address, out-of-State registrant) or data from another State, comes as hard copy and must be entered manually.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. Alabama Department of Public Safety houses the State's AFIS, so it has electronic storage and transmission capability for fingerprints.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, ACJIC could not store or transmit mugshots through its automated system. Polaroid snapshots were maintained by the Department of Public Safety, and used for flyers or faxed for identification purposes. (FY '98 NSOR-AP funds were sought for digital cameras and related equipment, and for software modifications to establish a mechanism to process digital mugshots to ACJIC.)

### ***Operation of Sex Offender Registries, April 1998***

#### **Sources of Initial Information on Offender:**

For offenders who are being released from Alabama prisons, the Department of Corrections (DOC) sends an electronic record on the offender and his intended address to the Alabama Criminal Justice Information Center (ACJIC). The DOC also sends the offender's photo to the Alabama Bureau of Investigation (ABI), the responsible entity within DPS. ACJIC

electronically notifies both the local law enforcement agency and the district attorney in the jurisdiction where the offender plans to reside of the offender's release date. When the offender registers locally, the local law enforcement agency sends paper copies (and fingerprint cards if the offender is moving in from out-of-State) to ABI and ACJIC.

**DNA Sample:**

Yes. Department of Public Safety (DPS) reports that a DNA sample is taken registered from sex offenders "when they can get it."

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. DPS sends each offender an annual letter on his birthday, saying he must go to the local sheriff's office in person and validate his address or reregister. Letters are sent marked "Not to Be Forwarded" and the offender's local sheriff also is notified. If an offender moves, he must notify the local sheriff at both his old and new location 30 days in advance of the move; the sheriff then notifies DPS. Offenders moving out of State must notify their local sheriff; the sheriff then notifies DPS, and DPS notifies the receiving State.

**B. SOR Notification is Automated:**

No.

**C. Penalties for Noncompliance:**

All violations are a Class C felony, punishable by a 1 to 5 year prison sentence.

## ***Dissemination of Sex Offender Registry Data, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

All Alabama law enforcement or criminal justice agencies with access to criminal history information have access to sex offenders information through the Alabama Criminal Justice Information Center (ACJIC). For sexual offenders qualifying for community notification, the Alabama Department of Public Safety (DPS) sends a "flier" containing a photo and detailed information on the offender to the local law enforcement agency where offender resides. The local agency duplicates the flier and mails it to everyone within a specified geographic area.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of April, 1998, the Alabama SOR has no specified procedures for affirmative notification to schools or organizations other than the community notification requirements outlined in the following section.

**Procedures for Public Access:**

When an offender qualifies for community notification (those convicted of rape, sodomy, sexual torture, sexual abuse, child sexual abuse and incest, when the victim is under 18 years old and the offender is over 20 years old), fliers with the offender's photo are mailed to everyone living within 1,000ft. of his home (in cities), 1,500ft. in towns, and 2,000ft. in rural areas. Citizens also may review fliers at local law enforcement agencies.

**Internet Website:**

Not as of 4/98. An Internet website for the sex offender registry was proposed in legislation being considered by the Alabama legislature in Spring, 1998, and was subsequently implemented.

<[www.gsiweb.net](http://www.gsiweb.net)>

# Summary of State Sex Offender Registries: Alaska

Responsible Agency: Alaska State Troopers

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are sexual assault in the first, second, or third degree; sexual abuse of a minor in the first, second or third degree; incest; unlawful exploitation of a minor; child pornography; distribution of child pornography; and promoting prostitution in the first degree.

### **Mandated Registrants:**

All persons convicted of a covered offense, or on probation for a covered offense on or after July 1, 1984 must register, including those moving in from out-of-State with convictions for similar crimes.

### **Duration of Registration:**

15 years for a single offense; for multiple offenses, lifetime registration is mandated.

### **Offenders in Registry, 4/98:**

3,535 in total. Alaska maintains five categories of persons required to register. The categories, and the number of individuals in each as of 4/98, are as follows:

- (1) Registered sex offenders (formally and properly registered sexual offenders) - 1,694;
- (2) Registered sex offenders not in compliance (those formally registered, but not compliant with their annual reregistration requirements) - 301;
- (3) Never registered (offenders reported to be required to register, but who have never done so) - 578;
- (4) In jail (a category for sex offenders who are required to register, but who are in jail in Alaska, although not necessarily for a sex offense) - 693; and
- (5) Out-of-State (sex offenders who are required to register, but who are reported to be out-of-State) - 296.

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

Partial. The Sex Offender Registration Central Registry (SORCR) is automatically updated from Alaska's criminal history files, the offender's registration period is automatically calculated, and some reports are automatically generated. Information from the sex offender registry is automatically downloaded from SORCR to Alaska's Internet website. However, manual entry is required for all update information and for entry

from all hard copy submissions. (FY'98 NSOR-AP funds were sought to upgrade the SORCR database to an Oracle server.)

### **Database is linked to criminal history files:**

Yes. The entry of a conviction for a covered offense into the criminal history system triggers the offender's entry into SORCR.

### **SOR transmits electronically to FBI interim system:**

No (FY'98 NSOR-AP funds were sought for software modifications needed for electronic transmission to FBI.)

### **Text material for SOR database is received and entered electronically:**

Yes. SORCR is electronically updated from data entered manually into the State's criminal history system (ASPIN). Conviction data (which is submitted in hard copy), paper registration forms from criminal justice agencies throughout State, and all reregistrations and address changes are mailed to central registry for manual entry into ASPIN, which then automatically updates SORCR.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not at registry where APSIN and SORCR are maintained. Currently, fingerprints, taken on the FBI fingerprint card, are mailed to registry, which then mails them to the Records and Identification Bureau for entry into AFIS. (FY'98 NSOR-AP funds were sought to upgrade the manual fingerprint system in anticipation of NCIC 2000 requirements.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial capability exists, but the current system does not meet the requirements of the FBI. As of 4/98, registration photos are mailed to the central registry where they are scanned into a Polaroid system and stored in a proprietary electronic file format that does not comply with national mugshot standards. (FY'98 NSOR-AP funds were sought for conversion of the mugshot system to bring it into compliance with national standards.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Conviction information is received from the courts in hard copy. Corrections facilities "register" offenders prior to their release and mail the signed forms and photos (hard copy) to central registry. Offenders under community supervision or under no supervision register with local police or with State Troopers who also mail hard copy to central repository and registry.

### **DNA Sample:**

No

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Since 3/97, the SORCR office has sent out notices each month to registrants with birthdays within that month advising them that they need to register annually prior to their birthday or they will be in a state of noncompliance. The law requires offenders to come personally to local police/State Trooper office and verify or update their address. (In 10/97, approximately 1,500 letters were mailed, on a one-time basis, to unregistered sex offenders, notifying them of their duty to register.) If an offender moves, the State SOR and the local law enforcement agencies at both the old and new locations must be notified within 10 days of move, on the required form. If moving out-of-State, an offender must notify registry before leaving.

### **SOR Notification is Automated:**

No

### **Penalties for Noncompliance:**

Violations are a Class A misdemeanor, and the offender can be cited for noncompliance and fined. As of 4/98, Alaska reported fines of up to \$300.

## ***Dissemination of Sex Offender Registry Data, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Copies of the lists for 1) registered sex offenders, 2) unregistered sex offenders, and 3) noncompliant registered sex offenders are sent to local police departments on a monthly basis through the regular mail. Procedures are being set up to use e-mail for these lists. Dissemination to criminal justice agencies also occurs through the Alaska Public Safety Information Network (APSIN). Almost all Alaska criminal justice agencies have on-line access to APSIN, and sex offender data/status will be provided for any "person query." Agencies with access to Internet can query and sort SORCR data by geographic location and view mugshots.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, no special or affirmative notification of schools or other organizations is reported. (See Procedures for Public Access, below.)

### **Procedures for Public Access:**

The public has access to information on registrants through Alaska's Internet site, which currently provides information and photos on all offenders who have registered. (Proposed legislation would expand the items of information provided, and include information on offenders who should have registered but are in a state of noncompliance.) The public may also obtain information from the local police station, and they may receive hard copy reports on individual sex offenders through the SORCR office in response to individual requests.

### **Internet Website:**

Yes, began June, 1997; now averaging over 1,200 queries per day. <<http://www.dps.state.ak.us/sorcr/>>

# Summary of State Sex Offender Registries: Arizona

Responsible Agency: Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are sexual abuse if the victim is under 15; sexual conduct with a minor; sexual assault (rape); child molestation; continuous sexual abuse of a child; sexual exploitation of a minor; commercial sex exploitation of a minor; the second or subsequent incident of indecent exposure to someone under 15; second or subsequent incident of public indecency to a minor under 15; the third or subsequent incident of indecent exposure (age not a factor).

### **Mandated Registrants:**

All Arizona residents convicted of a covered offense on or after the effective date of original Arizona SOR legislation in 1983 must register. Offenders moving from out-of-State with convictions for offenses covered in the Arizona legislation must register even if both the conviction date and the individual's release date were prior to 1983. The local sheriff's staff is responsible for evaluating the out-of-State offense to determine if Arizona registration is required.

### **Duration of Registration:**

Lifetime for adult offenders. The registration requirement for juvenile sexual offenders ends when they become 25.

### **Offenders in Registry, 4/98:**

9,200

## *Automation of Sex Offender Registries, April 1998:*

### **Extent of database automation:**

Partial. The SOR database itself is automated, but most data must be entered manually. At present, data collection is done manually, with most forms filled out by hand, and transmitted to the SOR in hard copy. The Sex Offender Profiling and Notification Database, maintained in another section of the Department of Public Safety (DPS), is similar. (FY'98 NSOR-AP funds were sought to permit sheriffs to automate registration of sex offenders.)

### **Database is linked to criminal history files:**

Yes. The Sex Offender Registry is part of the Arizona Criminal Justice Information System (ACJIS), but is maintained in a separate database. A response to a criminal history query, however, will include any information on that individual in the SOR database.

### **SOR transmits electronically to FBI interim system:**

Yes. As new records are entered into Arizona's SOR, they are automatically forwarded electronically to the FBI interim system.

### **Text material for SOR database is received and entered electronically:**

Very limited. For the SOR database, copies of offender registration forms are faxed from the local sheriff's office to the central registry for manual entry in SOR. The signed original, plus a photo and fingerprint cards are then mailed from the sheriff's office to the central registry. The Sex Offender Profiling and Notification Unit receives electronic notice from the Department of Corrections (DOC) on upcoming releases, but other information is submitted in hard copy for manual entry. (FY'98 NSOR-AP funds sought to automate data transfer between courts, probation, sheriffs, and DPS.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial capability exists as of 4/98. The central SOR can store and transmit digital fingerprints, but most of the agencies submitting information for the SOR (including the Department of Corrections) cannot interface with or submit prints to the Arizona AFIS, so they submit fingerprint cards which must then be scanned into the system.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial capability exists as of 4/98. The capacity exists at central SOR, but not in the field; the DOC, probation offices, and rural sheriffs' offices are not able to receive or transmit digital mugshots. (FY'98 NSOR-AP funds were sought for DOC AFIS-Mugshot Interface Subsystems to interface with Motor Vehicle Division files as part of the proposed annual reregistration procedures.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

For Sex Offender Registry, information comes from the local sheriff's office when an offender completes his in-person registration. A copy of registration form is faxed to the SOR; the signed original, a photo, and fingerprint cards are then mailed to the SOR. For the Sex Offender Profiling and Notification Unit, the Arizona DOC, the jail, or the supervising probation agency enters information on the offender, his/her risk assessment, and the offense directly into the Sex Offender Profiling System. The system then generates teletypes to the Notification Coordinator and the sheriff of the jurisdiction that will be receiving the offender.

### **DNA Sample:**

Yes. DNA samples are maintained by State Crime Lab.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, no reregistration or address verification is required either through the local sheriff or through the SOR. However, legislation pending in the legislature in Spring, 1998, would require registered offenders to obtain a driver's license or an identification license annually from the Motor Vehicle Division and would make address validation or update a part of that process.

### **SOR Notification Automated:**

Not applicable.

### **Penalties for Noncompliance:**

As of 4/98, violation is a Class 6 felony. Legislation pending in Spring 1998 would make noncompliance a class 4 felony.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Information on registered sexual offenders is disseminated to criminal justice agencies through Arizona Criminal Justice Information System (ACJIS) in response to criminal history queries. As of 4/98, detailed information on the offender, his risk assessment, and the offense summary is maintained by the Sex Offender Profiling and Notification Unit for use by and with local law enforcement agencies in the community notification program.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

The Arizona community notification program focuses on "neighborhoods" at risk, rather than specific organizations or victim types. There is a State-level Community Notification Coordinator, but the local law enforcement agency determines the level of notification, and the geographic "neighborhood," to be notified, based on a review of the individual's risk assessment. Level 1 (low risk) requires minimal notification, level 2 (medium risk) gives the local agency wide discretion on the extent of notification, while level 3 (high risk) requires extensive notification within the "neighborhood" at risk.

### **Procedures for Public Access:**

As of April, 1998, there is no automatic public access to SOR information. Each sheriff's office keeps a notebook on registered offenders residing in that jurisdiction. Citizens may ask to see the file and usually have to demonstrate a need to know. Access is at the discretion of the law enforcement agency, with a log kept of who views the file.

### **Internet Website:**

No. However, legislation to fund an Internet site to provide information on all sexual offenders in the Arizona Registry (except for public indecency offenders) had passed the Arizona Senate and was moving to the House in Spring, 1998.



# Summary of State Sex Offender Registries: Arkansas

Responsible Agency: Arkansas Crime Information Center

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are rape; carnal abuse in first, second, or third degree; sexual misconduct; sexual abuse in first or second degree; sexual solicitation of a child; violation of a minor in first or second degree; incest; sexual exploitation of children; promoting prostitution in the first degree; stalking; transportation of minors for prohibited sexual conduct; employing, or consenting to the use of a child in sexual performance; producing, directing or promoting sexual performance; an attempt, solicitation or conspiracy to commit any of the enumerated offenses; and adjudication of guilt for equivalent offenses in another State, Federal, or military court.

### **Mandated Registrants:**

All convicted sexual offenders released to the community on or after the effective date of the legislation, August 1, 1997, are required to register, as well as all persons who were required to be registered under the former "Habitual Child Sex Offender Registration Act." The Arkansas Attorney General has ruled that the registration requirement covers all offenders who had been convicted and were, as a result, under some form of criminal justice supervision on August 1, 1997, regardless of date of conviction.

### **Duration of Registration:**

For "sexual offenders," registration is a minimum of 15 years. For those classified as "sexual predators," the registration requirement is a minimum of 20 years. Offenders may petition the court for removal of the registration requirement after expiration of the minimum time requirement.

### **Offenders in Registry, 4/98**

958, as of 2/9/98. (By 12/98, Arkansas Registry had expanded to 1,558 registered offenders.)

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

Partial. The SOR database itself is automated, but data entry is manual, and information submission is paper-based. (FY'98 NSOR-AP funds were sought to upgrade operating procedures.)

### **Database is linked to criminal history files:**

Yes. Registered offenders' records are flagged in the criminal history file. The SOR file is not fingerprint based, but the SOR record is tied to the offender's fingerprints in the criminal history system.

### **SOR transmits electronically to FBI interim system:**

No. (FY'98 NSOR-AP funds were sought to rewrite software programs and to make other modifications to permit electronic transmission to FBI.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, the Arkansas SOR requires manual data entry from paper submissions, all of which are currently stored as hard copy. (A document imaging system is planned under the FY'98 NSOR-AP grant.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes, the capability exists, but through the criminal history system. While the current SOR database does not have fingerprints, the SOR records are tied to fingerprints in the criminal history system, which has the storage capacity.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. There is no current capacity for automated mugshot transmission or storage. (FY'98 NSOR-AP funds were sought for document imaging to include the capture and transmission of mugshots.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

Clerk of Courts provides the SOR with information (in hard copy) on qualifying offenders when they are convicted, and the offenders are entered into the Registry at that time. When a sexual offender is released to the community and registers locally, the Sex Offender Registration form is forwarded (in hard copy) to the Arkansas Crime Information Center (ACIC) by the releasing agency, and the record is updated.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. ACIC mails out nonforwardable letters informing offenders of the requirement to verify their addresses. Letters are sent every six months to sexual offenders, and every three months to those classified as “sexually violent offenders.”

**B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

Violation is a Class D felony, punishable by up to 6 years in prison and/or a fine.

***Dissemination of Sex Offender Registry Data, April 1998*****To Law Enforcement and Criminal Justice Agencies:**

Through the statewide Arkansas Crime Information Center (ACIC) network, all data provided on the Sex Offender Registration form and entered into the SOR is available to all law enforcement agencies within the State.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Community notification is conducted by local law enforcement agencies in accordance with guidelines developed by the Child Abuse, Rape, and Domestic Violence Commission. Notification to organizations, schools and institutions is made for offenders determined to be medium (level 2) or high (level 3) risk.

**Procedures for Public Access:**

As of 4/98 there are no procedures for general public access to information from the Arkansas Sex Offender Registry system. As noted, community notification is conducted by local law enforcement; in some cases schools may notify parents of information received from a law enforcement agency.

**Internet Website:**

No as of April 1998. As of January 1999, the ACIC website provided information on the Arkansas law, the offenses requiring registration, and a numerical listing of the number of registered offenders in a given county, but did not post data on individual offenders.

## Summary of State Sex Offender Registries: California

Responsible Agency: California Department of Justice, Division of Criminal Justice Information Services

### *Who is in the Registry?*

#### **Covered Offenses:**

Almost all sexual offenses involving adult and child victims require offender registration. Covered offenses include rape, sexual battery, child sexual abuse, sodomy, oral copulation, child pornography, kidnaping or assault with intent to commit a covered offense, pimping or pandering involving a minor, statutory rape, and indecent exposure, as well as specified juvenile sex offenses. Some of the covered crimes are misdemeanors.

#### **Mandated Registrants:**

All adults convicted in a California court of a covered offense since 1944. Also, those convicted of comparable offenses in Federal, military, or other State courts if the offender resides in or moves to California. Since 1986, juveniles convicted of specified offenses are required to register.

#### **Duration of Registration:**

Lifetime for all registrants, unless the offense is decriminalized.

#### **Offenders in Registry, 4/98:**

78,000. The California Registry holds all those who have registered or who have received notification they should register. The latter group includes both those not yet released from incarceration and those who received formal notification to register but have absconded or otherwise evaded doing so.

### *Automation of Sex Offender Registries, April 1998*

#### **Extent of database automation:**

Fully automated database. Some manual data entry is required. The California Sex Offender Registry is maintained as a separate data base within California's Violent Crime Information Network (VCIN). (FY'98 NSOR-AP funds were sought for VCIN interface with Department of Motor Vehicles files.)

#### **Database is linked to criminal history files:**

All sex offender registration history prior to April 1996 is on the automated criminal history system or on manual folder rap sheets. Since April 1996, registration information is maintained in the Violent Crime Information Network (VCIN). A flag is in the relevant criminal history file stating, "For current registration information inquire into VCIN."

#### **SOR transmits electronically to FBI interim system:**

No. (FY'98 NSOR-AP funds were sought to implement appropriate interface for electronic transfer of data to the FBI's permanent NSOR.)

#### **Text material for SOR database is received and entered electronically:**

Partially. Law enforcement and criminal justice agencies throughout the State can enter data directly into VCIN (which houses the SOR) through VCIN workstations and/or the California Law Enforcement Telecommunications System (CLETS). VCIN staff also enter data from hard copy submissions from local agencies, Department of Motor Vehicles, etc. After January 1999, criminal justice agencies are mandated to begin using only electronic submission of data for the SOR, thereby eliminating hard copy submissions. (FY'98 NSOR-AP funds were sought for intensive training of local agencies for electronic transmission, etc.)

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. As of 4/98, the SOR and VCIN do not have this capability. Electronic fingerprints are stored in the California AFIS system. (FY'98 NSOR-AP funds were sought to provide the data to VCIN via an electronic interface.)

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes. As of 4/98, the capability exists for those with access to California State system

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Depending on the sentence, the initial information on an offender comes from Department of Corrections (DOC) if the sentence was to a prison term, from the courts (if probation), from the State hospital (if sentence is a commitment), or from the local jail administrator or sheriff (if jail). Prisons and jails submit data (records, fingerprints, etc.) when a mandated registrant begins his sentence, and it is entered in the SOR as "pre-registration." As of 4/98, the initial data may be submitted electronically or as hard copy.

### **DNA Sample:**

Yes. DNA samples are maintained at the State's DNA laboratory in Berkeley, California.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. California does not send an address verification notice or a reregistration reminder. Annual address verification is the registrant's responsibility and must be done in the 5 working days preceding or following his birthday. (Transients and sexually violent predators must verify their addresses every 90 days).

### **SOR Notification Automated:**

Not applicable.

### **Penalties for Noncompliance:**

If the underlying offense was a misdemeanor, then the first failure-to-comply is a misdemeanor, but the second such failure is a felony. If the underlying offense was a felony, then any failure-to-comply is a felony (it can and has been used as third strike in California's three-strikes-and-out legislation).

## ***Dissemination of Sex Offender Registry Data, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

SOR information is available to all California law enforcement and criminal justice agencies through the California Law Enforcement Telecommunications System (CLETS) or to those with access to Violent Crime Information Network (VCIN) workstations. Out-of-State agencies access SOR information through a criminal history query.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

Notification is responsibility of the local law enforcement agency where the offender resides. Legislation specifies the conditions for limited notification to organizations or to specific individuals or for broader public advisories and notification on high-risk sex offenders.

### **Procedures for Public Access:**

Public access to SOR information is provided in two ways. California has a CD-ROM of serious and high-risk sexual offenders, and the State operates a 900 phone number for information on SOR. Adults living in California (other than convicted sex offenders) may view the CD-ROM at their local sheriff's office (the names of those viewing CD are maintained for 5 years).

### **Internet Website:**

No. California does not have sex offender registrants on a website.

# Summary of State Sex Offender Registries: Colorado

Responsible Agency: Colorado Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Sexual assault in the first, second, or third degree; sexual assault on a child; incest; enticement, trafficking, or sexual exploitation of children; solicitation for child prostitution; procurement, pandering, or pimping involving children; patronizing a prostituted child; inducement of or solicitation for child prostitution; keeping a place of child prostitution; criminal attempt, conspiracy, or solicitation to commit any covered offense; and deferred judgement and sentence for any covered offense.

### **Mandated Registrants:**

Any person convicted of a covered offense in Colorado on or after July 1, 1994 is required to register; also, persons convicted of comparable offenses in another State on or after July 1, 1994, and moving to Colorado; and persons convicted of covered offenses and released from the Colorado Department of Corrections (DOC) to the community on or after July 1, 1994. [A law to be effective 7/1/98 requires registration of persons convicted on or after 7/1/91 of unlawful sexual offenses or enticement of a child as defined in specified statute sections.]

### **Duration of Registration:**

Duration of the registration requirement depends upon the seriousness of the offense. Offenders may petition the court for an order to discontinue the requirement to register after a specified number of offense-free years following the person's final release from the jurisdiction of the court. For example, offenders may petition after 20 years if convicted of a class 1, 2, or 3 covered felony; after 10 years if convicted of a class 4, 5, or 6 covered felony; after 5 years if convicted of a covered misdemeanor; or after the successful completion of a deferred judgment; or after successful discharge of a sentence if the offender was less than 16 years old at the time of the offense.

### **Offenders in Registry, 4/98:**

4,326 (does not include those to be released within the month).

## *Automation of Sex Offender Registry Information, April 1998*

### **Extent of database automation:**

Fully automated database. The electronic SOR files are maintained by the Colorado Bureau of Investigation (CBI) through its Colorado Crime Information Center (CCIC) program, but CBI is not the custodian of the official records. The official records remain at the local level where offender registers. (FY'98 NSOR-AP funds were sought for programming modifications and upgrades to the SOR database to enhance its integration with other databases.)

### **Database is linked to criminal history files:**

No.

### **SOR transmits electronically to FBI interim system:**

No. Colorado does not submit data directly to the FBI interim NSOR system. It submits data on sex offenders only via NCIC fingerprint submissions. (FY'98 NSOR-AP funds were sought for programming to ensure compliance with all NCIC 2000 and permanent NSOR requirements for transmission.)

### **Text material for SOR database is received and entered electronically:**

Partial capacity exists as of 4/98. Information from the Department of Corrections (DOC) on upcoming releases of sexual offenders, and subsequent registration data from local law enforcement agencies are both sent electronically to CCIC for the SOR. (FY'98 NSOR-AP funds were sought to automate the input and inquiries from the courts, district attorneys, and local corrections agencies.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes.

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Information comes from the courts if the sentence is probation, from the Department of Corrections (DOC) if it is a prison sentence. DOC places a "subject to registration" notice in the SOR when the offender is released, and the local law enforcement may (discretionary, not mandatory) enter information when the offender registers at his jurisdiction of residence. All send information electronically to Colorado Crime Information Center (CCIC).

### **DNA Sample:**

Yes. However, it is not part of the SOR program. DNA and blood samples are now collected for all offenders in the Colorado State prison system.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, Colorado has no address checks or verifications except as these may occur through parole activities. A registered offender moving within the State is required to register at his new location, and the local agency enters the new registration into the SOR system, but neither the local agency nor the State SOR program has any responsibility to verify the address.

### **SOR Notification Automated:**

Not applicable.

### **Penalties for Noncompliance:**

The first offense is a Class 2 misdemeanor, punishable by 3 to 12 months in jail and/or a fine of \$250 - \$1,000. Subsequent offenses are a Class 6 felony punishable by a minimum of one year in a State Department of Corrections facility.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Information from the State's electronic SOR is available to all Colorado law enforcement and criminal justice agencies on-line through the Colorado Crime Information Center (CCIC). Out-of-State agencies may send an NLETS AM message for a search of the registry.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

Notification is the responsibility of local law enforcement agencies which may notify organizations or individuals "for reasons of public protection." As of April 1998, legislation does not mandate affirmative notification to specific organizations or institutions.

### **Procedures for Public Access:**

As of 4/98, the public has access to information on registered sexual offenders only through the local law enforcement agency where the offender is currently registered. In Colorado, the SOR information is considered a public record.

### **Internet Website:**

No.

# Summary of State Sex Offender Registries: Connecticut

Responsible Agency: Connecticut Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

As of 4/98, Connecticut had no central SOR, only local registries maintained by each jurisdiction. A new law, to be effective 10/1/98, covers first through fourth degree sexual assault, aggravated first degree sexual assault, risk of injury involving sexual contact with a child, kidnaping, promoting prostitution with a minor, promoting a minor in obscene performance, public indecency when the victim is under 18, and conspiring, attempting, or directing the commission of a covered offense.

### **Mandated Registrants:**

Registration is mandatory for all persons who were registered in Connecticut's local SOR system as of 10/1/98, for offenses against minors (offenses specified in law) released to community on or after 10/1/98, for sexually violent offenders (offenses specified in law) released to community on or after 10/1/88, for those committing felonies for sexual purposes (based on a court finding), for sexual offenders moving from out-of-State, and those convicted of sexual offenses in a military or Federal court. Registration is required both for those convicted and those found not guilty because of mental disease or defect. In Connecticut, the classification "sexually violent offender" includes both offenders meeting the Federal definition of sexually violent predators and offenders meeting the Federal definition of sexually violent offenders.

### **Duration of Registration:**

Ten (10) years for those offenders convicted of crimes against victims who are minors. Life for those convicted of sexually violent offenses unless they apply to the court for relief and present evidence that there is no mental abnormality or personality disorder making reoffense likely. If the court refuses to terminate the registration requirement, the registrant cannot reapply for five years. For offenders from out-of-State, the 10 year registration period is presumed to have started when they were first released to the community.

### **Offenders in Registry, 4/98:**

As of 4/98, there were no statewide figures. Under the new law, effective 10/1/98, Connecticut estimates that between 2,000 to 3,000 qualifying offenders will be registered within 18 months. (Connecticut

estimates there are approximately 4,600 offenders with qualifying convictions, but many are incarcerated, and offenders do not register until they are released to the community.)

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

As of 4/98, none, as Connecticut had no central SOR Registry. [A centralized SOR with a fully automated database is being developed to conform with legislation passed May, 1998, and effective October 1, 1998. The statewide SOR, with Internet access became operational on January 1, 1999, utilizing an interim database. A more extensive, functional database is being developed.] (FY'98 NSOR-AP funds sought to establish automated central database.)

### **Database is linked to criminal history files:**

No. As of 4/98, there was no database. The new statewide SOR, established on an interim basis beginning 10/1/98, utilizes the same file structure as the criminal history system. Further SOR system development is to establish a criminal history file relationship.

### **SOR transmits electronically to FBI interim system:**

No. But transmission to the FBI interim system is planned as part of the new registry and system development.

### **Text material for SOR database is received and entered electronically:**

No, as of 4/98. Electronic transmission and data entry is part of the new registry. The SOR is being developed using existing automated systems for obtaining and entering criminal history information from Judicial Information System (JIS), the Department of Corrections (DOC), and State and local law enforcement agencies.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The AFIS is already established within the Department of Public Safety and will be the repository of all fingerprint data.

**SOR system has capability for electronic transmittal and storage of mugshots:**

No, as of 4/98. No statewide system then existed for receipt and management of offender photo images. That capacity is being developed to serve SOR and other programs. (FY'98 NSOR-AP funds sought to implement photo imaging capture, management, and transmission capability meeting FBI standards.)

***Operation of Sex Offender Registries, April 1998***

**Source for Initial Information on Offender:**

As of 4/98, all registration was done locally and records remained at the local agency. For the new system effective 10/1/98, the central registry in Department of Public Safety (DPS) receives conviction information from the courts and completed registrations from the releasing institution or agency. Offenders must complete registration as a condition of release. All information is transmitted and entered electronically. DPS electronically notifies the local law enforcement agency where the offender resides.

**DNA Sample:**

As of 4/98, no. Effective 10/1/98, DNA samples are taken for all sexual offenders upon registration and prior to their release into the community.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

As of 4/98, under the local system, no address validation or reregistration required. Under the new law effective 10/1/98, nonforwardable verification forms are sent out by the DPS every 90 days for sexually violent offenders, and annually for those guilty of criminal offenses against a minor. If the offender does not respond within 10 days, the DPS notifies the local law enforcement agency, which is required to issue an arrest warrant. DPS also is establishing a sex offender registration enforcement unit to help locate those who fail to respond.

**SOR Notification Automated:**

As of 4/98, not applicable. Under the law effective 10/1/98, the verification process is automated with machine generated forms and mailing procedures. The forms incorporate bar coding to facilitate timely machine verification of the updates.

**Penalties for Noncompliance:**

As of 4/98, not applicable. Under the law effective 10/1/98, noncompliance is a Class D felony, punishable by one to five years in prison and/or a fine of up to \$5,000.

***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

As of 4/98, registry information was available to law enforcement agencies for law enforcement purposes. With registries maintained at the local level, each agency had data only on its own jurisdiction, but could query other jurisdictions as necessary. Under the law effective 10/1/98, the Registry is accessible for query by law enforcement via Connecticut On Line Law Enforcement Communications Teleprocessing (COLLECT) and data will be provided to the FBI.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, any organizational notification was a local decision. Under the law effective 10/1/98, the Department of Public Safety (DPS), any State police troop or any law enforcement agency is authorized to notify any government agency, organization, or individual of registration information believed necessary for public or individual safety. [A January 1999 report, by a statutorily established Sex Offender Registration Committee recommended interim community notification guidelines.]

**Procedures for Public Access:**

As of 4/98, the SOR was a public record pursuant to the freedom of information act, but available only through local police department or resident State police troop. Under the law effective 10/1/98, SOR information is posted on the Internet. Also, SOR data must be accessible through the DPS during normal business hours. Local law enforcement agencies and State police troops must make registrations on offenders in their jurisdictions accessible during business hours.

**Internet Website:**

As of 4/98, no Internet website. [Under the new law, an Internet website with SOR information became operational January 1, 1999, on the State of Connecticut, Department of Public Safety homepage. <[www.state.ct.us/dps/](http://www.state.ct.us/dps/)>]



# Summary of State Sex Offender Registries: Delaware

## Responsible Agency: Delaware State Police

### *Who is in the Registry?*

#### **Covered Offenses:**

The Delaware sex offender registry legislation essentially covers "all sexual offenses" as specified in Sections 764 through 779 and Sections 1108 through 1111 of Title 11 of Delaware Crimes and Criminal Procedure.

#### **Mandated Registrants:**

Individuals in any of the following categories are required to register: All persons convicted of a covered offense on or after the statute's effective date in 1994; anyone incarcerated for a covered offense and released to community on or after the statute's effective date regardless of date of conviction; anyone adjudged, after the statute's effective date, guilty but mentally ill or not guilty by reason of insanity for committing a covered offense; those convicted out-of-State and moving to Delaware.

#### **Duration of Registration:**

Lifetime. (In some cases individuals registered as a result of juvenile adjudications may later have their records expunged.)

#### **Offenders in Registry, 4/98:**

800

### *Automation of Sex Offender Registries, April 1998*

#### **Extent of database automation:**

Fully automated SOR text database. The database is housed on the Delaware Criminal Justice Information System (CJIS). (FY'98 NSOR-AP funds were sought to enhance the existing registry and to integrate Delaware's AFIS, its mugshot system, NCIC 2000, Delaware website, and Delaware CJIS.)

#### **Database is linked to criminal history files:**

Yes. The Delaware SOR is part of the State's criminal history system which is also on CJIS.

#### **SOR transmits electronically to FBI interim system:**

No. Delaware is submitting information to the FBI interim system, but it submits text data on tape. (FY'98 NSOR-AP funds were sought for system modifications to meet FBI permanent NSOR standards.)

#### **Text material for SOR database is received and entered electronically:**

Yes. Most of the text material is submitted and entered into the SOR electronically. Information from the Department of Corrections (DOC)--including information from the jails--as well as information from the courts on dispositions comes via the CJIS. Some information from probation and some on out-of-State convictions requires manual data entry into SOR.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. Delaware has the capability for electronic storage and transmission of fingerprints through its AFIS system, but, as of 4/98, AFIS was not fully integrated with the SOR.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, a statewide capability to electronically transmit and store mugshots does not exist. (FY'98 NSOR-AP funds were sought to help develop a statewide mugshot system and to integrate it with both AFIS and SOR.)

### *Operation of Sex Offender Registries, April 1998*

#### **Source for Initial Information on Offender:**

In Delaware, offenders are registered by the courts if they are sentenced to probation or given a fine. If offenders have been incarcerated, then the agency managing the facility--the Department of Corrections, Youth Rehabilitation Services, or the State Hospital--registers them 45 to 90 days prior to their release. Out-of-State offenders must register personally with the State Bureau of Identification (SBI), Delaware State Police, within 7 days of arrival. All registering agencies use the Delaware Criminal Justice Information System (CJIS) computer system to register offenders electronically, so that all text information is entered directly into the SOR database.

#### **DNA Sample:**

No.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

As of 4/98, there is no address verification or annual reregistration. The offender is responsible for notifying the State Police of any change of residence after the initial registration, but probation officers also actively maintain contact with these offenders as part of their offender management responsibilities and help ensure that the SOR is notified of any change in the offender's address. (FY'98 NSOR-AP application reports Delaware plans to institute annual address verification. NSOR-AP funds were sought for automated support of the verification process.)

**B. SOR Notification Automated:**

Not applicable as of 4/98. (As noted, automated notification is planned for future, to be accomplished with NSOR funds.)

**C. Penalties for Noncompliance:**

Class G felony, requiring a prison term.

**Procedures for Public Access:**

As of 4/98, the only public access to SOR information is through the notification program conducted by the local law enforcement agency where the offender resides. Tier Two offenders require a "Community Organization Alert," Tier Three offenders require both a "Community Organization Alert" and a "Community Notification," which is targeted to a defined community or neighborhood. Local law enforcement agencies also have the discretion to notify any citizen about a specific offender who, they believe, poses a risk to that individual. (See also the new driver's license designation noted above.)

**Internet Website:**

No. As of 4/98, there is no SOR data on the Delaware website. (FY '98 NSOR-AP funds were sought to mount SOR data, including photos, on the State website, but for access *only* by law enforcement and criminal justice agencies, not by the general public.)

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

Text information from the SOR is available through Delaware Criminal Justice Information System (CJIS), accessible to all criminal justice agencies in Delaware. Fingerprints are maintained in State's central AFIS and interfaced to CJIS. There is no central mugshot capability as of 4/98; most agencies take Polaroids and maintain their own mugshot files. (As noted, the statewide mugshot system is under development and will permit sharing photos across jurisdictions. Also, a new law, signed 4/21/98, requires that SOR registrants be identified by a "Y" on their driver's licenses, with the designation explained on back of license.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Notification of organizations is responsibility of the local law enforcement agency where the offender resides. Notification measures are based on the offender's assigned risk level which is determined by a risk assessment performed by the State Attorney General's Office. For Tier Two (moderate risk) and Tier Three (high risk) offenders, the law requires a "Community Organization Alert" to organizations serving children or women that are located in close proximity to the offender's residence or to places he visits regularly. The State Police may be involved only when no local agency has jurisdiction.

# Summary of State Sex Offender Registries: District of Columbia

Responsible Agency: Metropolitan Police Department

## *Who is in the Registry?*

### **Covered Offenses:**

As of 4/98, the covered offenses are all those listed in the D.C. Code 24-1101 through 1117, most of which are felonies.

### **Mandated Registrants:**

Registration is mandatory for all persons (adult and juvenile) convicted of or adjudicated for a covered offense in the District of Columbia and certified by the court as a sexual offender. Registration also is mandatory for those convicted of covered offenses in the District of Columbia prior to the 1997 legislation, but on probation or parole when that legislation took effect, even though they have not be certified as a sexual offender by the court. In addition, registration is mandatory for offenders convicted of comparable crimes in other jurisdictions and moving into the District of Columbia.

### **Duration of Registration:**

The registration requirement depends on the offender's risk classification: for Level 1 (low risk) offenders, it is 10 years; for Level 2 (medium risk) offenders, it is 15 years; for Level 3 (high risk) offenders, there is a lifetime registration requirement. The risk assessment determination is made by the court, based on the advice and recommendation of the Sex Offender Advisory Council, a multi-disciplinary expert panel appointed by the mayor.

### **Offenders in Registry, 4/98:**

50 offenders were in the registry as of 4/98. [As of 1/21/99, there are a total of 86 offenders in the sex offender registry, of whom 36 were convicted for covered crimes in other jurisdictions and subsequently moved to the District of Columbia. As of 1/21/99, of the total of 86 registered offenders, 5 have been classified as to risk level. A formal risk assessment and classification as a Level 2, (moderate risk), or a Level 3, (high risk), is a pre-condition to any organizational or community notification.]

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

None as of 4/98. At that time the District of Columbia reported "the registry is entirely manual and the current Sex Offender Registry (SOR) information is maintained

in a spreadsheet database." (By 9/98, D.C. implemented a full registration application, as interim measure, on police department mainframe. FY'98 NSOR funds are to support redesigning and rewriting the database in Oracle, migration off the mainframe, and implementation of a fully searchable and mappable SOR database.)

### **Database is linked to criminal history files:**

No, not as of 4/98. (By 9/98, SOR database can be linked to the criminal history files through the police department ID number. With FY'98 NSOR funds, it will be a design choice in new Oracle-based system, whether the SOR is actually a part of, or, instead, is linked to, the criminal history files.)

### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, DC contributes to the FBI's interim system, but not electronically. Through a negotiated agreement with the FBI, DC began submitting text SOR data, in ASCII format on diskette in April 1998.

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all SOR data--from the Offender and Court Services Agency (courts, probation), from the Department of Corrections, from other parts of the Metropolitan Police Department, and through interstate compact--are received in hard copy and must be entered manually by SOR staff. (DC plans to use FY '98 NSOR grant funds to automate this and other SOR functions as part of permanent database design and implementation effort.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The capability exists through the Metropolitan Police Department's AFIS system. This is now being decentralized, with the implementation of livescan units in each of the police districts. The availability of livescan in each district will permit the capture and transmittal of fingerprints at the point of arrest and booking. (FY'98 NSOR-AP funds sought for a livescan unit for the Sex Offender Registry Office.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial. Livescan implementation in each police district level will provide the capability for electronic transmission and storage of mugshots, but for use with SOR, it will require reprogramming livescan to accept SOR information and/or the development of a software procedure that allows scanned images to be stored in the

SOR database via a Police Department Identification Number link. (FY'98 NSOR-AP funds sought for a mugshot capture station at the Sex Offender Registry Office.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Conviction and penalty information come from the DC Superior Court. Offender's release date, prospective address, and other pre-release information come from Department of Corrections. Conditions of release come from the Board of Parole. Risk assessment and classification level comes from the Sex Offender Advisory Council and the court. Confirmation of the address and employment data come from the offender when he is released and registers with the Metropolitan Police Department (MPD). All information comes in hard copy for manual data entry.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Offenders classified as risk levels 1 or 2 (low or medium risk), are required to verify their addresses annually, and those classified as level 3 (high risk) every 90 days. The SOR unit sends out a registered, nonforwardable letter approximately 15 days ahead of offender's registration date. Offenders must appear personally at the SOR unit to reregister.

#### **B. SOR Notification Automated:**

Partially. The interim SOR system does generate a list of offenders whose reregistration dates fall within a specified timeframe. (FY'98 NSOR-AP funds sought for a permanent system that will generate a list of who is due to reregister, generate appropriate letters, track responses and identify who is overdue.)

#### **C. Penalties for Noncompliance:**

The first offense is a misdemeanor, punishable by not more than 6 months in jail and/or a fine of up to \$1,000. A second or subsequent offense is a felony, punishable by up to five years in prison and/or a fine of up to \$5,000.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

The SOR staff sends the offender's case jacket (hard copy) to the Sex Branch which notifies the Commander of the police district where the offender resides, and coordinates any community notification. [As of 1/99, this is constrained by the small number of offenders classified as to risk level. When the Sex Branch is decentralized in a planned police department reorganization, these responsibilities are expected to devolve to the SOR unit.] (FY '98 NSOR-AP funds sought to develop infrastructure to make SOR database available electronically to authorized users on Metropolitan Police Department Network.)

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, there were no formal procedures for notification of schools or youth-serving organizations. District of Columbia law permits community or organizational notification only for offenders with formal risk classifications of Level 2 (moderate risk) or Level 3 (high risk), as determined by the court based on recommendation of expert Sex Offender Advisory Council. [As of 1/21/99, only 5 registrants have formal risk classifications. With assessment and classification, all registrants must be treated as Level 1 (low risk).] (FY'98 NSOR-AP plans include developing a database of organizations that qualify for affirmative notification.)

### **Procedures for Public Access:**

As of 4/98, there was no public access to SOR information. Community notification procedures are being developed by the police department and an interagency task group to reflect new legislation under development and the police department reorganization. As noted, community notification is constrained by the small number of registrants with risk assessments and classified risk levels.

### **Internet Website**

No. There was no Internet website as of 4/98. There is some discussion of a website under the new legislation being developed, but no decision.

# Summary of State Sex Offender Registries: Florida

Responsible Agency: Florida Department of Law Enforcement

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include capital, life, or felony violations of Chapter 794 (a range of sexual battery offenses); a wide range of sexual offenses against children, such as lewd, lascivious, or indecent assault, or acts upon, or in the presence of, a child under 16; computer pornography involving a minor; distribution of obscene materials to a minor; and attempts, solicitation, or conspiracy to commit any of the covered crimes.

### **Mandated Registrants:**

There are two categories of mandated registrants, sexual predators and sexual offenders. Sexual predators, a classification involving a written court order, are (1) those convicted of (or found to have committed) a capital, life, or first degree felony violation of Chapter 794 on or after 10/1/93, or (2) those convicted of (or found to have committed) two second degree sexual felonies within a 10 year period, with the initial offense on or after 10/1/93. The sexual offender category includes all other persons convicted of (or found to have committed) any of the covered sexual offenses.

### **Duration of Registration:**

Lifetime for both sexual predators and for sexual offenders. Both types of offenders can apply to be removed from the Registry after 10 offense-free years following their release from criminal justice supervision. All offenders seeking removal from the Registry must apply to the court through an attorney and pay all costs. The decision is at the discretion of the court.

### **Offenders in Registry, 4/98:**

9,000

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Florida SOR has a fully automated database for both text and fingerprints, operated by the Florida Department of Law Enforcement (FDLE). (FY'98 NSOR-AP funds were sought for evaluation, training, and enhancement of current operations.)

### **Database is linked to criminal history files**

Yes. The Florida SOR is part of the State's "Offender Database." When an entry is made into the SOR, the SOR automatically updates the FDLE Internet website and sends some information to the criminal history files.

### **SOR transmits electronically to FBI interim system**

Yes.

### **Text material for SOR database is received and entered electronically**

As of 4/98, there is partial capability in this area. The Department of Corrections (DC) electronically submits sexual offender registration data to FDLE and into the SOR. FDLE electronically enters data on sexual offenders and manually enters data on sexual predators into the Florida Crime Information Center (FCIC) "hot files". Change of address data (from Department of Corrections or Department of Motor Vehicles) is entered in FCIC electronically for sexual offenders, manually for sexual predators. Hard copy information from local law enforcement agencies requires manual entry.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The capability already exists and meets FBI standards.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

As of 4/98, partial capability exists in this area. (Under FY'98 NSOR award, FDLE plans major equipment upgrades for the Department of Corrections--especially probation and parole offices--to improve mugshot transfer; to establish a photo image database for investigative purposes; and to provide the capability for geo-mapping offenders' residences.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

If the court classifies the offender as a "sexual predator," the Clerk of Courts sends a hard copy of the court order to the Florida Department of Law Enforcement (FDLE) and to the Department of

Corrections (DC). For incarcerated offenders, the DC electronically transmits registration information to FDLE for any sexual offender or sexual predator being released to the community or placed under community supervision. Local law enforcement agencies send the FDLE registration data (in hard copy) on out-of-State offenders or on those not under criminal justice supervision.

**DNA Sample:**

Yes. The Florida DNA database is maintained by the State Crime Lab.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

As of 4/98, no address verification or reregistration is conducted by the FDLE for the SOR. The FDLE is dependent on the information provided by probation and parole offices through Department of Corrections (DC). The DC electronically updates the SOR addresses every night. (FY'98 NSOR-AP funds were sought to support Florida's use of certified mail in its planned address verification program. Addresses of sexual predators will be verified every 90 days and those of sexual offenders annually.)

**SOR Notification Automated:**

As of 4/98, not applicable - see above. (The notification letters planned for the new address verification program will be automated.)

**Penalties for Noncompliance:**

Violation is a third degree felony.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

The Florida Department of Law Enforcement (FDLE), which operates the SOR, enters sexual offender and sexual predator data into Florida Crime Information Center (FCIC) "hot files," which are accessible to all State law enforcement personnel. When an offender is released from incarceration, a teletype notice is sent to all law enforcement agencies in the county where the offender plans to reside. When the FDLE is notified by the Departments of Corrections (DC) or Highway Safety & Motor Vehicles (DHSMV) of the change of address of a registered offender, the FDLE transmits it to law enforcement agencies in both the new and former counties of residence and updates FCIC hot file.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Organizational notification is a local responsibility. For those offenders classified as "sexual predators" (determined by a court finding, based on type and/or number of offenses), the Sheriff or Chief Law Enforcement Officer of the jurisdiction where the predator will reside is required to notify the public (and organizations) "in a manner deemed appropriate." For other registered sexual offenders, notification is at the discretion of the local law enforcement agency.

**Procedures for Public Access:**

The general public has access to SOR information through the FDLE Internet Website, <[www.fdle.state.fl.us](http://www.fdle.state.fl.us)>, through a toll-free phone line (1-888-357-7332), and through fliers and leaflets produced for community notification on sexual predators.

**Internet Website:**

Yes. <<http://www.fdle.state.fl.us/>>

# Summary of State Sex Offender Registries: Georgia

Responsible Agency: Georgia Bureau of Investigation

## *Who is in the Registry?*

### **Covered Offenses:**

Sexually violent offenses and criminal offenses against a victim who is a minor are covered. Sexually violent offenses include rape, aggravated sodomy, aggravated child molestation, sexual battery, aggravated sexual battery, or an offense that has as its element physical contact with another person with intent to commit such an offense. Criminal offenses against a victim who is a minor include kidnaping, false imprisonment, or criminal sexual conduct toward a minor; solicitation of a minor to engage in sexual conduct or practice prostitution; or any conduct that is a sexual offense if committed against a minor.

### **Mandated Registrants:**

Registration is required of those persons convicted of a covered offense on or after July 1, 1996 and of those persons incarcerated for a covered offense and released to the community (with or without criminal justice supervision) on or after July 1, 1996, independent of the date of their convictions. Based on a report by the Sexual Offender Registration Review Board and with court concurrence, those guilty of sexually violent offenses may be classified as Sexually Violent Predators.

### **Duration of Registration:**

10 years for sexual offenders. Lifetime for Sexually Violent Predators. Individuals classified as Sexually Violent Predators may apply to the Review Board after three years on unsupervised release to have their status changed to sexual offender. The Review Board submits a report and a recommendation to the sentencing court which makes the final decision.

### **Offenders in Registry, 4/98:**

1,200

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Georgia text database is partially automated. As of 4/98, State and local agencies submit all information in hard copy.

### **Database is linked to criminal history files:**

Yes. While the Georgia SOR is a separate database, it is linked to the State's criminal history file. A query to the SOR may not get the full criminal history in response, but any criminal history check will get the SOR information.

### **SOR transmits electronically to FBI interim system:**

Yes. The entry of an offender registration into the Georgia Sexually Violent Offender Registry (SVOR) automatically triggers an electronic message to the FBI (and also to the sheriff of the offender's county of residence). (FY'98 NSOR-AP funds sought for NCIC 2000 workstations.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all information submitted by both State and local agencies is in hard copy and is entered manually. (Under FY'98 NSOR award, Georgia plans to automate the submission and entry process.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The capability now exists to store all necessary fingerprint information concerning the SVOR.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, Georgia does not have the capability to store mugshot images in conjunction with registration information. (FY'98 NSOR-AP funds were sought for digital cameras and pc's for DOC prisons, for probation offices and for State Board of Pardons and Parole offices, and also for a pilot program in one sheriff's department.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Information on offenders comes from the Department of Corrections (through individual prisons in the Prison Division or from field offices in the Probation Division) by facsimile transmission or through the mail. Information from the State Board of Pardons and Paroles (through individual field offices) also comes by facsimile or by mail. Information normally is submitted when the offender is released to the community. It is then keyed into the Sexually Violent Offender Registry (SVOR) database via the Georgia Criminal Justice Information System (CJIS) network, triggering automated notification to both the local sheriff and the FBI.

### **DNA Sample:**

Yes. The Division of Forensic Science is responsible for the DNA samples and database.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. The SVOR unit sends out certified notification letters (annually for sexual offenders, every 90 days for sexual predators), and the offender must respond confirming his address. If a letter is returned as undeliverable, the SVOR unit notifies the local sheriff, who conducts a physical check. If the offender is not located, the sheriff issues a warrant for his arrest.

#### **B. SOR Notification Automated:**

Yes.

#### **C. Penalties for Noncompliance:**

First and second failures to comply are misdemeanors, incurring a fine. A third offense is a felony carrying a sentence of imprisonment for not less than one nor more than three years. (Amendments to be effective 7/1/98, make the second offense a felony.)

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Dissemination to law enforcement and criminal justice agencies takes place in two ways. When the Georgia Crime Information Center (GCIC) enters or updates information in the Sexually Violent Offender Registry (SVOR), that action automatically triggers a notice to the sheriff of the offender's county of residence as well as a notice to FBI. The information is available to other law enforcement and criminal justice agencies through a criminal history query.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, organizational notification is the responsibility of, and at the discretion of, the local sheriff. (A 1997 State Attorney General's opinion states that the sheriff must release relevant information for offenders classified as sexually violent predators, but that he has the authority to determine the specific information to be released and the manner of dissemination.)

### **Procedures for Public Access:**

As of 4/98, public access to information on registered sex offenders is at the discretion of the local sheriff. Georgia's legislation states that sheriff "shall release relevant information collected under this Code section that is necessary to protect the public . . ." and stipulates "nothing herein shall prevent any sheriff from posting this information in any public building." As of 4/98, a number of sheriffs posted information on registered sexual offenders in their jurisdictions on their Internet websites.

### **Internet Website:**

No, not as of 4/98. [As of 9/98, a site was mounted. <[www.ganet.org/gbi/disclaim.html](http://www.ganet.org/gbi/disclaim.html)>]



# Summary of State Sex Offender Registries: Hawaii

Responsible Agency: Hawaii Criminal Justice Data Center

## *Who is in the Registry?*

### **Covered Offenses:**

Sexually violent offenses and criminal offenses against a victim who is a minor are covered in the Hawaii legislation.

### **Mandated Registrants:**

Any offender who has been convicted of a covered offense is required to register. The law applies retroactively to any offender who has ever been convicted of a covered crime in the State of Hawaii, independent of the date of conviction.

### **Duration of Registration:**

Lifetime.

### **Offenders in Registry, 4/98:**

Over 700 individuals in the Registry, as of 4/98 (and over 1,000 as of 11/98). Estimates of additional persons convicted of qualifying offenses but who have not registered range from 1,000 to 3,000.

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

Partial. The SOR text database is fully automated and is managed by the Hawaii Criminal Justice Data Center (HCJDC). Submissions from outlying criminal justice agencies, however, may be in hard copy. The capability for out-of-State transmission is limited, and the capability to capture, store, and transmit fingerprints or mugshots electronically is limited. (FY'98 NSOR-AP funds were sought to enhance the automation of registries, to evaluate the data quality, and to make SOR data available for background checks.)

### **Database is linked to criminal history files:**

Yes. A query to either the criminal history files or to the Sex Offender Registry also triggers a check of the alternate database and release of relevant information.

### **SOR transmits electronically to FBI interim system:**

No, as of 4/98. [Effective 12/98, Hawaii initiated electronic transmission to the FBI's interim system.]

### **Text material for SOR database is received and entered electronically:**

As of 4/98 there is partial capability in this area. Direct, online entry of registration information and/or updates of offenders' addresses is possible for criminal justice agencies with a computer connection to the Registry through the central repository of criminal history record information (OBTS/CCH). HCJDC reports, however, that dozens of sites statewide do not have a computer connection to the Registry and therefore submit all material in hard copy for manual data entry.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

As of 4/98, partial capability exists. Hawaii's AFIS is undergoing a major upgrade to incorporate livescan and digital transmission from the HCJDC to the FBI and its national databases, but local Hawaiian jurisdictions still have to take fingerprints manually and submit hard copy cards to HCJDC.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

As of 4/98, partial capability exists. The HCJDC has online capture and access capabilities, but the current system is unable to display photos to criminal justice agencies throughout the State. Mugshots for public notification are maintained in 3-ring binders at Criminal History Public Access sites and county police stations. (FY'98 NSOR-AP funds were sought for mugshot capture workstations.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

County police and sheriff departments and other agencies of jurisdiction provide registration data to the Hawaii Criminal Justice Data Center (HCJDC) when the offender is released to the community or appears at his local to register. Local agencies can use direct, online entry if they have computer

connections to the HCJDC registry. Local police departments also take the offender's fingerprints and mugshot and send hard copy of those items to HCJDC.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

No, as of 4/98. Address validation was not conducted at that time. [A requirement for address verification every 90 days for *all* sex offenders became effective July 1, 1998. Under this program, HCJDC sends mailers to all registered offenders every 90 days, and monitors responses for accuracy, for updating information and for potential arrests and prosecution by appropriate agencies in instances of noncompliance.]

**SOR Notification Automated:**

As of 4/98, not applicable. [Under the address validation program initiated 7/1/98, the process is partially automated. Offender data required for notification is extracted every 90 days from the registry, and letters are generated for the mailing.]

**Penalties for Noncompliance:**

Misdemeanor or a felony Class C.

***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

Law enforcement and criminal justice agencies can access SOR data through searches of the criminal history files maintained by Hawaii Criminal Justice Data Center (HCJDC).

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Public information on registered sex offenders is available to schools, and organizations serving children, the elderly, the mentally ill, or other vulnerable populations at the HCJDC office and at main county police stations.

**Procedures for Public Access:**

Hawaii's legislation specifies the specific items of SOR data that are to be accessible to public. Public record registration data is currently available at the police department for the county where the offender

lives and at the Hawaii Criminal Justice Data Center (HCJDC). This information is also integrated into the Criminal History Public Access facility, which can be used by general public for background checks via various search options.

**Internet Website:**

No.

# Summary of State Sex Offender Registries: Idaho

Responsible Agency: Idaho Department of Law Enforcement

## *Who is in the Registry?*

### **Covered Offenses:**

As of 4/98, covered offenses are sexual abuse of a child under 16, ritualized abuse of a child, sexual exploitation of a child, possession of sexually exploitive material for other than commercial purposes, lewd conduct with a minor, sexual battery of a child 16 or 17, rape, male rape, crimes against nature, and forcible sexual penetration using a foreign object. [Law effective 7/1/98 modifies rape to exclude statutory rape where the defendant is 18 years of age or younger, and adds the following offenses: assault and/or battery with intent to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery; murder committed in perpetration of rape or in perpetration of lewd conduct with a child less than 12 years of age; indecent exposure, but excluding a misdemeanor conviction; first degree kidnaping committed for the purpose of rape, committing the infamous crime against nature or for committing any sexual act or purposes with any child under the age of 16; second degree kidnaping where the victim is an unrelated minor child; and incest.]

### **Mandated Registrants:**

Any person who, on or after July 1, 1993, is (a) convicted of a covered crime; (b) released to the community following an earlier conviction of covered crime; or (c) enters the State with a conviction for a comparable crime in another State, Federal, military, or tribal court is required to register in accordance with the Idaho State and regulations.

### **Duration of Registration:**

Lifetime. As of 4/98, sexual offenders may apply to the district court for expungement 10 years after the termination of criminal justice supervision. [Under law effective 7/1/98, the Sexual Offender Classification Board assesses the risk of reoffense of those convicted of violent sexual crimes. The Board can designate the offender to be a "violent sexual predator." Sexual predators may not apply for expungement.]

### **Offenders in Registry, 4/98:**

1,710

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

SOR text database is automated, but information from the local sheriff and (under a new law to be effective 7/1/98) from Department of Corrections (DOC), courts, and local police departments is submitted in hard copy. (FY '98 NSOR-AP funds were sought to support the upgrading database to comply with new law and support the address verification and reregistration of offenders.)

### **Database is linked to criminal history files:**

No. The SOR is maintained separately from the criminal history files to avoid any confusion in the access requirements because of the different laws governing each. However, the SOR can be accessed through the Idaho Law Enforcement Telecommunications System (ILETS) and is automated as a "hot file"--that is, it comes up on routine traffic stop inquiries, etc.

### **SOR transmits electronically to FBI interim system:**

No. Not as of 4/98, but Idaho is creating a new automated database to comply with the new SOR law taking effect 7/1/98. Electronic submission of text data to the FBI interim system is to be initiated in November 1998.

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all information is submitted in hard copy, and that is expected to continue.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

As of 4/98, partial capability exists. The capacity for electronic storage and transmission of fingerprints exists through the State's AFIS, which is also housed in the Bureau of Criminal Identification, Department of Law Enforcement (DLE), but fingerprint submissions to the SOR from other agencies are in hard copy and require scanning.

**SOR system has capability for electronic transmittal and storage of mugshots:**

No. (FY'98 NSOR-AP funds were sought for digital mug shot systems to permit the electronic transmission of photos from the DOC to the Registry, and the digitalizing at DLE of the Polaroid photos submitted with registration data.)

***Operation of Sex Offender Registries, April 1998***

**Source for Initial Information on Offender:**

As of 4/98, the offender registers with local sheriff who forwards his photo, prints, and information in hard copy to the SOR. Effective 7/1/98, "initial" registration will come from the courts (if the offender receives a probation sentence) or from Department of Corrections (if he was incarcerated), and a file will be opened in central registry. When the offender is released to the community, he must register with the local sheriff within 5 days of entering the county. This information also will be sent to central SOR registry in hard copy.

**DNA Sample:**

Yes, but blood and/or DNA samples are collected under a separate law. That process is administered by the Bureau of Forensic Services

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, Idaho has no validation requirement. Under the new law effective 7/1/98, the Department of Law Enforcement (DLE) sends out nonforwardable notification letters--annually for sexual offenders, and quarterly for violent sexual predators. Annual reregistration is to be done in person at the local sheriff's office.

**B. SOR Notification Automated:**

As of 4/98, not applicable. Under the law effective 7/1/98, notification notices will not be automated.

**C. Penalties for Noncompliance:**

Violation is a felony, punishable by incarceration for up to five years and/or a fine of up to \$5,000. (Law effective 7/1/98 includes revocation if the offender is on probation or supervised release.)

***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

The text content of the SOR is available online to all criminal justice agencies with access to the Idaho Law Enforcement Telecommunications System (ILETS). When a law enforcement officer makes a driver's license inquiry or a wanted person inquiry (State or National), ILETS will cross-check the automated SOR database. (FY'98 NSOR-AP application sought support for a series of seminars for the criminal justice community on registration, reporting, and access requirements of new program)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, no organizational notification is conducted. Under new law effective 7/1/98, the Department of Law Enforcement (DLE) makes affirmative notification to the Departments of Education and Health & Welfare and provides schools and organizations working with youth, women and/or vulnerable populations with free public access to statewide lists and responses to individual inquiries. (FY'98 NSOR-AP application sought funds for seminars to inform the educational community and the general public about access to and use of registry information)

**Procedures for Public Access:**

The general public has access to SOR information under Idaho's open records law. A citizen may inquire whether an individual is a registered sex offender, by submitting a written inquiry to the Department of Law Enforcement (DLE), including the subject's name and his date of birth or address. [Effective 7/1/98, public access will be expanded. Citizens can request lists of registrants by zip code or county for \$5.00 per query and can make requests through either DLE or local sheriff. DLE will issue quarterly press releases of offenders not in compliance with SOR requirements for media pick-up.]

**Internet Website:**

No.

# Summary of State Sex Offender Registries: Illinois

Responsible Agency: Illinois State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Felony and misdemeanor sex offenses or attempts, the murder of a child, kidnaping, unlawful restraint, and convictions of comparable crimes in another State or in Federal court are covered in the Illinois law.

### **Mandated Registrants:**

Individuals convicted of a covered offense or found not guilty by reason of insanity on or after July 16, 1986, are required to register.

### **Duration of Registration:**

Persons classified as sexual offenders must register for 10 years from the date of their conviction if sentenced to probation or for 10 years from the date of their release if they were confined. For individuals classified as sexually dangerous persons, lifetime registration is required.

### **Offenders in Registry, 4/98**

There are 14,300 individuals in the Registry, 12,00 of whom have registered.

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Illinois SOR has a fully automated text database. The "initial notification" is done at the time of conviction if the offender receives a probation sentence, or prior to release if he is confined. This data opens the offender's SOR file, which is entered in Illinois Law Enforcement Agencies Data System (LEADS) and available statewide to law enforcement. Automated "tickler" systems alert the SOR and the relevant local agency of the offender's anticipated arrival, any failure to register locally in required timeframe, the times for annual reregistration, any failures to reregister, and so on. While the text database itself is automated, much of the data entry is manual.

### **Database is linked to criminal history files:**

Partially--it is linked for law enforcement purposes. Any routine law enforcement query of LEADS elicits SOR information together with the criminal history record. As of 4/98, however, background checks for employment

normally check only criminal history records. (FY'98 NSOR application sought support to more fully integrate SOR with the criminal history and other State systems.)

### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, Illinois provides SOR data to the FBI interim system, but only through batch processing as opposed to real-time, online reporting. (FY'98 NSOR-AP funds sought for full interface with NCIC 2000)

### **Text material for SOR database is received and entered electronically:**

There is partial capability in this area. As of 4/98, considerable data entry is done manually, in some cases following a manual search of local records. (FY'98 NSOR application sought support for manual searches of records in three counties and subsequent entry of information on previously convicted offenders qualifying for registration.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. This capability is available through the Illinois AFIS system.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. While mugshots are part of the Sex Offender Registry, as of 4/98, the photos are not digitalized. (FY'98 NSOR-AP funds sought for mugshot transmission pilot project.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

Initial information comes from sentencing court (if the offender receives probation) or from the county jail or the Department of Corrections (if the offender is confined). Subsequent information comes from the local law enforcement agency when the offender registers in person.

### **DNA Sample:**

Yes, but not as part of the SOR. DNA sampling is part of a separate CODIS system within the Illinois State Police. (FY'98 NSOR applications sought support to link SOR and CODIS more closely.)

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. Annual notification notices for sexual offenders--and quarterly notices for those classified as high risk offenders--are sent as nonforwardable letters by the Intelligence Bureau of the Illinois State Police.

**B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

Noncompliance is a Class 4 felony, punishable by one to three years in prison.

**Internet Website**

No, not on a State of Illinois website. A privately-operated website has posted the Illinois county-level lists it has obtained.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

SOR information is available online, 24 hours per day, to every Illinois law enforcement agency through the Illinois Law Enforcement Agencies Data System (LEADS). The status of a specific offender (registered, not registered, conditions of parole/probation, etc.) is immediately available to any agency conducting a routine query, including a traffic stop.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The Illinois State Police (ISP) provide quarterly lists of sex offenders to all schools, child care facilities, and to the Illinois Department of Children and Family Services. Local law enforcement agencies developed lists of local organizations that serve children and make sex offender information available to them. By administrative rule, each law enforcement agency must designate a liaison to assist schools, child care facilities, youth groups, and the public regarding access and use of SOR information.

**Procedures for Public Access:**

The local law enforcement "liaison" (see above) assists the public in access and use of the SOR information when an offender is identified as working or residing in circumstances that might compromise public safety. The Illinois State Police (ISP) also operates an automated victim notification program (at the victim's request, he/she is notified of the offender's release, address changes, death of offender, etc.) Local law enforcement agencies also have discretion to provide SOR information to any person or entity likely to encounter the offender.

# Summary of State Sex Offender Registries: Indiana

Responsible Agency: Indiana Criminal Justice Institute

## *Who is in the Registry?*

### **Covered Offenses:**

Rape, criminal deviate conduct, child molesting, child exploitation, vicarious sexual gratification, child solicitation, child seduction, sexual battery, sexual misconduct with a minor as a Class A or B felony, incest, also kidnaping if the victim is under 18 years of age, and criminal confinement if the victim is under 18 years.

### **Mandated Registrants:**

The following persons are required to register: anyone convicted of the first 10 crimes after June 30, 1994; anyone convicted of last two crimes after June 30, 1998; persons residing in Indiana but convicted of substantially equivalent offenses in other States after the effective dates; juveniles 14 or over, who are adjudicated delinquent for an act that would be a covered offense if committed by an adult and found by a court to be likely to repeat such an act.

### **Duration of Registration:**

Local registration is required for 10 years following the sexual offender's release to the community for everyone except those determined to be sexually violent predators. For sexually violent predators, the registration requirement is for an "indefinite" period. Only those persons identified as sexually violent predators may petition the court, at least 10 years after sentencing, to have the determination of sexually violent predator removed from their name on the Registry. While local registration is required for 10 years, an offender's name appears in the State's SOR Registry for his lifetime. Currently, there is no provision for petitioning for the removal of a name from the central Registry once it is listed.

### **Offenders in Registry, 4/98:**

Approximately 9,500

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

Partial. The SOR text database itself is automated, but it is not linked to other automated systems or to local law enforcement agencies. The Indiana State SOR consists of 4 separate databases of qualifying

offenders: one section prospectively covers the period since 1994 when the SOR was established by statute, and three sections retrospectively cover periods before the legislation was enacted--a Department of Corrections database, a prosecuting attorneys' database, and a State Police database. The databases are not linked.

### **Database is linked to criminal history files:**

No. Indiana criminal history files are maintained by the State Police. The SOR database is maintained by the Indiana Criminal Justice Institute (CJI). Indiana data for the National Sex Offender Registry (NSOR) will be transmitted to the FBI by the State Police criminal records repository, not via the SOR maintained by CJI.

### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, this capacity does not exist within the CJI.

### **Text material for SOR database is received and entered electronically:**

No. All current data from all submitting agencies is provided in hard copy. The Indiana CJI normally updates the SOR three times a year. [New 1998 legislation mandates that updates be performed at least every six months.] When the SOR is updated, CJI provides the information to the State Police.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not as of 4/98. The Indiana CJI reports that all livescan hardware will be in place by 4/99, although some issues pertaining to local transmission may remain. The purchase of livescan equipment is being supported by BJS NCHIP funds. 1998 legislation directs that correctional facilities releasing a qualifying offender provide his fingerprints (and other identifiers including a photo) to the State Police, and that the State Police send the fingerprints to the FBI.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. Indiana CJI reports that livescan hardware will be in place by 4/99 (see preceding section) but that the initial priority will be on ensuring fingerprint submission.

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Current information is submitted to the Indiana Criminal Justice Institute (CJI), by the State courts, the State Department of Corrections, local jails, local law enforcement agencies, county prosecutors and other State criminal justice agencies. All information is submitted in hard copy.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, Indiana SOR did not require any validation or reregistration. Legislation to be effective 7/1/98 institutes annual verification (quarterly for predators), but makes local law enforcement agencies responsible for the notification letters to offenders, conducting verification, and conducting follow-up. The local law enforcement agency notifies the State SOR if the offender fails to return a signed verification form.

#### **B. SOR Notification Automated:**

Not applicable as of 4/98. Effective 7/1/98, local law enforcement agencies will implement the notification procedures. The degree of automation within local agencies is not known, but larger departments may automate the notification process.

#### **C. Penalties for Noncompliance:**

The first offense is a D felony. Subsequent offenses are C felonies. The penalty for a D felony is 1-1/2 years in prison with not more than 1-1/2 years added for aggravating circumstances or 1 year subtracted for mitigating circumstances. The penalty for a C felony is 4 years in prison with not more than 4 years added for aggravating circumstances and not more than 2 years subtracted for mitigating circumstances. Both C and D felony penalties can also include a \$10,000 fine.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

The SOR data is available to State law enforcement and criminal justice agencies in response to queries, but it is not on a computerized network directly accessible to law enforcement agencies. Agencies also may obtain copies of the updates sent to schools and youth organizations.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

The SOR data and all updates are sent (in hard copy) to all public and private schools, the Indiana Family and Social Services Administration and their licensees (such as group homes), and to agencies that work with children and have requested copies. The SOR unit also places copies in all public county libraries. This information contains all four databases. Since July 1, 1994, the Criminal Justice Institute (CJI) has made SOR information available on a computer diskette.

### **Procedures for Public Access:**

The general public has access to SOR data in hard copy in public libraries throughout the State and on State of Indiana website on the Internet. Since July 1, 1994, it also has been made available on computer diskette. The SOR data available to the public does not include street addresses, but does reflect all four databases.

### **Internet Website:**

Yes. The Indiana SOR is on the Internet at <[www.state.in.us/cji/registry/index.html](http://www.state.in.us/cji/registry/index.html)>



# Summary of State Sex Offender Registries: Iowa

## Responsible Agency: Iowa Department of Public Safety

### *Who is in the Registry?*

#### **Covered Offenses:**

Covered offenses include criminal offenses against a minor, sexual exploitation, and sexually violent crimes.

#### **Mandated Registrants:**

Individuals convicted or adjudicated of a covered offense on or after July 1, 1995, or who were on probation, parole or work release status, or who were incarcerated on or after July 1, 1995 must register. Requirement includes individuals who have received a deferred sentence or deferred judgments and those with comparable convictions from other jurisdictions who move into Iowa.

#### **Duration of Registration:**

Sexual offenders must register for 10 years from the date of their release to the community. For sexually violent predators (those convicted of a qualifying offense as specified in the Federal Violent Crime Control and Law Enforcement Act of 1994, Public Law No. 103-322), the registration requirement is for an indeterminate period ending only upon a formal determination by the sentencing court.

#### **Offenders in Registry, 4/98:**

2,240

### *Automation of Sex Offender Registries, April 1998*

#### **Extent of database automation:**

The SOR text database itself is automated, with manual entry of the text from hard copy submissions. The Iowa SOR is maintained as a totally separate database in the "Iowa On-line Warrants and Articles System" (IOWA System), the IOWA equivalent to NCIC. While the IOWA System can interface directly with the FBI, the Sex Offender Registry, as of 4/30/98, does not. (FY'98 NSOR-AP funds sought to upgrade database.)

#### **Database is linked to criminal history files:**

No.

#### **SOR transmits electronically to FBI interim system:**

No. (FY '98 NSOR-AP funds sought for electronic transmission to FBI's permanent NSOR.)

#### **Text material for SOR database is received and entered electronically:**

No. All material, from both State and local agencies, is received as hard copy and entered manually by the SOR Unit of the Division of Criminal Investigation (DCI) of the Department of Public Safety.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. As of 4/98, a hard copy of the fingerprint card is maintained in a file folder together with the original registration documents. The only way to access the SOR fingerprints is to contact DCI staff and request copies which are xeroxed and sent by mail. (FY '98 NSOR-AP funds sought to help develop this capability.)

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, a hard copy of the photo is maintained in a file folder together with the original registration documents and the fingerprint card. The only way to access the photo is to contact DCI staff and make a specific request. The photo is then copied and sent by U.S. mail. (FY'98 NSOR-AP funds sought to help develop this capability.)

### *Operation of Sex Offender Registries, April 1998*

#### **Source for Initial Information on Offender:**

The SOR receives registration information when an offender is released to the community. It comes from the Department of Corrections or the jail if the offender was confined, from the Probation Department if the offender received a probation sentence, from the court if the sentence was a fine only, and from the Department of Human Services if the offender is an adjudicated juvenile. All agencies submit information in hard copy for manual data entry.

**DNA Sample:**

No

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. Under both the original and amended legislation, notification of the address verification requirement is conducted by the Division of Criminal Investigation, Department of Public Safety. Mail verification is required annually. [Effective 7/1/98, validation also is required every 90 days for offenders classified as "sexually violent predators"] (based on conviction offenses specified in Federal Violent Crime Control and Law Enforcement Act of 1994.)

**SOR Notification Automated:**

Yes.

**Penalties for Noncompliance:**

The first offense is an aggravated misdemeanor, punishable by up to two years incarceration. A second or subsequent offense is a class D felony, punishable by up to five years imprisonment. For offenders on probation, parole, or work release, failure to comply with SOR requirements results in automatic revocation.

subsequent classification of convicted sexual offenders.) Under the both original and amended legislation, the offender receives prior notice of any public notification plans and may appeal.

**Procedures for Public Access:**

As of 4/98, public access to SOR information is limited to a query to the local sheriff about a specific individual. The name and address given by questioner must match the SOR data for the sheriff to release the information. Also, affirmative public notification by a local law enforcement agency requires prior authorization by the Iowa DPS. [Effective 7/1/98, citizens may request from the sheriff or the local police department, a list of all registrants in their county classified as "at risk," and criminal justice agencies may initiate affirmative notification for those registrants classified as "at risk" without prior review and approval by the Iowa DPS.]

**Internet Website:**

No as of 4/98. The exception is offenders who used the Internet, computer bulletin boards, or other electronic means to contact their victims and who were classified "at risk." [As of 7/1/98, information on all offenders convicted of an offense occurring on or after that date and classified "at risk" is to be made available to public on the Internet.]

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

The SOR data from the Department of Public Safety (DPS) is directly accessible to all law enforcement and criminal justice agencies in the State having access to "Iowa On-line Warrants and Articles System" (IOWA System).

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, Iowa had no required notification procedures for organizations serving children, the elderly or the mentally ill. Legislation effective 7/1/98 states that, for registrants classified "at risk," affirmative public notification may include "notification of agencies or organizations in the community in which the registrant lives, is employed or attends school." (Iowa Department of Corrections specifies the procedures for risk assessments and

# Summary of State Sex Offender Registries: Kansas

Responsible Agency: Kansas Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

The following offenses are covered: (A) rape, aggravated indecent liberties with child, aggravated criminal sodomy, aggravated indecent solicitation of child, sexual exploitation of child, aggravated sexual battery. (B) sexual battery, incest; (C) murder, manslaughter, kidnaping or criminal restraint (except by parent) when victim under 18, adultery, criminal sodomy, promoting prostitution, patronizing a prostitute, lewd and lascivious unlawful sexual conduct when one party is under 18.

### **Mandated Registrants:**

Anyone convicted of the offenses in List A and whose date of offense is on or after April 14, 1994, must register, and his registration data is considered a public record. Anyone convicted of offenses in List B and whose date of offense is on or after July 1, 1997, and his registration is a public record. Anyone convicted of offenses in List C on or after July 1, 1997, must register. If the offense itself occurred on or after July 1, 1997, then his registration is a public record.

### **Duration of Registration:**

For sexual offenders, the duration of the registration requirement is 10 years. Lifetime registration is required if the offender has a second conviction for any covered offense.

### **Offenders in Registry, 4/98:**

1,200

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Kansas SOR has a fully automated text database.

### **Database is linked to criminal history files:**

No, not as of 4/98. Work is underway, however, to develop a "hot file" for the SOR and to flag registered sex offenders in State's criminal history file. (FY'98 NSOR-AP funds sought to support completion of this effort.)

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. Work is underway, however, to develop message keys for automatic data transfer to the NSOR. Kansas is to begin submitting summary data on diskette to the FBI's interim system on 6/1/98. (FY'98 NSOR-AP funds sought for completion of the message key/data transmission effort.)

### **Text material for SOR database is received and entered electronically:**

No, not as of 4/98. However, the system re-engineering project now underway envisions implementation of document imaging through the system, with plans to use it to help maintain offender registration files. The goal is to have registration information automated from the point of registration to the Central Repository. (FY '98 NSOR-AP funds sought for parts of this effort.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Limited. Court service officers and parole officers have primary responsibility for the initial sex offender registration. Many such offices do not have fingerprint equipment. While the State has an AFIS with livescan capabilities, this is not practical for smaller jurisdictions. (FY'98 NSOR-AP funds sought for 27 fingerprint stands for parole and court services offices.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Limited. As of 4/98, digital photography is being used by the State's eight court services offices. (FY'98 NSOR-AP funds sought for 19 digital cameras for the State's regional parole offices, to permit them to store and automatically transfer photos to State Central Repository. )

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

The initial information on an offender is submitted to the Kansas Bureau of Investigation (KBI) by the institution releasing the offender to the community (the Department of Corrections, a jail, or the court). The offender then registers at the local court services or parole office in his county of residence, and that local office also forwards the registration form to KBI. If the offender is no longer under criminal justice supervision, he registers with the local sheriff's office, which also forwards the registration to KBI. All information is received at KBI in hard copy for manual data entry.

### **DNA Sample:**

Yes. DNA is required for all offenders convicted of offenses requiring registration. If it is not obtained during incarceration, a sample is taken at the time of registration.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Address verification letters are sent out by Kansas Bureau of Investigation (KBI) which administers the SOR program. Recent legislative amendments include requirement to verify addresses of *all* registrants every 90 days.

#### **B. SOR Notification Automated:**

Yes. The SOR database is designed to automatically generate address verification letters and to allow tracking of responses and of the dispositions on actions taken.

#### **C. Penalties for Noncompliance:**

Violation of SOR regulations is a Class A nonperson misdemeanor. Providing false information in the registration process can result in charges at a Level 8 nonperson felony. Punishment is a fine and/or incarceration.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

As of 4/98, the SOR unit conducts notification to law enforcement agencies and prosecutor's offices for offender noncompliance with address change or reregistration requirements. When work on the SOR "hot file" is complete (late 1998), all Kansas criminal justice agencies will have full and direct access to the SOR data.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, affirmative notification to schools and relevant organizations is the responsibility of local law enforcement.

### **Procedures for Public Access:**

The general public has access to SOR information through an Internet website. Members of the public may also inspect registration records at a local sheriff's office or at the Kansas Bureau of Investigation. (The date of commission of specific offenses determine whether an offender's registration information is a public record. See "Mandated Registrants.") )

### **Internet Website:**

Yes. The Kansas SOR website is operated by the Kansas Bureau of Investigation (KBI)  
<[www.ink.org/public/kbi/kbisexpage.html](http://www.ink.org/public/kbi/kbisexpage.html)>

# Summary of State Sex Offender Registries: Kentucky

Responsible Agency: Kentucky State Police

## *Who is in the Registry?*

### **Covered Offenses:**

All Kentucky felony sex offenses are covered.

### **Mandated Registrants:**

Registration is mandatory for all felony sex offenders (adult and juvenile) convicted or adjudicated in Kentucky and for those moving in from out-of-State with convictions for comparable crimes from other jurisdictions.

### **Duration of Registration:**

The registration requirement is for 10 years following the offender's release to the community for those offenders classified as Low or Moderate Risk. Offenders classified as High Risk are required to register for life.

### **Offenders in Registry, 4/98:**

Approximately 800 offenders were in the registry as of 4/98.

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

Partial. The Kentucky SOR has a text database that is automated and can be searched, but Kentucky reports that the SOR technology is outdated, making changes awkward and time-consuming. As of 4/98, the SOR information was stored on an IBM mainframe, in an IMS DB/DC database with attendant COBOL programs. (FY'98 NSOR-AP funds sought to procure technologically current database server and hardware/software platform, and to perform the SOR data conversion to the new platform.)

### **Database is linked to criminal history files:**

Yes. The SOR is one of Kentucky's State level "hot files," and accessible to all criminal justice agencies that are members of the Law Information Network of Kentucky (LINK).

### **SOR transmits electronically to FBI interim system:**

Yes, but text material only. Access to Kentucky's SOR information via NLETS was implemented in the fall of 1997. In February 1998, Kentucky began submitting SOR information to the FBI interim system.

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, the SOR data was received as hard copy of the offender's registration form from Probation or Parole staff. The information is manually entered by staff of the Kentucky State Police Information Services Branch, following a simple data validation check based on a search of the Criminal History Records Information System (CHRIS).

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial capability existed as of 4/98. State Police headquarters and major urban agencies have the capability for electronic storage and transmittal of fingerprints, but this capacity does not exist throughout the State, particularly in smaller agencies. However, Kentucky is in the process of implementing a new AFIS that will incorporate livescan stations throughout the State.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, Kentucky has no automated mugshot capability. Mugshots are stored by State Police Information Services Branch, as negatives (alphabetically by name) or photos (by State Identification Number [SID]). (FY'98 NSOR-AP funds requested to develop this electronic capability.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The SOR unit receives an "authorized notification" of an offender's registration from the local probation and parole office. Receipt of this notification triggers a data validation check (performed by a search of the criminal history records) and manual entry of the information into the Sex Offender Registry.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

No, not as of 4/98. At that time, Kentucky did not require annual reregistration or address validation. However, legislation enacted during Spring, 1998 will now require notification and reregistration and those procedures were being developed at yearend 1998.

**B. SOR Notification Automated:**

Not applicable as of 4/98. The extent to which notification procedures will be automated under the new legislation is not yet determined.

**C. Penalties for Noncompliance:**

Noncompliance with registration requirements is a Class A misdemeanor, punishable by up to 12 months in jail or a fine of up to \$500, or both.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

The SOR data is directly accessible to all criminal justice agencies that are members of the Law Information Network of Kentucky (LINK) which provides access to State "hot files", NCIC, NLETS, and NOAA. While most agencies in large population centers have LINK connectivity, many small or rural agencies do not. The SOR unit disseminates information to these agencies by mail.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, there was no requirement for affirmative notification to schools or other youth-serving organizations. The new legislation, effective in mid-1998, is modeled after "Megan's Law," and requires the evaluation of all sex offenders and their classification as low, medium, or high risk. It authorizes the dissemination of information on both moderate and high risk offenders to schools and agencies such as daycare centers and others dealing with children, as well as to victim advocacy groups.

**Procedures for Public Access:**

As of 4/98, there was virtually no access to SOR information for members of the general public. However, new Kentucky legislation patterned after "Megan's Law" stipulates that the general public is to receive information on sexual offenders classified as "high risk." (Offenders with this classification meet the Federal definition of a "sexual predator.") Kentucky State Police plan an Internet website with this information. The Kentucky Department for Libraries and Archives plans to provide free Internet access at as many as possible of the 187 libraries within the State.

**Internet Website:**

No, not as of 4/98. A website is planned in response to the new legislation. Kentucky reported plans for a system with security features allowing different levels of access to information, thus permitting some use by law enforcement and criminal justice agencies, as well as providing notification to the public on high risk offenders.

# Summary of State Sex Offender Registries: Louisiana

Responsible Agency: Louisiana State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include felony sex offenses, first offense prostitution (a misdemeanor), and the following non-sex offenses if committed against a victim who is a minor: simple kidnaping, aggravated kidnaping, interfering with the custody of a child, and false imprisonment or aggravated false imprisonment of a minor.

### **Mandated Registrants:**

Registration is mandated for all persons convicted of a covered sex offense committed or attempted on or after June 18, 1992, or committed prior to June 18, 1992 if the person is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992, and all persons convicted after July 1, 1997 of a covered offense against a victim who is a minor.

### **Duration of Registration:**

10 years for sexual offenders. For offenders determined to be sexually violent predators, the registration requirement is for life. Those convicted prior to July 1, 1997 may petition the court for relief from the registration requirement.

### **Offenders in Registry, 4/98:**

3,455

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

Limited. The Louisiana SOR established an interim computer program, but with older technology and limited capabilities. (FY'98 NSOR-AP funds sought to upgrade computerized criminal history (CCH) platform to accept programming for State Sex Offender and Child Predator Registry, for related automation and electronic transfer applications, and to develop an offender modus operandi database accessible to local law enforcement.)

### **Database is linked to criminal history files:**

No, as of 4/98. (FY'98 NSOR-AP funds sought to link the Registry to the computerized criminal history file and to flag sexual offenders' files.)

### **SOR transmits electronically to FBI interim system:**

No, as of 4/98. Louisiana submits data in hard copy to the FBI interim system. (FY '98 NSOR-AP funds sought to develop electronic transmission capability.)

### **Text material for SOR database is received and entered electronically:**

No. (FY'98 NSOR-AP funds sought for programming to support receiving demographic registration information electronically from all reporting sources, specifically from the Department of Corrections through its computer system (CAJUN) and from the Louisiana Supreme Court to automate transferring sex offender case dispositions, etc.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial. Louisiana AFIS already provides livescan capability at every sheriff's office and jail booking site, at major municipal police departments, and at major probation and parole offices. As of 4/98, the capability does not exist in prisons and courts. (FY'98 NSOR-AP funds sought for prison livescan capability.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial. As noted, as of 4/98, livescan capability is available for most local law enforcement agencies and major probation and parole Offices, but not for prisons or courts.

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The Louisiana Supreme Court sends conviction data to the SOR, the Department of Corrections and prisons submit information when a qualifying offender is released, local law enforcement agencies send information when an offender registers locally, and Probation and Parole offices also submit data to SOR. All demographic information required by the registry is submitted in hard copy from the relevant agency.

**DNA Sample:**

No, as of 4/98. (Legislation has recently been passed for DNA samples to be taken from persons arrested for felony sex offenses and becomes effective September 1, 1999.)

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes.

**B. SOR Notification Automated:**

No, as of 4/98. (FY'98 NSOR-AP support sought to develop programming to automatically generate verification letters to offenders and notices to local law enforcement agencies advising them of cases of noncompliance.)

**C. Penalties for Noncompliance:**

The first violation is punishable by a fine of \$1,000 and/or 1 year imprisonment. The second and subsequent violations are punishable by up to 3 years imprisonment without parole, probation or suspension.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

As of 4/98, the Office of State Police notifies other law enforcement agencies of SOR data by mail and responds to specific queries, but local law enforcement agencies and individual officers do not have direct access to the information. (FY NSOR-AP funds sought for data processing support in order to link local law enforcement to the Registry through the existing Louisiana Law Enforcement Network, and to fund the Louisiana Supreme Court to provide the capability for the judiciary and law enforcement to query the Registry directly.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, affirmative notification of schools and organizations is at the discretion of the local law enforcement agency where the registrant resides. In addition, community notification provisions require the offender to give notice of the crime for which he was convicted, his name, and his address to the superintendent of the school district where he will reside who, in turn, informs the principal of every school with a one mile radius of the offender's address and the principals of other schools as the superintendent deems appropriate. Other

organizations serving children or vulnerable populations may receive notice directly from the offender as he fulfills the community notification requirements described below.

**Procedures for Public Access:**

Citizens may make a public records inquiry to the local law enforcement agencies or to the Registry, and Louisiana has a 1-800 phone number for information on the Registry. In addition, individual citizens may be informed directly through community notification provisions that require the offender to give notice of the crime for which he was convicted, his name, and his address to at least one person in every residence or business within a one mile radius of his residence in a rural area and a three square block area in an urban or suburban area; as well as to give notice to the school superintendent (see above); to the landlord, lessor, or owner of the residence or property where he will reside; to publish notice twice in the official journal of the governing authority of the parish where he will reside; and to give any other notice deemed appropriate by the court or the Parole Board.

**Internet Website:**

No, as of 4/98. (FY'98 NSOR-AP application requests support to create a web page for the public and to link the web page to the Registry for additions and/or updates.)



# Summary of State Sex Offender Registries: Maine

Responsible Agency: Maine State Police

## *Who is in the Registry?*

### **Covered Offenses:**

As of 4/98, Maine's law covers gross sexual assault of a victim less than 16 years of age. (A bill will be submitted to 119th Maine Legislature to bring the State into compliance with Megan's Law, the Wetterling Act, and the Pam Lychner Act, with anticipated implementation by mid-1999.)

### **Mandated Registrants:**

Persons convicted of gross sexual assault on a victim under 16 years of age and sentenced on or after June 30, 1992.

### **Duration of Registration:**

Registration is required for 15 years following the offender's release to the community on probation or post-incarceration/parole. Registered offenders may petition for a waiver of the registration requirement after 5 years. For offenders who were sentenced on or after 6/30/92 through 8/31/96, the expiration date of their 15 year registration requirement does not change if they are reincarcerated for violations of probation, release conditions, or registration provisions. Offenders sentenced on or after 9/1/96 also must register for 15 years following their release to the community, but if they are reincarcerated, the 15 year registration requirement begins anew following their new release.

### **Offenders in Registry, 4/98:**

275 (The number of offenders in the Registry is projected to rise to 5,000 by July 1999 if the proposed new legislation passes since it would greatly expand the number of covered offenses.)

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

None as of 4/98. (FY'98 NSOR-AP support sought for automating the database and making the SOR information readily available to Maine criminal justice agencies and--for high risk offenders--to the general public.)

### **Database is linked to criminal history files:**

No, as of 4/98. Planned database automation (to be done with FY'98 NSOR-AP funds--see preceding section) will link the computerized criminal history (CCH) system and the SOR files.

### **SOR transmits electronically to FBI interim system**

Yes. Maine submits data to FBI's interim system electronically, but notifies and receives change of address records via NLETS.

### **Text material for SOR database is received and entered electronically:**

No as of 4/98. (FY'98 NSOR-AP funds sought for data automation may address this issue.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial capability exists. The capability for digital transmission and storage of fingerprints exists in the State AFIS, but the AFIS is not currently linked to Maine's SOR.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, as of 4/98. (This capability is planned for the future as part of the full automation of the database proposed in FY'98 NSOR-AP application.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

As of 4/98, the offender submits his registration information in hard copy to the Bureau of State Police (Bureau) when he is released to the community or when he moves. (As of 4/98, the Maine Registry is limited to individuals convicted of Gross Sexual Assault.) The Bureau then notifies (by U.S. mail) State, County, and local law enforcement agencies, and the probation and parole office with jurisdiction over offender's residence, sending both demographic data and the DOC's risk assessment when it is provided.

### **DNA Sample:**

No, as of 4/98

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, the Maine SOR program does not require address verification. (However, legislation compliant with the Federal statutes--the Jacob Wetterling Act, the Pam Lychner Act, and Megan's Law--is expected to be submitted to the 119th Maine Legislature.)

**B. SOR Notification Automated**

Not applicable as of 4/98. It is not known to what extent the notification procedures will be automated if the proposed legislation is passed.

**C. Penalties for Noncompliance:**

For those offenders sentenced on or after 6/30/92 through 8/31/96, the crime is a class E misdemeanor, punishable by up to six months in jail and/or a fine of up to \$1,000. For those offenders sentenced on or after 9/1/96, the crime is a class D misdemeanor, punishable by up to 364 days in jail and/or a fine of up to \$2,000. For those offender sentenced on or after 6/30/92 to the present (all registered offenders), two or more prior convictions within 10 years of a third charge for noncompliance cause the third charge to be a class C felony, punishable by imprisonment for up to five years and/or a fine of up to \$5,000.)

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

As of 4/98, local law enforcement agencies are notified of SOR information by U.S. mail. (FY'98 NSOR-AP funds sought to make the proposed SOR automated database "web-enabled," to allow direct access over the existing Bureau of State Police network to State and local criminal justice agencies, including those of the Penobscot Nation and Passamaquoddy Tribe.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, affirmative notification of schools and organizations is the responsibility of the local law enforcement agency where the offender resides.

**Procedures for Public Access:**

As of 4/98, the information in Maine Registry is based on conviction data and is therefore considered a public record, available to citizens through a

request to a State or local law enforcement agency.

**Internet Website:**

No, as of 4/98. (FY'98 NSOR-AP funds sought for a "web enabled" automated database that would provide direct access to SOR information for law enforcement agencies and personnel and--separately--direct public access to information on offenders designated as predators or high risk.)

# Summary of State Sex Offender Registries: Maryland

Responsible Agency: Maryland Department of Public Safety and Correctional Services

## *Who is in the Registry?*

### **Covered Offenses:**

Sexual offenses against both children and adults are covered in the Maryland law.

### **Mandated Registrants:**

Adults convicted of sexual offenses against children on or after October 1, 1995, and adults convicted of sexual offenses against other adults on or after July 1, 1997, are required to register.

### **Duration of Registration:**

10 years

### **Offenders in Registry, 4/98:**

Approximately 200 as of 4/98. (Maryland anticipates substantial growth in the Registry due to amendments made by the General Assembly during the 1998 legislative session which will expand coverage to include out-of-State child sexual offenders who, before moving into Maryland, were required to register in another State for a sexual offense occurring before October 1, 1995; and an offender, a sexually violent offender, or a sexually violent predator who, before moving into Maryland, was required to register in another State for a sexual offense occurring before July 1, 1997. Over 400 registrants reported by 12/98.)

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

Partially automated text database. As of 4/98, the SOR is partially automated through a PC using EXCEL software to maintain the list of registrants. (FY'98 NSOR-AP support sought for full automation.)

### **Database is linked to criminal history files:**

No, as of 4/98.

### **SOR transmits electronically to FBI interim system:**

No, as of 4/98. Maryland submits hard copy records to FBI interim system. (FY'98 NSOR-AP application cites capability for electronic transmission to FBI's permanent NSOR as a key priority.)

### **Text material for SOR database is received and entered electronically:**

No, as of 4/98. (FY'98 NSOR-AP support sought for an analysis of the utility of using arrest-booking equipment to collect information for storing, validating, and registering offenders as well as electronically updating IDENT/INDEX, criminal history, and FBI system.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. Capability exists through the Maryland AFIS (MAFIS).

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes. The Central Repository has the capability in conjunction with MAFIS.

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The relevant "supervising authority" (State or local corrections agencies, the courts, Division of Parole and Probation) registers all qualifying offenders before release, and sends a copy of the registration statement (with photo and fingerprints) to the designated local law enforcement agency (DLLEA) for the offender's county of residence and to the Department of Public Safety and Correctional Services for the SOR. When the offender then registers locally with DLLEA, a copy of that registration also is sent to the SOR.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Maryland has four categories of offenders

subject to registration: **Child Sexual Offenders, (Sexual) Offenders, Sexually Violent Offenders, and Sexually Violent Predators.** The Sex Offender Registry Unit mails manually produced and processed address verification forms annually to registrants in the (Sexual) Offender and the Sexually Violent Offender categories. The DLLEA mails manually produced and processed address verification forms to registrants in the Sexually Violent Predator category every 90 days. Registered Child Sexual Offenders are required to reregister in person annually with the DLLEA.

**B. SOR Notification Automated:**

No, as of 4/98. (FY'98 NSOR-AP funds sought to automate both the notification process and verification tracking.)

**C. Penalties for Noncompliance;**

A registrant who knowingly fails to register or knowingly provides false information of a material fact is guilty of a misdemeanor and on conviction is subject to imprisonment in the penitentiary for not more than three years or a fine of not more than \$5,000 or both.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

Information is made available to State criminal justice agencies through a notation that the individual is a sex offender placed in the Identification Index (IDENT/INDEX) of the Maryland Criminal Justice Information Systems (CJIS). Change of residency notices also are mailed to the appropriate local law enforcement agencies. (FY'98 NSOR-AP funds sought to automate the process for notification of local law enforcement agencies.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

When a child sexual offender registers with a local law enforcement agency, the agency is required to notify the county school superintendent who then notifies school principals. The local law enforcement agency may also notify--as necessary to protect the public interest--community organizations, religious organizations, or any organization that relates to children or youth.

**Procedures for Public Access:**

In response to a written request (including the requester's name, address, and the reason for request), the county's designated local law enforcement agency (DLLEA) is required to provide a copy of registration statement for Child Sexual Offenders and Sexually Violent Predators and may provide information on the (sexual) offenders and/or the sexually violent offenders residing in that county. The DLLEA also notifies requesting victim(s), parents or guardians of minor victims, witnesses or others designated by the State's Attorney of a specific registered offender's presence in the county.

**Internet Website**

Yes, but *for information only.* The Maryland Department of Public Safety and Correctional Services website includes information on the sex offender registration program, procedures for requesting registrant information, and links to the legislation and other relevant programs, but *it does not include any offender-specific information.*

# Summary of State Sex Offender Registries: Massachusetts

Responsible Agency: Massachusetts Criminal History Systems Board

## *Who is in the Registry?*

### **Covered Offenses:**

As of 4/98, covered offenses include: Open, gross lewdness and lascivious behavior; indecent assault and battery on a person 14 years of age, under 14 years of age, or mentally retarded; rape; rape of child under 16 with force; rape and abuse of a child; assault with intent to commit rape (of an adult or of a child under 16); kidnaping a child under 16; unnatural, lascivious acts with a child under 16; attempts to commit any of the covered crimes. Further amendments on offenses covered have been proposed in the legislature.

### **Mandated Registrants:**

Adults convicted of a covered offense, juveniles adjudicated delinquent for a covered offense, and adults or juveniles released from custody, on probation, or on parole for a covered offense, on or after August 1, 1981, are required to register.

### **Duration of Registration:**

20 years for the first offense; lifetime for multiple offenses.

### **Offenders in Registry, 4/98:**

7,004 offenders registered as of 4/98 (of 15,000 offenders identified as qualifying for registration.) Of those registered, 1,035 have been classified for risk level as of 4/98.

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Massachusetts SOR has a fully automated text database. (FY'98 NSOR-AP funds sought to upgrade database and to make it FBI compliant.)

### **Database is linked to criminal history files:**

Yes. The SOR housed on the Criminal Justice Information System (CJIS) of the Massachusetts Criminal History Systems Board (CHSB).

### **SOR transmits electronically to FBI interim**

### **system:**

No, as of 4/98. (FY'98 NSOR-AP funds sought to develop the capability for electronic transmission to the permanent NSOR.)

### **Text material for SOR database is received and entered electronically:**

Partially. Local police departments enter a released offender's registration information directly into SOR database; the Parole Board's management and tracking system (PATS) electronically transmits limited data to the SOR once a week. Other material comes in hard copy requiring manual data entry. (FY'98 NSOR-AP support sought to automate data transfer with four agencies providing information to the SOR: the Parole Board, the Office of Probation, the Department of Correction, and the Department of Youth Services.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. No mechanism exists to enter prints into the SOR. As of 4/98, the registering police department mails the fingerprint cards and photos to the CHSB. The CHSB in turn forwards them to the State Police Identification System which enters them into the AFIS and returns the hard copy to CHSB for filing.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. Photos are handled in the same manner as, and together with, fingerprint cards. See explanation above. (FY'98 NSOR-AP funding sought to develop this capability.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The text of the offender's initial registration is submitted electronically to the SOR by the local police department where the offender registers. The local department also sends the offender's fingerprints and photo to the SOR by mail. Other information is submitted by the Department of Correction, the Parole Board, the Office of Probation, and the Department of Youth Services, primarily in hard copy as of 4/98. (FY'98 NSOR-AP funds sought to support increased automated data transfer.)

**DNA Sample:**

No.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. The Criminal History Systems Board (CHSB) mails a verification form to the offender's last reported address on each anniversary of his initial registration. The offender must sign the form and mail it to the CHSB within 5 days, and then must also appear at his local police department and verify that the registration data is accurate.

**B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

The first conviction for noncompliance is punishable by imprisonment for not more than 2-1/2 years and/or a fine of not more than \$1,000. The second and subsequent convictions are punishable by imprisonment for not less than 90 days nor more than 2-1/2 years and a fine of not more than \$5,000.

**Procedures for Public Access:**

There are three procedures by which the general public can have access to SOR data: 1) by a written request to the Criminal History Systems Board (CHSB) for information on a specific individual, (2) through Community Notification (usually reserved for high risk offenders only), and (3) through an inperson request at the local police department. For inperson requests, if the questioner is 18 years of age or older and gives a reason for the query, information can be obtained on (a) whether a specific individual is a sex offender, (b) whether any sex offenders live or work within 1 mile of a specific address, or (c) whether any sex offenders live or work on a specific street.

**Internet Website:**

No.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

The SOR information is available statewide to law enforcement and criminal justice agencies through the Criminal Justice Information Systems (CJIS), which reaches more than 600 agencies throughout the Commonwealth.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Community notification is conducted by local law enforcement agencies in accordance with guidelines from the State Sex Offender Registry Board (which also classifies offenders). In general, affirmative notification to schools or youth serving organizations may be conducted for Level II (moderate risk) offenders and must be conducted for Level III (high risk) offenders.

# Summary of State Sex Offender Registries: Michigan

Responsible Agency: Michigan State Police

## *Who is in the Registry?*

### **Covered Offenses:**

The following offenses are covered: violations of section 145a, 145b, or 145c of Michigan penal code, Act No. 328 of Public Acts of 1931, sections 750.455; 750.520 B, C, D, E, G of Michigan Compiled Laws; or a third or subsequent violation of any combination of the following: section 167 (1)(f) of Act 328, Section 335a of Act 328, or local ordinances corresponding to those sections; and other specified sections.

### **Mandated Registrants:**

Individuals convicted of covered offenses on or after October 1, 1995, and those convicted of or adjudicated delinquent for covered offenses earlier but under criminal justice or juvenile services supervision on or after October 1, 1995, and those transferred to Michigan while on probation or parole for a covered offense committed elsewhere.

### **Duration of Registration:**

25 years for the initial offense; lifetime registration if convicted of subsequent offense.

### **Offenders in Registry, 4/98:**

19,000

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Michigan SOR has a fully automated text database. It uses the Law Enforcement Information Network (LEIN) system as the computerized database for record keeping of the SOR, creating a "paperless" system. However, Michigan does not, as of 4/98, collect all data elements required by FBI (e.g., FBI number, social security number, photo). (FY'98 NSOR-AP funds sought to make the database FBI compliant.)

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, the SOR does not meet the FBI standards. Michigan expects to begin submitting electronic records to the FBI's interim system in November 1998. (FY'98 NSOR-AP funds sought to upgrade transmission capability to meet the FBI's permanent NSOR standards.)

### **Text material for SOR database is received and entered electronically:**

Yes. All police agencies in Michigan, as well as probation and parole officers assigned to the courts, have LEIN access through on-site LEIN terminals. Registration data or address changes can be directly entered into the SOR from any LEIN terminal, and all relevant records are then updated automatically.

### **SOR system has capability for electronic transmittal and storage of fingerprints:**

Partial. The capability exists at the central registry through the State AFIS, but most State police posts, local police departments, prisons, and intake and reception centers do not have livescan equipment for fingerprint submission. (FY'98 NSOR-AP funds requested to provide livescan equipment for three major Department of Corrections (DOC) reception/intake centers throughout the State because the DOC submits the initial registration on offenders coming through its system.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. Not as of 4/98. (FY'98 NSOR-AP application requests programming support to permit the SOR to electronically access the digital photo database for driver's licenses and State identification cards, and attach the offender's photo to the SOR record.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Initial registration information is submitted through the Law Enforcement Information Network (LEIN) by the probation officer attached to the court (or the juvenile division of probate court) who registers the offender following conviction but prior to sentencing. Additional information comes from the Department of Corrections (DOC) and local law enforcement agencies via LEIN.

### **DNA Sample:**

No. But registration data includes information on whether a DNA profile of the offender is available.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, no address validation or reregistration is required. However, amendments to legislation being drafted in spring 1998 would require all felony sex offenders (98% of SOR) to verify their addresses every two months by reporting in person to their local police agency. Those convicted of misdemeanor sex offenses would verify addresses yearly, also in person.

#### **B. SOR Notification Automated:**

Not applicable.

#### **C. Penalties for Noncompliance:**

Noncompliance is a felony offense, punishable by imprisonment for not more than 4 years and/or a fine of not more than \$2,000.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

SOR data is accessible through the Law Enforcement Information Network (LEIN) which is available to criminal justice agencies statewide. The Central Registry can notify specific agencies through LEIN, and, through LEIN, a patrol officer initiating a query receives automatic warning that subject may be a registered sex offender. The central SOR also provides all local agencies with listings by zip code of registered offenders in their jurisdictions.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

No affirmative notification is made to organizations as of 4/98, but affirmative notification to schools and other youth serving organizations is expected to be addressed in amendments in process in the Michigan legislature during spring 1998.

### **Procedures for Public Access:**

As of 4/98, listings by zip code of the registered offenders within a jurisdiction are available for inspection by the general public during normal business hours at State police posts, local law enforcement agencies, and sheriff's departments. Agencies may make the listing available through computerized, electronic, or other means. Amendments in-process in the legislature during spring 1998 will increase public access.

### **Internet Website**

No. Not as of 4/98. (FY'98 NSOR-AP funds sought to mount SOR on Michigan State Police website)



# Summary of State Sex Offender Registries: Minnesota

Responsible Agency: Minnesota Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are first degree murder involving criminal sexual conduct; kidnaping involving a minor; first through fourth degree criminal sexual conduct; selected predatory crime under Patterned Sex Offender Statute; falsely imprisoning or soliciting a minor; soliciting a minor to engage in prostitution or in sexual conduct; indecent exposure, felony violations of CSC 5th degree; and comparable offenses elsewhere.

### **Mandated Registrants:**

Anyone who was charged with, or petitioned for, a felony violation of any of the covered crimes or an attempt to commit a covered crime, and who was then convicted of, or adjudicated delinquent for, that offense or another offense arising out of the same circumstances is required to register. Also, persons committed as Sexual Psychopath or Sexual Dangerous Persons are mandated to register whether or not they have been convicted of a crime.

### **Duration of Registration:**

10 years from the time the individual initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For registrants committed under section 253B.185, the 10-year period does not include the period of commitment.

### **Offenders in Registry, 4/98:**

7,300

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Minnesota SOR has an automated text database, but as of 4/98, it is housed on an "older mainframe." (FY'98 NSOR-AP funds sought to incorporate the SOR into a new computer program (SHOTS) that will handle the tracking and registration of sex offenders, sex crimes and sex-related homicides in Minnesota.)

### **Database is linked to criminal history files:**

No. The criminal history records of registered sexual offenders are flagged through a manual download. The process is not automated and there is no link between the systems.

### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, Minnesota contributes to the FBI's interim system on diskette, mailed to FBI. (FY'98 NSOR-AP funds sought to develop electronic transmission capability.)

### **Text material for SOR database is received and entered electronically:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to provide SHOTS computer access to the Department of Corrections (DOC) Sex Offender Services which will permit automated transfer and entry of registration forms from DOC correctional facilities to the SOR.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, as of 4/98. SHOTS Phase I and II will begin this effort. (FY'98 NSOR-AP funds sought to complete the photo imaging interface with SHOTS system.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The court informs the offender of his duty to register at sentencing, and sends the original and a copy of the signed Notification of Duty to Register form to the Bureau of Criminal Apprehension (BCA) of the Department of Public Safety (DPS). The supervising corrections agent conducts the registration itself and sends BCA the original and a copy of the Registration form. Offenders no longer under supervision or moving to Minnesota from out-of-State register with the local law enforcement agency where they live which sends the registration data to BCA. All forms are in hard copy for manual data entry at the SOR.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. Bureau of Criminal Apprehension (BCA) mails an annual address verification letter to each registrant. The letter includes a response form and pre-addressed postage-paid envelope for the offender's response.

**SOR Notification Automated:**

Yes. Verification letters are computer generated on the anniversary date of the offender's registration. The SOR staff handles the actual mailing (folding and stuffing envelopes) manually.

**Penalties for Noncompliance:**

Initial violation is a gross misdemeanor punishable by up to one year in jail and/or a fine of up to \$3,000. Subsequent violations are a felony. An offender who fails to provide change of address information may also be subject to an additional five year registration period.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

Offenders are registered through community corrections probation officers in Minnesota's 87 counties or through Department of Corrections (DOC) staff when the offender serves a prison term. All registering officials send the forms to the Bureau of Criminal Apprehension (BCA) of DPS which manages the SOR. The BCA notifies a local law enforcement agency when an offender is moving to their jurisdiction and asks that they verify the offender's address. DOC sends results of pre-release risk assessment to BCA and to the local law enforcement agency. (FY'98 NSOR-AP funds sought to provide access to SOR data for officers inquiring into "hot" files.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Any notification is conducted by local law enforcement agency based on offender's risk level. (Offender's risk level--on offenders being released from prison only--is assessed prior to release by expert panel convened by DOC. Assessments are not conducted for offenders who are put on probation, juvenile offenders, or other offenders with non-

prison sentences.) Affirmative notification to schools, youth-serving organizations, etc., is normally done for Level II (moderate risk) or Level III (high risk) offenders.

**Procedures for Public Access:**

The Minnesota POST developed a model policy on community notification procedures. All law enforcement agencies in the State are required to have a formal policy on community notification. In general, for Level 1 (low risk) offenders, information shared only with law enforcement, victims and witnesses. For Level 2 (moderate risk) offenders, schools, daycare centers, or other organizations are notified. For Level 3 (high risk) offenders, thorough community notification, including community meetings, is conducted. The DOC provides an offender fact-sheet with photo.

**Internet Website:**

Yes, *but not with information on offenders.* Minnesota Department of Public Safety website has the legislation, forms, and information on the Registry program, but does not mount information on individual offenders. See "Investigations" for SOR information at <<http://dps.state.mn.us/bca/bca.html>>

# Summary of State Sex Offender Registries: Mississippi

Responsible Agency: Mississippi Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

The covered offenses are rape, sexual battery, assault with intent to ravish, sexual offenses against or exploitation of children, kidnaping of a minor, unnatural intercourse, and dissemination of sexually oriented material to children.

### **Mandated Registrants:**

Registration is mandatory for any person residing in Mississippi who has been twice adjudicated delinquent for any sex offense or attempted sex offense, or who has been convicted of any sex offense or attempted sex offense, or who has been acquitted by reason of insanity of any sex offense or attempted sex offense. The law became effective in 1995, but applies retroactively. Registration is required for all those convicted of a covered offense independent of the date of the conviction.

### **Duration of Registration:**

Lifetime. An offender may petition the court to be relieved of the duty to register. The court may grant such petition only after receiving a report from the Sex Offender Advisory Board and finding (1) that the offender is not a sexual predator, (2) that future registration would not serve purpose of the law, and (3) that if the offender was an adult at the time of the offense (or a juvenile tried as an adult), that the person has been offense-free for 15 years following release from confinement or after conviction whichever is later.

### **Offenders in Registry, 4/98:**

1,063

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

None as of 4/98. As of 4/98, the SOR database is not automated, and the SOR is housed in the Criminal Investigation Bureau (CIB) of the Department of Public Safety. (FY'98 NSOR-AP funds sought to modify existing criminal history software in order to incorporate the SOR and to move the SOR from the CIB to the Crime Information Center of the Department of Public Safety.)

### **Database is linked to criminal history files:**

No, as of 4/98. (Linking the two systems is planned with FY '98 NSOR-AP funds.)

### **SOR transmits electronically to FBI interim system:**

No, as of 4/98. (FY'98 NSOR-AP funds sought to support meeting all transmission requirements for the permanent NSOR.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all information is received in hard copy and entered manually.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not as of 4/98. As of 4/98, the SOR fingerprints are maintained on cards. The capability for electronic transmission and storage of fingerprints exists at Department of Public Safety through AFIS. (During the next year, after the SOR has been moved to the Crime Information Center and onto the criminal history software, it will be linked to AFIS.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. (The development of this capability is planned for 1999.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The SOR unit receives information from the courts at sentencing, and from the Department of Corrections (DOC) when the offender is released. The offender also must register with the Mississippi Department of Public Safety (DPS). DPS provides a copy of the offender's registration to the local law enforcement agency where the offender will reside, and receives from them a copy of the offender's local registration forms. As of 4/98, information is transmitted in hard copy for manual data entry.

### **DNA Sample:**

Yes. DNA testing is part of the SOR program, but materials are maintained by the Mississippi Crime Laboratory.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. As of 4/98, *all* registrants in the Mississippi SOR must reregister every 90 days. The law requires the DPS to mail a nonforwardable verification form to the last reported address of each offender every 90 days. The offender must mail the completed verification form back to DPS within 10 days of receiving it.

**B. SOR Notification Automated:**

Yes, as of 4/98.

**C. Penalties for Noncompliance:**

If the underlying offense was a felony, a violation for noncompliance is punishable by a fine of not less than \$1,500 or more than \$5,000 and/or imprisonment in State Penitentiary for not less than 1 year nor more than 5 years. If the underlying offense was a misdemeanor, a violation is punishable by a fine of \$100 to \$1,000 and/or a jail term of 30 days to 1 year.

**Internet Website**

No.

***Dissemination of Sex Offender Registry Information, April 1998*****To Law Enforcement and Criminal Justice Agencies:**

As of 4/98, all SOR information is open to law enforcement agencies, and is made available by mail, fax, or phone, but not through electronic means.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, there is no affirmative notification required to schools or youth serving organizations concerning the release or residence of a convicted sexual offender. Law enforcement agencies are authorized, however, to release information necessary for public protection.

**Procedures for Public Access:**

Members of the general public can request access to State registry information or to the information maintained by the sheriff's department at the local level. Law enforcement agencies are authorized to release SOR information when the release is necessary for public protection, and the law directs both local sheriffs and the DPS to "make available to any person upon request the name, address, place of employment, crime for which convicted, and date of conviction for any registrant."

# Summary of State Sex Offender Registries: Missouri

Responsible Agency: Missouri State Highway Patrol

## *Who is in the Registry?*

### **Covered Offenses:**

The covered offenses are felonies and misdemeanors in violation of Chapter 566 (sex offenses) of the Missouri State Code or in violation of comparable offenses if committed in another State or jurisdiction of USA.

### **Mandated Registrants:**

Registration is mandatory for individuals who were convicted of, or received suspended imposition of sentences for, the covered felonies and misdemeanors on or after July 1, 1979.

### **Duration of Registration:**

Not specified.

### **Offenders in Registry, 4/98:**

2,800

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

As of 4/98, the text database of the SOR is automated, and the SOR data is available to criminal justice agencies statewide through the Missouri Uniform Law Enforcement System (MULES) telecommunications network, but all data entry is manual. (FY'98 funds sought to rewrite SOR to include all fields required for FBI permanent NSOR.)

### **Database is linked to criminal history files:**

No. The SOR data can be linked to the criminal history files by the offender's State Identification Number (SID), but the databases are not linked electronically.

### **SOR transmits electronically to FBI interim system:**

No, as of 4/98. (FY'98 NSOR-AP funds sought to develop the capability to meet all NCIC 2000 and permanent NSOR transmission requirements.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, no State or local agency can submit text information for the SOR electronically. The offender registers with Chief Law Enforcement Officer (CLEO) in the jurisdiction where he will live. The CLEO sends the registration card (a special fingerprint card) to the Missouri State Highway Patrol where text data is entered manually into the SOR. (FY'98 NSOR-AP funds sought for livescan and authentication systems and for fingerprint cradles to allow a registrant to complete automated forms and verify his identity through fingerprint.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not as of 4/98, but the integration of the AFIS and the Criminal History Record System (now underway) will provide this capability. The Department of Corrections (DOC) will have livescan to be able to submit fingerprints electronically. (FY'98 NSOR-AP funds sought to increase system storage capacity for prints and mugshots and to purchase a fingerprint-image database to interface with the AFIS, the SOR, the Criminal History Records System, and the Internet.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98, but the integration of the AFIS and the Criminal History Records System (underway) will provide the capability. The DOC will have livescan to submit mugshots electronically

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The courts, the Department of Corrections (DOC), and Mental Health Services all send hard copies of the "Notification of Duty to Register" forms signed by the offender to the SOR. Local law enforcement agencies also send offender registration cards (special fingerprint cards) and change of address notices to the SOR in hard copy for manual entry.

### **DNA Sample:**

No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, Missouri does not require address validation or reregistration.

**SOR Notification Automated:**

Not applicable as of 4/98.

**Penalties for Noncompliance:**

Violation of SOR registration requirements is a Class A misdemeanor.

***Dissemination of Sex Offender  
Registry Information, April 1998***

**To Law Enforcement and Criminal Justice  
Agencies:**

The SOR offender list is available through the Missouri Uniform Law Enforcement System (MULES) which also contains the "hot files" for the State and has a direct connection to the Criminal History Records System. All criminal justice agencies in the State have access to the SOR lists through MULES telecommunication network.

**To Organizations Serving Children, Elderly, and  
the Mentally Ill:**

Affirmative notification of schools or other youth serving organizations is a local law enforcement responsibility.

**Procedures for Public Access:**

Upon request, a local law enforcement agency will provide a complete list of the sexual offenders registered within that agency's jurisdiction to any member of the public.

**Internet Website:**

No. As of 4/98, Missouri does not have any SOR registrants listed on a State website. However, the FY'98 NSOR-AP application states Missouri's interest in both an Internet site and using local touch-screen Kiosks to automate offender self-registration.

# Summary of State Sex Offender Registries: Montana

Responsible Agency: Montana Department of Justice

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include both sexual and violent offenses covered in Montana law. The sexual offenses are: violation or attempt, solicitation, or conspiracy to commit violation of 45-5-502(3), 45-5-503, 45-5-504(2)(c), 45-5-507 or 45-5-625 (or equivalent statute of another State or Federal government). The violent offenses are: violation of, or attempt, solicitation or conspiracy to commit violation of 45-5-102, 45-5-103, 45-5-202, 45-5-206 (third or subsequent offense), 45-5-301 (by other than parent, victim less than 16), 45-5-302, 45-5-303, 45-5-401, 45-5-603 (1)(b), and 45-6-103.

### **Mandated Registrants:**

All sexual offenders who were sentenced, in custody, or under the supervision of the Department of Corrections on or after July 1, 1989, and all violent offenders who were sentenced, in custody, or under the supervision of the Department of Corrections on or after October 1, 1995, are required to register.

### **Duration of Registration:**

Sexual offenders are required to register for life. Violent offenders must register for 10 years. Offenders in either category may petition the court for relief from the requirement after 10 years with no offenses.

### **Offenders in Registry, 4/98:**

1,739

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

As of 4/98, the Montana SOR is maintained in a temporary, stand-alone database. The SOR has an automated text database, but no links to other files or electronic systems. (FY'98 NSOR funds sought to enhance and upgrade the SOR as part of a major redesign of the State's criminal history records and networks.)

### **Database is linked to criminal history files:**

No, as of 4/98. (FY'98 NSOR-AP funds sought to integrate the SOR with the Criminal History Record System (CHRS) as part of an upgrading and enhancement effort.)

### **SOR transmits electronically to FBI interim system:**

No, as of 4/98. (FY'98 NSOR-AP funds sought to develop a system that will automatically notify the FBI NSOR when a new registration or change-of-address is entered in the Montana SOR.)

### **Text material for SOR database is received and entered electronically:**

No, as of 4/98. (FY'98 NSOR-AP funds sought to develop this capability. The System Requirements in the design for the new SOR mandate the "capability to accept paper and electronic" information from other agencies.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes, using Montana AFIS.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, as of 4/98. (FY'98 NSOR-AP funds sought to develop capability to accept and index images [i.e. mugshots] and related information.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

As of 4/98, the initial registration information comes to the SOR in hard copy from Probation and Parole (if the offender received a probation sentence), from the Department of Corrections as part of offender's pre-release process (if he was confined), or from the relevant local law enforcement agency for offenders moving into Montana from out-of-State. The planned redesign of SOR, together with the upgrades planned for the criminal history records (CHRS) and the State telecommunications network (CJIN) will automate most of the registration process when completed. (FY'98 NSOR-AP funds sought for portions of this work.)

**DNA Sample:**

Yes. DNA sample is a requirement of the program, and the registration form asks if the DNA analysis is available.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. The notification to registrants of the need to verify their current addresses is conducted by Department of Justice, which manages the SOR. The Department of Justice then notifies local law enforcement agencies of address changes as appropriate.

**B. SOR Notification Automated:**

No, not as of 4/98. (FY '98 NSOR-AP funds sought for partial support for a new system that will automatically generate notification letters, track compliance, generate relevant reports and notify local law enforcement agencies of both change of addresses and of any non-respondents.)

**C. Penalties for Noncompliance:**

Noncompliance with SOR requirements is a felony, punishable by up to five years in prison and/or a fine of up to \$10,000.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

All names on the Montana Sex Offender Registry are public criminal justice information. Affirmative organizational and community notification is a local law enforcement responsibility. For Level 2 (moderate risk) offenders, law enforcement agencies may notify the public, the victim, and "any agency, organization, or group servicing persons who have characteristics similar to those of a previous victim." For Level 3 (high risk) offenders, the notification is mandatory.

**Procedures for Public Access:**

Community notification is conducted by local law enforcement agencies. It is discretionary for Level 2 offenders and mandatory for Level 3 offenders. The State Department of Justice (DOJ) is currently developing policies for public access to SOR data in conjunction with new policies for public access to criminal history records.

**Internet Website:**

No, as of 4/98. However, a website is one option under consideration in the review of appropriate public access mechanisms to both SOR and criminal history records.

***Dissemination of Sex Offender Registry Information, April 1998*****To Law Enforcement and Criminal Justice Agencies:**

The agency taking the offender's initial registration sends the information to the State Department of Justice (DOJ) and to the local law enforcement agency for the jurisdiction where the offender resides. The DOJ notifies the local law enforcement agency of any subsequent address changes. *Criminal justice agencies have no direct access to SOR as of 4/98.* The new SOR system will be available statewide through the enhanced Criminal Justice Information Network (CJIN).



# Summary of State Sex Offender Registries: Nebraska

Responsible Agency: Nebraska State Patrol

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are kidnaping of a minor, false imprisonment of a minor, sexual assault in the 1st, 2nd, or 3rd degree, sexual assault of a child, sexual assault of a vulnerable adult, incest of a minor, pandering of a minor, child pornography, or an attempt to commit or conspiracy to commit any of the listed offenses.

### **Mandated Registrants:**

Any person convicted of a covered crime on or after effective date of the 1997 legislation and any person serving a parole, probation, or a corrections jail sentence for a covered crime on or after January 1, 1997, is required to register.

### **Duration of Registration:**

10 years from the date of registration, or from the date the offender is released from confinement, or from the date the offender is discharged from probation or parole, whichever is later. Offenders may petition the court for relief from the requirement to register. Sexually violent offenders (determined by the court with a recommendation from an evaluation board) must register until the sentencing court determines that registration is no longer necessary.

### **Offenders in Registry, 4/98:**

As of 4/98, approximately 450. (By 11/98, the figure grew to 640.)

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Nebraska SOR has an automated text database on a stand-alone personal computer, with no direct access for other law enforcement agencies or officers outside the immediate unit. (FY'98 NSOR-AP funds sought to upgrade the SOR database, to house it on a State Patrol mini-computer, and to link a "replicated" database to the Nebraska Law Enforcement Technology System (NBLETS) for State law enforcement use and for transmission of data to the FBI.)

### **Database is linked to criminal history files:**

No. The two databases are not directly linked as of 4/98. As of the spring of 1998, BJS NCHIP funds are being used to flag the criminal history records when the State Patrol is notified of a sexual offender's conviction.

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. Nebraska contributes hard copy records to the FBI interim system. (FY'98 NSOR-AP funds sought to generate a replicated or shadow database [when the SOR database is upgraded, see section 1] and to link it to the NBLETS switcher for communication with State law enforcement agencies and the FBI NSOR.)

### **Text material for SOR database is received and entered electronically:**

No. All material is received in hard copy through the U.S. mails, and entered manually.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial. The capability exists at the State Patrol headquarters unit through the Nebraska AFIS, but not in the field throughout the State.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial. A scanner and PC program for sex offender photo files have been obtained. No electronic transmittal has been attempted, but capabilities exist. (FY'98 NSOR-AP funds sought for equipment to establish digital photo repository.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

Local sheriff's departments, working with their county and district court systems, conduct registrations of convicted offenders and then mail the registration data, fingerprints, and photos to the State Registry. The Department of Corrections (DOC) and Probation and Parole Services are involved in monitoring the offenders in the community.

**DNA Sample:**

Yes. A DNA sample is taken from all persons convicted of felony crimes in Nebraska, but the DNA sampling is not related to, not mandated by the Sex Offender Registry Program.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. An annual address verification is completed by the Nebraska State Patrol for each registrant, and quarterly address verifications are completed on sexually violent offenders. Reregistration is required if the offender moves to a new county. As of 4/98, notification letters informing registrants of their duty to verify their addresses are distributed in person by the county and district court personnel, State corrections officials, and Department of Motor Vehicles staff.

**B. SOR Notification Automated:**

No, not as of 4/98.

**C. Penalties for Noncompliance:**

Registrants who violate the Nebraska Act are guilty of a Class IV felony, punishable by up to 5 years imprisonment, a \$10,000 fine or both, if the crime requiring registration was a felony. If the underlying crime was a misdemeanor, the violation is a misdemeanor, punishable by up to one year imprisonment, a \$1,000 fine, or both. Violation of SOR rules and regulations is an infraction, punishable by a fine of \$100 for the first offense and up to \$500 for subsequent offenses.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

As of 4/98, Nebraska law enforcement agencies, including those of Indian Tribes, have no direct on-line access to SOR data. They must make a specific request any information desired from the SOR unit. (FY'98 NSOR-AP funds sought to provide direct online access for law enforcement personnel through a "shadow" database linked to Nebraska Law Enforcement Telecommunications System [NBLETS].)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, SOR information is provided to law enforcement agencies only. Legislation passed in late spring of 1998 directs the Nebraska State Patrol to

adopt regulations for three levels of notification to organizations and the general public, based on a formal risk assessment of the sexual offender's likelihood of becoming a repeat offender.

**Procedures for Public Access:**

As of 4/98, SOR information is provided to law enforcement agencies only. Legislation passed in late spring 1998 directs Nebraska State Patrol to adopt procedures for community notification, based on offender's risk assessment. (See preceding section.) As of 4/98, the notification method(s) have not yet been determined, but face to face meetings, media releases, phone notification and contracting with private sector are all under discussion.

**Internet Website:**

No.

**Summary of State Sex Offender Registries: Nevada**  
**Responsible Agency: Nevada Department of Motor Vehicles and Public Safety**  
**Nevada Highway Patrol Division and Nevada Parole and Probation Division**

***Who is in the Registry?***

**Covered Offenses:**

Two categories of offenses are covered: sexual offenses and crimes against a child where the victim is less than 18. Covered sexual offenses are murder in perpetration of sexual abuse of child, sexual assault, statutory sexual seduction, battery to commit sexual assault, sexual abuse or exploitation of child, pornography involving minor, incest, solicitation of a minor for indecent acts, gross lewdness, indecent or obscene exposure, sexual penetration of a dead human body, and attempts to commit any of the covered offenses. Covered crimes against a child (where the victim is less than 18) are kidnaping or false imprisonment, pandering or prostitution, or attempts to commit these crimes.

**Mandated Registrants:**

All offenders convicted of a covered offense on or after July 1, 1956 are required to register. Those convicted of a covered sexual offense and released to the community or paroled after October 1, 1995, also are subject to a formal risk assessment.

**Duration of Registration:**

Registration is required for as long as the offender resides in or is present within the State. After 15 consecutive years as a registrant with no additional offenses, a registered sexual offender may petition the court to terminate his duty to register. If turned down, he must wait five years before reapplying. However, registrants convicted of sexually violent offenses or declared sexually violent predators may not apply for relief from the registration requirement.

**Offenders in Registry, 4/98:**

1,500 offenders are in the Registry. Approximately 5,000 qualifying offenders are estimated to be living in Nevada.

***Automation of Sex Offender Registries, April 1998***

**Extent of database automation:**

None. As of 4/98, there is no automation and no database as such as part of the Nevada SOR. Hard copy of the offenders' registration forms, photos, and

fingerprints are maintained in folders kept in filing cabinets, and filed by the offender's primary name. (FY'98 NSOR-AP funds sought to develop an automated SOR as part of the redesign of Nevada's Criminal Justice Information System (NCJIS)).

**Database is linked to criminal history files:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to automate the SOR will make it part of the Nevada criminal history system.)

**SOR transmits electronically to FBI interim system:**

No, not as of 4/98. (However, the planned automated system will be able to do so through the redesigned NCJIS.)

**Text material for SOR database is received and entered electronically:**

No. As of 4/98, all SOR information is hard copy, maintained in folders in filing cabinets.

**SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial. While not part of the current SOR, the capability exists through the State's AFIS.

**SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought for TRAK-RSO software for both the Central Registry and local law enforcement agencies in order to provide both imaging and electronic communication and dissemination capabilities.)

***Operation of Sex Offender Registries, April 1998***

**Source for Initial Information on Offender:**

Staff of the Parole and Probation Division of the Nevada Department of Motor Vehicles and Public Safety interview the offenders, fill out the registration forms, take fingerprints and Polaroid photos and then mail the information to Criminal Records Repository, which is also in the Department of Motor Vehicles and Public Safety. Following a fingerprint search to confirm the offender's identity and the existence of a current Nevada or NCIC III record, the hard copy folder containing all of the

registration material is filed by the offender's name. The SOR unit is responsible for notifying the local law enforcement agency where the offender will reside

**DNA Sample:**

Yes, a DNA sample is taken for offenders under criminal justice supervision or in prison.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Effective January 1, 1998, notices informing the registrant of address validation requirements are sent out annually to registered sexual offenders and every 90 days to high risk offenders by the State SOR unit.

**B. SOR Notification Automated:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought for partial support of the redesign of Nevada Criminal Justice Information System [NCJIS] would automate this process.).

**C. Penalties for Noncompliance:**

Noncompliance is a Class D felony punishable by one to four years imprisonment and/or a fine of not more than \$5,000.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

When central registry receives a registration notice, it notifies the local law enforcement agency where the offender will reside. When the central registry receives a notice of change of address, it notifies the local law enforcement agencies at both the new location and the jurisdiction the registrant is leaving. As of 4/98, the SOR dissemination to local agencies is by mail or fax only. (FY'98 NSOR-AP funds sought for TRAK-RSO in order to provide an automated, searchable registry and electronic communication capability with--and between--local agencies also having TRAK software.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The local law enforcement agency where the registrant resides conducts the notification of schools and of religious and youth organizations likely to encounter the offender for both Tier 2 (moderate risk) and Tier 3 (high risk) offenders. All community notification proceeds under guidelines developed by

the State Attorney General with input from a State Advisory Council.

**Procedures for Public Access:**

Citizens may submit by-name queries about individuals to the Central SOR. For Tier 3 (high risk) offenders, the law enforcement agency where the offender resides notifies not only other law enforcement agencies, schools, and youth organizations, but also the general public "through means designed to reach members of the public likely to encounter the sex offender." Additional provisions apply for those who committed sexual offenses against minors.

**Internet Website:**

No, not as of 4/98. (FY'98 NSOR-AP application describes planned website using TRAK imaging capability to facilitate public access to SOR.)

# Summary of State Sex Offender Registries: New Hampshire

Responsible Agency: New Hampshire State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include violations or attempted violations of specified sexual offenses (RSA 632-A:2, 632-A:3, 632-A:4, or 645:1,II), violations or attempted violations of any of the following listed offenses where victim was under the age of 18 (RSA 633:1, 633:2, 633:3, or 645:2,I or RSA 169-B:41,II, 639:3, III, 649-A:3,I; 649-A:3,III or 650:2,I), or reasonably equivalent offenses in laws of another State or the Federal government.

### **Mandated Registrants:**

Registration is mandatory for any sex offender, independent of the date of conviction, who is released into the community on or after July 16, 1993, or who has been released earlier, but has not completed his sentence before July 16, 1993, or who has completed his sentence not more than six years before January 1, 1994. Registration is also mandatory for any offender convicted of a covered crime against a child, independent of the date of conviction, who is released into the community on or after August 9, 1996, or who has been released, but has not completed his sentence before August 9, 1996.

### **Duration of Registration:**

Lifetime registration is required for offenders committing violent sexual offenses or violent offenses against children (offenses are specified within the legislation). There is a 10 year registration requirement for other covered sexual offenses or other covered offenses against children.

### **Offenders in Registry, 4/98:**

1,500

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The New Hampshire SOR has an automated text database on a local network server. It is accessible *only* to authorized State Police personnel on that specific LAN. (FY'98 NSOR-AP funds sought to

develop an upgraded SOR database on the State Police mainframe that houses New Hampshire criminal history files.)

### **Database is linked to criminal history files:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to develop a "flagging or pointer" system when the SOR is transferred to the mainframe housing the computerized criminal history (CCH) files.)

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to move the database to the State Police mainframe with the capability for electronic transmission to FBI.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all data entry is manual

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partially, as of 4/98. The capability for digital storage and transmission of fingerprints to the FBI exists through the Tri-State AFIS of which New Hampshire is a part. (New Hampshire's FY'98 plans to upgrade its criminal history files--using NCHIP and Byrne funds rather than NSOR-AP dollars--also call for deploying livescan fingerprint units throughout State to capture both prints and mugshots at time of arrest.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partially, as of 4/98. (See preceding section on storage and transmittal of fingerprints)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The official releasing the offender to the community informs him of his duty to register, and transmits the offender's signed acknowledgment, together with information on the offender and the offense, to the State Police SOR unit for entry into the Law Enforcement Name Search (LENS) System. The offender also must register with the local law enforcement agency where he resides. A copy of that

registration is sent to the SOR unit as is any subsequent change of address notice. All forms are submitted to the SOR in hard copy.

**DNA Sample:**  
No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Nonforwardable notification letters are sent out annually to registered sexual offenders, and quarterly for those sexual offenders released after "extended terms of imprisonment."

**B. SOR Notification Automated:**

No, not as of 4/98.

**C. Penalties for Noncompliance:**

Noncompliance is a misdemeanor punishable by a fine or not more than \$1,000 and/or a jail sentence of not more than one year.

bring the statute into compliance with Megan's Law, Jacob Wetterling Act, and Pam Lychner Act amendments.

**Internet Website:**  
No.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

As of 4/98, the State SOR notifies local law enforcement agencies when an offender has indicated he plans to move into their jurisdiction or when an offender is in noncompliant status.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, New Hampshire law permits a local law enforcement agency to notify community organizations where an offender plans to reside only if the offender has been convicted of aggravated sexual assault against a child under the age of 13. Organizations that may be notified include schools, day care centers, youth groups, summer camps, libraries, and similar youth serving groups. The New Hampshire legislature is, as of spring 1998, considering modifications to its statute to bring it into compliance with the Jacob Wetterling Act, the Pam Lychner Act, and Megan's Law.

**Procedures for Public Access:**

As of 4/98, access to SOR data is limited by statute to law enforcement officials and their authorized designees, with the limited organizational notification noted in preceding section. As noted, the New Hampshire legislature is considering modifications to

# Summary of State Sex Offender Registries: New Jersey

Responsible Agency: New Jersey State Police

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include aggravated sexual assault, sexual assault, aggravated criminal sexual contact, endangering the welfare of a child by engaging in sexual contact that would harm child's morals, luring or enticing, and, (if victim is a minor and offender not a parent), kidnaping, criminal restraint, and false imprisonment.

### **Mandated Registrants:**

Sex offenders released from custody since the effective date of the legislation, 10/31/94, as well as offenders who were on parole or probation on the effective date of the law are required to register. Offenders found to be repetitive and compulsive by experts and by the courts, must register regardless of the date of sentence.

### **Duration of Registration:**

The registration requirement can range from 15 years to life. A registered offender may apply to the State Superior Court to terminate his duty to register after 15 offense-free years following release to the community.

### **Offenders in Registry, 4/98:**

5,151

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

A fully automated text database is in place on a mainframe operated by State Bureau of Identification (SBI), New Jersey State Police. The automated database can be searched by any field.

### **Database is linked to criminal history files:**

Yes. SOR database is completely separate from CCH files. When a sex offender is entered into the SOR, the CCH record will state "Registered Sex Offender." (In 1999, the electronic mugshot files, maintained in the central repository, will be linked to the SOR in the same manner as CCH records.)

### **SOR transmits electronically to FBI interim system:**

Yes. The New Jersey SOR can electronically transmit text data, as of 4/98. (FY'98 NSOR-AP funds sought for NCIC workstations to enable NSOR and other transmissions to NCIC 2000.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all data entry is manual. (FY'98 NSOR-AP funds sought for programming changes to permit automation of some data now entered manually.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partially. As of 4/98, New Jersey is in the process of implementing a Fully Integrated Fingerprint Identification System (FIFIS) in conjunction with its AFIS. (FY'98 NSOR-AP funds sought to automate the fingerprint procedures from both Department of Corrections (DOC) and juvenile justice (JJ) facilities and link them to the SOR, and also for fingerprint card scanner workstations to scan traditionally inked sex offender print cards into FIFIS, so they can be electronically transmitted to the FBI.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to develop an electronic mugshot file for the storage and retrieval of photos of registered sex offenders, that can be used for law enforcement searches, electronic lineups, and similar purposes, as well as for transmission to the FBI. FY'98 NSOR-AP funds also sought to provide a digital mugshot capability, with links to the State Police SOR, for both DOC and JJ facilities.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

Department of Corrections (DOC) staff provide the initial information on adult sex offenders--manually compiling the registration data, fingerprint cards, photos, and any other material, and submitting it all to the respective county prosecutor's office. In New Jersey, the county prosecutors serve as conduits for

all SOR information, and they submit the DOC forms to State Police for the SOR. The Juvenile Justice Commission (JJC) follows similar procedures for juvenile sex offenders. (FY'98 NSOR-AP funds sought to automate aspects of DOC and JJC registration.)

**DNA Sample:**

Yes. DNA samples are maintained at the State Crime Laboratory.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Registrants must verify their addresses annually. Those classified as repetitive and compulsive must verify their addresses every 90 days. The New Jersey State Police report that address confirmation and reregistration is the responsibility of the county prosecutor for each county.

**B. SOR Notification Automated:**

No. As of 4/98, there is no automated notification. It is handled manually in each county prosecutor's office.

**C. Penalties for Noncompliance:**

A person who fails to register as required is guilty of a crime of the fourth degree and may be sentenced to imprisonment not to exceed 18 months and a maximum fine of \$7,500.

***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

Sex offender registry information is maintained by the State Police State Bureau of Identification (SBI), and is available to all criminal justice agencies that have access to the New Jersey Criminal Justice Information System (CJIS) and/or the FBI Interstate Identification Index (III) System. Registered offenders' files in the Master Name Index (MNI) are flagged, and an officer making a query can move from the MNI to the SOR files.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Since October 1994, notification concerning offenders assessed as low risk has been given only to victim(s) and law enforcement agencies likely to encounter that offender. For offenders assessed as moderate risk, schools and religious and youth-serving organizations also are notified. For offenders determined to be high risk, community notification (next section) is required. (See following section on Risk Assessment procedures.)

**Procedures for Public Access:**

Since October 1994, community notification has been conducted but only for Level 3 (high risk) sexual offenders. Risk levels are determined through use of the Registrant Risk Assessment Scale, developed by mental health and legal experts, and supplemented by a detailed manual explaining criteria and weighting and giving examples. For offenders assessed as high risk, the local law enforcement agency conducts community notification, tailoring it to those members or the public likely to encounter offender.

**Internet Website:**

No.



# Summary of State Sex Offender Registries: New Mexico

Responsible Agency: New Mexico Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are sex offenses, defined as criminal sexual penetration in the first, second, third, or fourth degree; criminal sexual contact in the fourth degree; criminal sexual contact of a minor in the third or fourth degree; sexual exploitation of children; and sexual exploitation of children by prostitution.

### **Mandated Registrants:**

Registration is mandatory for all persons convicted in New Mexico of a sexual offense on or after July 1, 1995, and also those convicted earlier than July 1, 1995, if registration has been made a condition of their probation or parole. Sex offenders convicted elsewhere and moving to New Mexico are required to register if they were required to register in the State where they were convicted.

### **Duration of Registration:**

Current legislation (Section 29-11A) mandates that registration information be retained for periods of 20 years for certain covered offenses and for 10 years for other offenses, but is silent on the deletion of records after the specified time period. The interviewee said the Department of Public Safety (DPS) has the option to require registration for 10 years, for 20 years, or for life and that, to date, all registrants in the New Mexico Registry are required to register for life.

### **Offenders in Registry, 4/98:**

Approximately 400. (By October 1998, the number had grown to approximately 450.)

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The New Mexico SOR has an automated text database, fully searchable, and established as a part of New Mexico's criminal history records. The New Mexico SOR is directly linked to the State's Criminal Justice Information System (CJIS), and so is accessible to law enforcement and criminal justice agencies throughout the State.

### **Database is linked to criminal history files:**

Yes. The SOR is part of computerized criminal history files.

### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, at the FBI's request, New Mexico sent a tape of their SOR database for the FBI interim system. (FY'98 NSOR funds sought for software modifications needed for the SOR to meet the FBI's requirements for the permanent NSOR.)

### **Text material for SOR database is received and entered electronically:**

Yes. As of 4/98, sex offenders register with the local law enforcement agency where they reside using a form designed by the Department of Public Safety (DPS) which operates the SOR. The local agency then enters the information directly into the SOR through CJIS. (The signed hard copy form, the offender's fingerprint card, and his photo are then mailed to SOR for filing.) There is no notice to the State SOR or to the local law enforcement agency of the jurisdiction of offender's residence when an offender is sentenced or when he is released from confinement. As of 4/98, qualifying offenders are essentially on an honor system to register. Amendments or new legislation is reported to be anticipated in the next session of the legislature.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partially. New Mexico has an AFIS which provides electronic storage and transmission capability, but as of 4/98, it is not linked with the SOR records and SOR staff report no plans to do so.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partially. As of 4/98, mugshots of registrants are received by the SOR in hard copy from local law enforcement agencies and then are scanned into the criminal history files. With the SOR part of the criminal history files, they are available for transmittal.

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

The offender registers with the sheriff of his county of residence. The sheriff enters the registration data directly into the SOR database through the State's Criminal Justice Information System (CJIS), and then mails the signed original of the form, the fingerprint card, and the offender's photo to SOR. The interviewee reports that no information on offender is sent to sheriff or to SOR at sentencing or when the offender is released from prison or jail. Legislative amendments to address this "honor system registration" are anticipated in 1999.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, there is no requirement for address validation or reregistration in the New Mexico statute. (FY'98 NSOR-AP applications states that Department of Public Safety (DPS) will work with State legislature on compliance with the Federal requirements. Amendments, including reregistration, proactive notification, classification of predators and 90-day address validations for that group, are anticipated in the next session of legislature beginning in January 1999.)

#### **B. SOR Notification Automated:**

Not applicable as of 4/98. (If notification, address verification, and reregistration are mandated in the next session of legislature, the New Mexico SOR unit reports that it anticipates automating the notification process.)

#### **C. Penalties for Noncompliance:**

As of 4/98, failure to register (initially, upon release or upon entering the State) is a misdemeanor, punishable by 6 to 12 months imprisonment and/or a fine of up to \$1,000. (Legislative amendments under discussion may make both failure to register and failure to reregister third or fourth degree felonies.)

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

All law enforcement and criminal justice agencies in the State have access to SOR data through the State's Criminal Justice Information System (CJIS), both in response to a request for a specific individual's criminal history record or in searches of the SOR database. If the central SOR unit receives notice from an out-of-State agency that a qualifying offender is moving to New Mexico, the unit staff notify appropriate local law enforcement agency.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, the New Mexico statute does not allow dissemination of SOR information to organizations other than law enforcement agencies. (FY'98 NSOR-AP application states that the Department of Public Safety (DPS) will work with the legislature on statute modifications. The next legislative session begins in January 1999.)

### **Procedures for Public Access:**

As noted, as of 4/98, New Mexico's statute does not allow dissemination of SOR information to persons other than law enforcement officers. (FY'98 NSOR-AP applications states that DPS will work with the State legislature to modify the current statute.)

### **Internet Website:**

No, not as of 4/98. (A website is under consideration, contingent on legislative amendments in next session of the legislature.)

# Summary of State Sex Offender Registries: New York

Responsible Agency: New York Division of Criminal Justice Services

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are New York State offenses that correlate with the Wetterling Act, including convictions for attempts to commit the covered offenses, and convictions of comparable offenses in other jurisdictions.

### **Mandated Registrants:**

Registration is mandatory for (1) persons convicted of a covered offense on or after the effective date of the legislation, 1/21/96; (2) persons on probation or parole for a covered offense as of 1/21/96, independent of date of conviction; and (3) persons discharged, paroled, or released on or after 1/21/96, following conviction for a covered offense, but independent of the date of conviction.

### **Duration of Registration:**

For Level 1 and Level 2 offenders (low and medium risk) registration is required for 10 years from the initial date of registration, with annual reregistration. A Level 3 offender (high risk) must reregister annually but also must verify his address quarterly for a minimum of 10 years unless there is a court determination that offender no longer suffers from a mental abnormality that would make him likely to reoffend.

### **Offenders in Registry, 4/98:**

7,200

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

As of 4/98, the New York SOR has an automated database, but was developed as a stand-alone, PC-based system. (FY'98 NSOR-AP funds sought to design and program a new Registry system, to move the database from the PC to a new platform, to develop the capacity to store and transmit mugshots, and to establish an electronic link to the FBI through NCIC 2000.)

### **Database is linked to criminal history files**

No, not as of 4/98. (FY'98 NSOR-AP funds sought for the new database would result in a link with criminal history files.)

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to establish a transmission capability meeting NCIC 2000 standards as part of the newly designed Registry system.)

### **Text material for SOR database is received and entered electronically**

Limited. As of 4/98, most text material is initially entered manually.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The capability currently exists through the State AFIS.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial, as of 4/98. The current system has the capability to store mugshots and link them with the appropriate records, but it cannot transmit electronically to the FBI. Further, photo storage in the current system dramatically increases the overall file size of the record, making database management cumbersome. (FY'98 NSOR-AP funds sought to develop the capacity to store and transmit mugshots as part of the new SOR system.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The State Board of Examiners of Sex Offenders sends the Registry hard copy of its risk level recommendation. The Department of Correctional Services (DOCS), the courts, or local jails collect the initial registration data and photo and send them to the Registry. Probation, parole, and local law enforcement agencies collect and forward change of address information and supplemental data. As of 4/98, all agencies submit hard copy.

**DNA Sample:**  
No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Verification letters are sent annually, based on the offender's registration date. The local law enforcement agency of jurisdiction is notified if (1) the verification form is not returned on time or (2) the letter is returned as undeliverable. (Offenders determined to be Level 3--high risk--must verify their addresses *in person* with their local law enforcement agency every 90 days.)

**SOR Notification Automated:**

Yes. Verification notices are automatically generated and the date entered in the appropriate field of the offender's file. Failure to Annually Verify notifications also are generated by the system, as are Deactivation Notifications on offenders whose time on the Registry has expired.

**Penalties for Noncompliance:**

Noncompliance is a Class A misdemeanor for the first offense, a class D felony for a second or subsequent offense. Noncompliance can also be the basis for revocation of parole.

***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

The Division of Criminal Justice Services (DCJS) mails the offender's registration data and photo to the local law enforcement agency with jurisdiction over his residence and also to the agency that arrested the offender; DCJS later mails the offender's risk level determination to both. The DCJS also mails relevant agencies notices of change of address or of any noncompliance by an offender. State and local criminal justice agencies can phone queries to the SOR unit and receive a phone response. (FY'98 NSOR-AP funds sought to develop, on the statewide police records management system, a tracking component for high risk registrants.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Community notification is at the discretion of the relevant local law enforcement agency, based on the offender's risk assessment level (RAL). The RAL also determines the amount and scope of information released. Schools and organizations may be notified about level 2 (moderate risk) or 3 (high risk) offenders. As of 4/98, ongoing litigation and a temporary restraining order (TRO) stringently limit dissemination when the offense occurred before January 21, 1996.

**Procedures for Public Access:**

The local law enforcement agency has discretion for notification to any "entities with vulnerable populations" concerning offenders at risk levels 2 and 3. The State provides public access through a 900 telephone line (with a fee of \$5.00/call) and semiannually publishes a sub-directory of Level 3 (high risk) offenders that is distributed to local law enforcement agencies, and available to public in those local law enforcement agency offices. As of 4/98, the 900 phone line and the published subdirectory both operate within constraints of the temporary restraining order.

**Internet Website:**

No.

# Summary of State Sex Offender Registries: North Carolina

Responsible Agency: North Carolina Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

Cover offenses are kidnaping; abduction of children; felonious restraint; 1st and 2nd degree rape; 1st and 2nd degree sexual offense; attempted rape or sexual offense; intercourse and sexual offenses with certain victims; incest between near relatives; employing or permitting a minor to assist in offenses against public morality or decency; 1st, 2nd, & 3rd degree sexual exploitation of a minor; promoting prostitution of a minor; taking indecent liberties with children; and attempts to commit any of the listed offenses.

### **Mandated Registrants:**

Registration is mandatory for any persons convicted of or released from prison for a covered offense (in North Carolina or in another State) on or after January 1, 1996. Also, persons convicted of, or released from prison for, a Federal offense comparable to one of North Carolina's covered offenses, on or after April 3, 1997, are required to register if they move to North Carolina.

### **Duration of Registration:**

10 years for sexual offenders. Persons classified as violent sexual predators are required to register "indefinitely," but after 10 offense-free years they may petition the court to review their classification.

### **Offenders in Registry, 4/98:**

2,200

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The North Carolina SOR has a fully automated text database. North Carolina uses a "real-time interface," so that as soon as a record is entered or updated by a sheriff's office, it is immediately available to law enforcement. The public record (website) is updated twice a day during regular business hours. (FY'98 NSOR-AP funds sought for a major programming effort needed to comply with the national sex offender file requirements.)

### **Database is linked to criminal history files:**

No. There is no direct linkage between North Carolina's Sex Offender Registry database and its criminal history files. However, both the State Identification (SID) and FBI numbers are collected in the Sex Offender Registry Record.

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to develop transmission capability meeting NCIC 2000 standards.)

### **Text material for SOR database is received and entered electronically:**

Yes. The offender's registration information is entered electronically by the local sheriff into an automated statewide Registry file. The Department of Corrections (DOC) also submits preliminary or "pending" registration data electronically when an offender is released from prison.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not as part of the SOR system. A registered offender's fingerprints are maintained at the local Sheriff's Department where he registered and are not submitted to the State Registry. However, the State has an AFIS system which can receive arrest fingerprint submissions.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partially. As of 4/98, the North Carolina Division of Criminal Identification (DCI) scans hard copy photos and mounts the digitalized photos on its Internet site, but it needs to develop greater storage capacity and transmittal capability and to meet the FBI standards in order to participate in NSOR. (FY'98 NSOR-AP funds sought for this purpose.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

On release to the community, an offender must register with the local sheriff for the jurisdiction where he will reside. The statewide registry is compiled as each sheriff electronically enters registration information into an automated statewide

sex offender and sexual predator registration file. Address changes and other data are also entered directly by sheriff's office into the automated system. As of 4/98, the sheriff takes photos of the offender, and submits one to the Division of Criminal Information (DCI) where it is scanned for the Internet. A "pending" record is established in the State Registry when an offender is released from prison. Registration information is submitted electronically on a daily basis from the Department of Corrections (DOC) to the Sex Offender Registry. Once the offender registers with the sheriff's office, the pending record is updated and the official registration date is established.

**DNA Sample:**

Yes, but only for specific offenses specified in statute (NCGS 15A-266.4). However, the information is not part of the SOR as of 4/98. (FY'98 NSOR-AP application raises the question of how to transfer the DNA field from the Laboratory database to the computerized criminal history files, the SOR, and then to NCIC-NSOR.)

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes, but as of 4/98, it is a very recent change. The address verification requirements became effective in North Carolina on April 1, 1998. (FY'98 NSOR-AP funds sought for folding/stuffing equipment to reduce person hours associated with weekly mailings of notification letters.)

**B. SOR Notification Automated:**

No. Not as of 4/98.

**C. Penalties for Noncompliance:**

Violation is a Class I felony.

## ***Dissemination of Sex Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

Sheriffs can enter and receive information through an automated statewide sex offender and sexual predator registration file. Local law enforcement agencies can also search the system by name or location. An automated notification is sent to the resident county sheriff's computer when a sex offender is released from prison and whenever an offender changes residence to a new county.

**To Organizations Serving Children, Elderly, and**

**the Mentally Ill:**

Sex offender registration information and the registry are "public record information" and open for public inspection. A copy of full registry can be provided to anyone in response to a written request and payment of fee.

**Procedures for Public Access:**

Free public access to SOR information is available on the Internet. Citizens can also obtain a copy of the statewide registry by making a written request to State's Division of Criminal Information (DCI) and paying a fee, or obtain a copy of a countywide registry by making a written request to the appropriate sheriff and paying a fee.

**Internet Website:**

Yes. <<http://sbi.jus.state.nc.us/sor>>

# Summary of State Sex Offender Registries: North Dakota

Responsible Agency: North Dakota Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses include sexual offenses against an adult or child victim and specified non-sexual crimes against a child when the perpetrator is an adult.

Covered crimes against a child are violations of chapter 12.1-16, 12.1-17, 12.1-18, or 12.1-29 of the North Dakota Century Code in which the victim is a minor, or an attempt to commit these offenses.

Covered sexual offenses are violations of section 12.1-20-03, 12.1-20-04, 12.1-20-05, 12.1-20-06, 12.1-20-07, 12.1-20-11, chapter 12.1-27.2 of the North Dakota Century Code or an attempt to commit these offenses.

### **Mandated Registrants:**

Any person convicted of a covered sexual offense or offense against a child on or after August 1, 1985 is required to register.

### **Duration of Registration:**

10 years, unless the offender is designated a "sexually violent predator," by a judge subsequent to the recommendation of a "Qualified Board." Sexually violent predators must maintain their registration status for a minimum of 10 years and continue thereafter until a judge removes the sexually violent predator designation. The rule may result in lifetime registration.

### **Offenders in Registry, 4/98:**

683 offenders registered as of 4/98. (North Dakota also compiles a "non-registration" list, derived from the criminal history record system and listing data for all persons convicted of offenses requiring registration. As of 3/98, there were 988 persons on this list: approximately 120 were incarcerated at that time, 140 were known to be out-of-State, 683 were registered, and 40 had not been located.)

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The North Dakota SOR has a partially automated text database as of 4/98. North Dakota manually

maintains hard copy files on all registered offenders and also maintains automated files to generate hard copy lists for law enforcement agencies throughout the State. (FY'98 NSOR-AP funds sought (1) to automate the SOR more fully, (2) to rewrite the database using GUI technology, (3) to establish intersystem compatibility with other State databases, and (4) to make registry information available electronically to local law enforcement agencies.)

### **Database is linked to criminal history files:**

No, not as of 4/98.

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to develop the necessary procedures and software, and to modify the State Radio Communications Message Switch to meet NCIC 2000 standards for the FBI's permanent NSOR.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all text information is received in hard copy and entered manually. (FY'98 NSOR-AP funds sought to rewrite the SOR database will also enable it to accept information electronically from correctional facilities on impending release of sexual offenders and to make the SOR information available on the statewide law enforcement intelligence system.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial. The capability for electronic storage and transmittal of fingerprints exists through the State AFIS. Although the AFIS is not linked to the SOR as of 4/98, planned upgrades will permit an interface between the two systems in 1999.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought for modification to the State Radio Communications Message Switch to address establishing a mugshot identification capability.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

The Office of the Attorney General (OAG) operates the SOR system, and all information related to qualifying offenders goes to and through the OAG. The releasing authority sends the OAG a copy of the offender's signed Notification of Duty to Register. The OAG notifies the local law enforcement agency of the residence jurisdiction. When the offender then registers locally, the local law enforcement agency sends the offender's completed registration form to the OAG. Change of address notices also go through the OAG to the new location. Both the OAG and local agencies track tardy registrations and other violations.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. In North Dakota the Office of the Attorney General (OAG) verifies the address given by the offender by receiving an affirmation from the postal service that mail for a particular offender is being delivered to the address given on that offender's registration form. Addresses are reverified through the postal service every six months.

#### **B. SOR Notification Automated:**

Not applicable.

#### **C. Penalties for Noncompliance:**

The first offense is a class A misdemeanor, carrying a mandatory minimum of 90 days in jail and one year of probation. Automatic revocation of probation or parole also is applicable. A subsequent offense is a class C felony.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Registration data is sent to criminal justice agencies throughout the State in hard copy. The procedure, as of 4/98, is to provide a master list annually, with quarterly updates, but North Dakota reports that the process generates a large volume of paper which some agencies have difficulty coordinating. (FY'98

NSOR-AP seeks funds to make SOR information available online through restricted Internet access--a website accessible to law enforcement only-- and through the NLETS network.)

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

The list of registered offenders is a confidential record in North Dakota. Information from the list may be released by local law enforcement agencies to the public as needed for the protection of the public. As of 4/98, local law enforcement agencies and an *ad hoc* committee are working on guidelines for organization and community notification.

### **Procedures for Public Access:**

The list of registered offenders is a confidential record, but local law enforcement agencies may release information from the list to the public if the agency determines that the offender is a risk to the public and disclosure is necessary for public protection. Disclosure of "nonregistration information" (from criminal history records) is also permitted. As of 4/98, work is underway to develop guidelines for risk assessment and community notification procedures.

### **Internet Website:**

No, not for public access, as of 4/98. (FY'98 NSOR-AP application proposes restricted Internet access for law enforcement only.)



# Summary of State Sex Offender Registries: Ohio

Responsible Agency: Ohio Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

"Sexually oriented offenses," defined by statute section within the legislation, are covered. Covered offenses include sexual offenses against children and also specified sexual offenses regardless of the age of the victim.

### **Mandated Registrants:**

Registration is mandatory for persons convicted of a covered offense on or after January 1, 1997, and for persons released to the community following incarceration for a covered offense, on or after January 1, 1997, independent of the date of conviction. Registrants are categorized as (1) sexual predators (requiring community notification); (2) habitual sexual offenders subject to community notification; (3) habitual offenders not subject to community notification, or (4) sexually-oriented offenders (not subject to community notification).

### **Duration of Registration:**

Lifetime.

### **Offenders in Registry, 4/98:**

1,294 (as of 2/3/98)

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Ohio SOR has an automated text database. As of 4/98, it is housed on PC and provides both an offender tracking system that maintains registrant lists and produces limited offender-related reports and also a correspondence tracking system for incoming and outgoing correspondence. The Ohio SOR is operated by the Bureau of Criminal Identification and Investigation (BCI&I) within the Office of the Attorney General. (FY'98 NSOR-AP funds sought for major software upgrades, for records conversion, and for a document management system.)

### **Database is linked to criminal history files:**

No, not as of 4/98. (FY'98 NSOR-AP application indicates plans for a linkage between the systems, including placing sex offender flags in the Computerized Criminal History files.)

### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, Ohio participates in the FBI interim system, but submits data on FBI Form I-12, not electronically. (FY'98 NSOR-AP funds sought to develop the electronic transmission capability to participate in the FBI's permanent NSOR.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all communication between Bureau of Criminal Identification and Investigation (BCI&I) and contributing agencies throughout the State is by paper. (FY'98 NSOR-AP application seeks funds (1) to upgrade central repository software at BCI&I so that it can accept electronic data and images from the counties, (2) for upgraded software for all county sheriffs so they can submit data electronically to BCI&I, and (3) to improve data uniformity and quality.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. As of 4/98, the Ohio sex offender database has no link to AFIS and no ability to handle electronically submitted fingerprints. Sheriffs ink-and-roll fingerprints and mail the fingerprint cards to BCI&I. (FY'98 NSOR-AP application describes plans to use existing livescan at selected agencies for electronic transmission of fingerprints.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, sheriffs mail the offenders' photos to the BCI&I. (FY'98 NSOR-AP funds sought to electronically incorporate photographs into the sex offender registry database, and to provide the technology for electronic transmission of photos at county agencies where necessary.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

For offenders with prison terms, the Department of Rehabilitation and Correction sends detailed data on an offender to the Bureau of Criminal Identification and Investigation (BCI&I) prior to his release from custody. For offenders with nonprison terms, the courts, jail officials, or probation officers, as appropriate, inform offenders of their "Duty to Register," and send a copy of the offender's completed form to BCI&I. Local sheriffs send all registration data (when the offender registers locally), change of addresses, and address verifications to BCI&I.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, the State SOR program is not responsible for address validation or reregistration. In Ohio, reregistration requires the offender to appear personally at his local sheriff's office. Sheriffs have discretion about whether to mail offenders a nonforwardable notification form (using a format prescribed by BCI&I) about their duty to reregister. Sheriffs must make it clear to offenders that they must appear in person at the sheriff's office to reregister.

#### **B. SOR Notification Automated:**

Not applicable.

#### **C. Penalties for Noncompliance:**

If the underlying sexually oriented offense was a felony, then failure to comply with registration requirements is a felony in the fifth degree. If the underlying sexually oriented offense was a misdemeanor, then failure to comply is a misdemeanor of the first degree.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Ohio categorizes registrants as: sexual predators (SP), habitual sex offenders (HSO) subject to community notification, habitual sex offenders

(HSO) not subject to community notification, and sexually oriented offenders (SOO). Paper reports are sent to each sheriff: 1) quarterly on current, incompliance registrants; 2) monthly on SOO's and HSO's not subject to community notification who are out of compliance for 21 days or more; and 3) faxes on SP's and HSO's subject to notification, who are out of compliance for 21 days or more.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

For SP's or HSO's subject to notification, the local sheriff notifies the following organizations in writing: the head of the public children's service agency, the superintendents of relevant boards of education, the hiring officers of chartered nonpublic schools, the heads of preschool programs, the administrators or providers of daycare centers, and the presidents and heads of campus police of institutions of higher education. (For areas other than a county, the Attorney General may designate a "specified geographical notification area.")

### **Procedures for Public Access:**

For SP's and HSO's subject to notification, the local sheriff notifies in writing all occupants of residences adjacent to the offender's place of residence, and additional neighbors within any category the Attorney General rules a "specified geographical notification area." All information the local sheriff has on SP's and HSO's subject to notification is public record open to inspection by citizens. Records for SOO's and HSO's not subject to notification are not open to the public.

### **Internet Website:**

No.

# Summary of State Sex Offender Registries: Oklahoma

Responsible Agency: Oklahoma Department of Corrections

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are child abuse involving sexual abuse or exploitation; rape in the first or second degree or by instrumentation; incest; forcible sodomy; lewd or indecent proposals or acts to a child under 16; kidnaping or solicitation of minors; trafficking in children; pornography involving minors; facilitating, encouraging, offering, or soliciting sexual conduct with a minor; procuring or keeping a child under 18 for prostitution; and sexual battery.

### **Mandated Registrants:**

Registration is mandatory for all adult sex offenders convicted in Oklahoma on or after November 1, 1989, and for sex offenders convicted in other States and moving to Oklahoma after November 1, 1989, independent of the date of the out-of-State conviction. Individual with two convictions for covered offenses, one of which is after November 1, 1997 and for one of first five offenses listed in preceding section, are designated "sexual predators" (from 11/1/97 to 10/31/98) and as of 11/1/98 will be designated "habitual sexual offenders."

### **Duration of Registration:**

Ten years following the offender's release to the community for sexual offenders registered by the Department of Corrections (DOC) in the State Sex Offender Registry. Offender registrations at local law enforcement agencies are maintained for 5 years. The State Registry and the local registries are not linked. Amendments to the Oklahoma law passed and signed in June 1998 will require lifetime registration for offenders classified as "predators" (from 11/1/97 to 10/31/98) or as "habitual sexual offenders" (as of 11/1/98).

### **Offenders in Registry, 4/98:**

2,303

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Oklahoma SOR has a fully automated text database searchable by all fields, so it can be used not only to generate lists of registered offenders by location, but also as an investigative tool for law enforcement (for example, "find all registrants over 6 feet tall with red hair.")

### **Database is linked to criminal history files:**

No. The State Bureau of Investigation (SBI) is the Repository for Oklahoma's criminal history records. The SOR is operated by the Oklahoma Department of Corrections (DOC). The DOC notifies SBI of new registrants, and their criminal history records are then flagged by SBI staff.

### **SOR transmits electronically to FBI interim system:**

Yes. The DOC's Interstate Identification Index (III) operator enters an Oklahoma sex offender's record directly into the FBI interim system.

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all text data is received in hard copy and entered manually into the system by the DOC SOR staff. The Oklahoma DOC is in the process of developing a comprehensive new offender information system for the entire DOC, including the SOR. When it is implemented, it should enhance all aspects of automation.

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. As of 4/98, the SOR receives fingerprints in hard copy (on a card) and forwards them to the SBI. There are no plans for developing an electronic storage or transmission capability within the DOC in the next year.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Partial capability as of 4/98. Since the early 1990's, when an offender enters the State prison system, a digitalized photo is taken. When a sex offender is

released to the community, his photo becomes part of the SOR file. In 1999, larger probation offices will be getting digitalized cameras and will use them for sex offenders on probation and for out-of-State registrants. Scanning in hard copy photos may not occur until 1999.

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Offenders incarcerated in State prison register through prison staff prior to release. Sex offenders who receive probation or qualifying offenders who move into Oklahoma from out-of-State register with their local probation and parole office. Both areas of the Department of Corrections forward the information to the SOR unit.

### **DNA Sample:**

Yes. The DNA sample is collected as part of the Oklahoma Sex Offender Registry program.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. Oklahoma has address validation, annually for most registrants, but every 90 days for those designated "sexual predators" or "habitual sexual offenders." The SOR unit sends out nonforwardable notification letters to both groups. Upon receipt of the address verification letter, the offender has 10 days to verify his address in person with his local law enforcement agency. The local agency returns the signed verification form to the DOC.

#### **B. SOR Notification Automated:**

Partially. The system automatically generates a monthly list of offenders to be notified, and the basic notification notice is in the system. Filling in the specifics--such as name and address-- is done manually. (As noted in preceding sections, in FY 1999, DOC expects to bring a completely new Offender System online. It will further automate this and other aspects of the SOR.)

### **Penalties for Noncompliance:**

Noncompliance is a felony, punishable by up to 5 years in prison and/or a fine of up to \$5,000.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Copies of the complete SOR roster are sent by mail to all district attorney's offices, and all State and local law enforcement agencies at least every six months, but generally more frequently. The possibility of mounting the SOR on a website in 1999 is under discussion.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

In Oklahoma, as of 4/98, affirmative notification of organizations is limited to notice about those offenders required to register every 90 days. It is carried out by local law enforcement agencies.

### **Procedures for Public Access:**

The Oklahoma SOR data is considered a public record. As of 4/98, citizens can write, phone, or fax a query about a specific individual to the central SOR unit and get response. Members of the public also can view SOR files in the DOC's Oklahoma City office. As of November 1, 1998, the DOC will make hard copies of full registry available to the public for a fee (to cover copying costs), and citizens can view the registry files for their jurisdiction at their local law enforcement agency.

### **Internet Website:**

No, not as of 4/98. The possibility of a website is under consideration for the future.

# Summary of State Sex Offender Registries: Oregon

Responsible Agency: Oregon State Police

## *Who is in the Registry?*

### **Covered Offenses:**

The Oregon law covers predatory sex offenses: rape, sodomy, sexual abuse, and unlawful sexual penetration. The listed crimes in any degree or attempts to commit those offenses are covered. During the spring of 1998, some legislative changes were under discussion for 1999.

### **Mandated Registrants:**

Registration is mandatory for all persons classified as predatory sex offenders: any offender, adult or juvenile, under parole, probation, or post-prison supervision who was convicted, adjudicated, or pled guilty to one or more of the four listed crimes. The statute is retroactive.

### **Duration of Registration:**

Lifetime. The registered offender may petition for a waiver from the requirement to register after 10 years. (As of 4/98, some legislative changes were under discussion.)

### **Offenders in Registry, 4/98:**

7,400

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Oregon SOR has an automated database that is housed within the correction offender component of the Law Enforcement Data System (LEDS), a statewide database information system. (FY'98 NSOR-AP funds sought to rewrite the SOR database in order (1) to make it compatible with the FBI NSOR variables, (2) to accommodate the proposed 1999 legislative changes, and (3) to enhance its use for investigations.)

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI interim system:**

Yes.

### **Text material for SOR database is received and entered electronically:**

Partially. The initial registration is done by probation and parole officers, the Department of Corrections (for offenders who had received prison terms), or the District Attorney's staff for offenders receiving a sentence of bench probation. The offender's name and demographics are entered electronically into LEDS. Probation and parole staff update records while the offender is under supervision. When supervision ends, the records transfer to the State Police SOR unit. Staff of the SOR unit do multiple data entry into 3 separate systems. (FY'98 NSOR-AP funds sought to upgrade the system to eliminate the multiple data entry and to expand the system's information and search capability for use by officers.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes.

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

The Department of Corrections (DOC), Probation and Parole or the District Attorney (for bench probation) conduct the initial registration with the offender, entering the offender's data electronically into the SOR on Oregon's Law Enforcement Data System (LEDS). While the offender is under supervision, corrections officials update records as necessary. (The Oregon DOC had "Sex Offender Network" of specialized probation and parole officers who focus on management of sexual offenders in the community.) Offenders no longer under supervision or moving to Oregon from out-of-State register directly with Oregon State Police.

### **DNA Sample:**

No.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, updating of address records and annual validation is done by the offender's probation or parole officer as long as the offender is under correctional supervision. Only those offenders not subject to supervision or moving in from out-of-State are the responsibility of the State Police SOR, which requires registrants to report annually to a police agency to register and verify addresses. These procedures are in transition during Spring, 1998.

**SOR Notification Automated:**

Not applicable as of 4/98. New procedures are not known.

**Penalties for Noncompliance:**

Failure to complete initial registration is a class C felony. Failure to complete annual reregistration is a Class A misdemeanor. Failure to notify officials of a change of address is a class C felony if the original sex conviction was for a felony, and a class A misdemeanor if the original conviction was for a misdemeanor.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

Records are available to law enforcement personnel throughout the State through the Law Enforcement Data System (LEDS), a statewide database information system. LEDS is searchable by name and date of birth, but it does not contain photos or allow for parameter searches. (FY'98 NSOR-AP funds sought to provide photos, fuller information, and more search capabilities in new registry system.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Any organizational notification is the responsibility of the local law enforcement agency where the offender resides in conjunction with the probation or parole officer supervising the offender. As of 4/98, affirmative notification is limited to offenders classified as sexual predators. Legislative changes relating to public and organizational access to SOR data are being proposed for the 1999 legislative session.

**Procedures for Public Access:**

Community notification concerning offenders

classified as sexual predators is conducted by the local law enforcement agency in conjunction with the supervising probation or parole officer. As of 4/98, there is very limited public access to SOR data. Legislation to increase public access is being proposed for the 1999 Oregon legislative session.

**Internet Website:**

No, not as of 4/98. (FY'98 NSOR-AP application indicates plans for public "look only" access to sex offender data on the State Police website if the necessary legislative changes are made in 1999.)

# Summary of State Sex Offender Registries: Pennsylvania

Responsible Agency: Pennsylvania State Police

## *Who is in the Registry?*

### **Covered Offenses:**

The following offenses are covered when the victim is a minor: kidnapping, rape, involuntary deviate sexual intercourse, aggravated indecent assault, prostitution and related offenses, obscene materials and performances, and indecent assault. The following offenses are covered independent of the victim's age: rape, involuntary deviate sexual intercourse, and aggravated indecent assault.

### **Mandated Registrants:**

Registration is mandatory for sexual offenders convicted on or after the statute's effective date of April 21, 1996, and for sexual offenders convicted earlier but still under the jurisdiction of the Board of Probation and Parole or of the Department of Corrections on April 21, 1996.

### **Duration of Registration:**

The registration requirement for sexual offenders is 10 years. For those offenders designated sexually violent predators, the registration requirement is for life or until the court determines the offender is no longer a sexually violent predator.

### **Offenders in Registry, 4/98:**

2,400

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Pennsylvania SOR has an automated text database housed on a personal computer. All data entry is manual.

### **Database is linked to criminal history files:**

No as of 4/98. (As proposed in FY'98 NSOR-AP application, the Central file server will provide an indirect link to Pennsylvania's AFIS and a direct link to its computerized criminal history system.)

### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, Pennsylvania does not submit to the interim system. Tape submissions to the FBI's interim system are scheduled to begin in June 1998. (FY'98 NSOR-AP funds sought for photo imaging to address the electronic transmission requirements for the permanent NSOR.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, both data entry and the verification of data prior to entry are all manual. Photos also are manually scanned into Registry. (FY '98 NSOR-AP funds sought for photo imaging system to permit electronic entry of fingerprints, photo, and demographic and other information on the offender.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. Pennsylvania's current electronic fingerprint network involves 42 agencies throughout the State and currently transmits prints in 65 percent of all arrests. (A photo imaging system--see next section--will be incorporated into this network and permit the electronic transfer of both fingerprints and photos to the FBI.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought for a photo imaging system compatible with the State's AFIS that will capture images, fingerprints, and demographic and other information and immediately transmit it electronically to the main repository.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

Completed paper registration forms are sent to the State Police for the SOR from correctional facilities, probation and parole offices, and Pennsylvania State Police Stations. The SOR unit both verifies the information and enters it manually into the database.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:****A. State SOR Proactively Notifies Registrants:**

Yes. As of 4/98, notification notices are sent out annually for sexual offenders and every 90 days for those designated sexually violent predators.

**B. SOR Notification Automated:**

Yes. As of 4/98, letters, reports, and fliers are automatically generated by the current system.

**C. Penalties for Noncompliance:**

Noncompliance is a felony of the third degree.

***Dissemination of Sex Offender Registry Information, April 1998*****To Law Enforcement and Criminal Justice Agencies:**

Dissemination to law enforcement and criminal justice agencies is through Uniscope messages sent to State Police posts or to local law enforcement agencies. Information also is provided through the Commonwealth Law Enforcement Assistance Network (CLEAN), although the current SOR database cannot be accessed directly through CLEAN.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The State Police conduct organizational notification for sexually violent predators and those out-of-State offenders subject to notification. The central SOR unit prepares the Notification Flier and personnel of the local troop notify qualifying child and youth services agencies; public, private, and parochial schools; daycare centers and preschool programs; and institutions of higher education. The procedures are established by formal State Police Regulation.

**Procedures for Public Access:**

Community notification is conducted by the local law enforcement agency for both sexually violent predators and out-of-State offenders subject to notification. The State Police prepare the flier, and the local agency notifies the victim(s) and/or their guardians, qualifying neighbors, and employers, and maintains records of those notified. Community meetings may be held. Individual citizens or representatives of the media may request a specific flier by appearing in person at the local police department and completing the form in the Notification Log. "Blanket" requests for information on multiple offenders are referred to the State Police SOR unit.

**Internet Website:**

No.



# Summary of State Sex Offender Registries: Rhode Island

Responsible Agency: Rhode Island Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

Both criminal offenses against a minor and sexually violent offenses against an adult or child victim are covered. Criminal offenses against a minor include kidnaping or false imprisonment of a minor; violation of sections 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3, or 11-10-1 when the victim is under 18; violation of 11-1-10, where the underlying offense violates chapter 34 and the victim is under 18; or any violation of Sections 11-9-1 (b) or (c). Sexually violent offenses include violations of sections 11-10-1, 11-37-2, 11-37-4, 11-37-6, 11-37-8, 11-37-8.1, or 11-37-8.3.3.

### **Mandated Registrants:**

Registration is mandatory for any person convicted in Rhode Island or any other jurisdiction of a covered criminal offense against a victim who is a minor or of a sexually violent offense, and for any person who has been determined to be a sexually violent predator. (Sexually violent predators are those offenders convicted of a sexually violent offense, who are determined by a Board of Review and the sentencing court, to be suffering from a mental abnormality or personality disorder that makes recidivism likely.)

### **Duration of Registration:**

The requirement for registered offenders is registration for 10 years following their release to the community. Registration for offenders classified as sexually violent predators is for an indefinite period; the requirement continues until or unless it is waived through petition to the court and assessment by the Board of Review.

### **Offenders in Registry, 4/98:**

273 in the registry as of 4/98. (By January 1999, the number had grown to 771.)

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

As of 4/98, automation of the Rhode Island SOR was very limited. However, a new, fully automated SOR

database will be put on the new Rhode Island Law Enforcement Telecommunication System (RILETS) and be available to criminal justice agencies statewide. The new RILETS system became operational in the spring of 1998. The SOR database is in transition. Electronic registration intrastate is expected to begin in late 1999.

### **Database is linked to criminal history files:**

No, not as of 4/98. The SOR and the criminal history files will be linked in the new system being implemented on RILETS. When complete, any name query for criminal history data will automatically check the SOR database and respond with any information found.

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. (FY'98 NSOR-AP funds were sought for a photo imaging capability to make SOR FBI-compliant for permanent NSOR and NCIC-2000.)

### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, both data entry and verification of data prior to entry are manual. Photos also are manually scanned into the Registry. (FY '98 NSOR-AP funds sought for a photoimaging system to permit the electronic entry of fingerprints, photo and information on offender, but as of 1/99 data entry and verification remain manual.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not as of 4/98--nor had the capability been developed within the SOR by yearend 1998. However, Rhode Island and Connecticut (its "connectivity State") have taken delivery of their complete AFIS. They await only the resolution of some contract issues to begin operations and, in the spring of 1998, planned AFIS training in the near future. (The AFIS acquisition was supported by an earlier NCHIP award.)

**SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98--nor had the capability been developed by yearend 1998. (FY'98 NSOR-AP funds sought for digital photography camera and related training to achieve this capability.)

***Operation of Sex Offender Registries, April 1998***

**Source for Initial Information on Offender:**

As of 4/98, the offender's signed "Notification of Duty to Register" form is sent to the SOR by the relevant corrections officials. The offender's residential registration, photo and fingerprints are sent by the local law enforcement agency where he registers to the SOR and the Bureau of Criminal Identification in the Office of the Attorney General. By late 1999, the SOR anticipates that Rhode Island agencies can enter information electronically directly into the system.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. The Attorney General's office mails nonforwardable verification forms to each offender's last registered address. The offender must sign and return the form within 10 days of receiving it. The notification and verification procedure will be automated and handled by the State Police through the Rhode Island Law Enforcement Telecommunications System (RILETS) when the upgraded SOR becomes fully operational.

**SOR Notification Automated:**

No, not as of 4/98, nor by yearend 1998. However, when the new centralized system is mounted on RILETS, verification notices will be automatically generated monthly by the State Police computer system.

**Penalties for Noncompliance:**

Noncompliance is a felony punishable by up to two years in prison and/or a fine of up to \$2,000. Failure to comply is also a violation of terms of release and may result in revocation or other sanction.

***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

The SOR data is accessible statewide to law enforcement agencies on the Rhode Island Law Enforcement Telecommunications System (RILETS).

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The Attorney General has overall responsibility for community notification guidelines. The Parole Board determines the level of notification based on an assessment of the offender's risk of reoffense. The local law enforcement agency carries out notification based on a specific plan and under Attorney General guidelines. Organizational notification is mandatory for Level II (moderate risk) and Level III (high risk) offenders who are not in residential treatment facilities.

**Procedures for Public Access:**

For Risk Level III (high risk) offenders, the local law enforcement agency may notify individual members of community, establishments, and organizations, and provide fact sheets, fliers, news releases, advertisements, computerized access to fact sheet information, and/or public access to fact sheets at agency offices. (Offenders subject to notification are so informed and have right to review the notification materials.)

**Internet Website:**

No.

# Summary of State Sex Offender Registries: South Carolina

Responsible Agency: South Carolina Law Enforcement Division

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are listed in Section 23-3-430 of the South Carolina Code of Laws.

### **Mandated Registrants:**

Registration is mandatory for all sex offenders convicted in South Carolina and residing within the State, regardless of age, and for all offenders, regardless of age, who have been convicted in another State of "any offense which can be reasonably interpreted as corresponding to those provided for in the South Carolina Sex Offender Registry" and who move to South Carolina.

### **Duration of Registration:**

Lifetime

### **Offenders in Registry, 4/98:**

2,500

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The South Carolina SOR has an automated text database on Unisys mainframe with attached terminals over dedicated lines. Neither the terminal nor the current network can manage the capture and transfer of images. (FY'98 NSOR-AP funds were sought to obtain a separate server to manage the SOR database--including images--and for the necessary software development and related upgrades. The new separate server will work in tandem with the Unisys mainframe.)

### **Database is linked to criminal history files:**

No, not as of 4/98. South Carolina reports that future linkage is anticipated.

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. The South Carolina Law Enforcement Division (SLED) is in the process of converting their network to TCP/IP protocol, which will create a compatible network with the FBI's permanent NSOR.

### **Text material for SOR database is received and entered electronically:**

Limited. "Pre-registration" of sexual offenders involves the completion of a SLED automated form by the responsible supervising State or local agency, but the offender's actual registration--with the sheriff in his county of residence--is forwarded in hard copy and entered manually. (FY'98 NSOR-AP funds sought for equipment to connect sheriffs' offices to SLED to permit automated input of data into the SOR, and for SOR software development to receive the automated data from the sheriffs' offices.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not as of 4/98. South Carolina is in the process of upgrading its current AFIS database to an Integrated AFIS (IAFIS) in order to be FBI-compliant, but most local sites will not have compatible livescan fingerprinting systems. Initially, IDIS software is being proposed as an alternative for low volume contributors.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought for this purpose--for example, for computers and digital cameras for county sheriffs.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

"Pre-registration" information on an offender comes from the South Carolina Department of Corrections (SCDC), the Department of Juvenile Justice (DJJ), or the Department of Probation, Parole and Pardon Services (PPPS) via an automated form to the South Carolina Law Enforcement Division (SLED), which

manages the Sex Offender Registry. SLED ensures entry of the pre-registration information into the SOR and notifies the sheriff in the offender's county of residence. The offender must register in person with the sheriff, who also takes the offender's photo and fingerprints, and transmits the full package in hard copy to the South Carolina SOR.

**DNA Sample:**

Yes, a DNA sample is taken and maintained, but not as part of the SOR program. Offender DNA samples are covered under a separate section of State Criminal Code.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, South Carolina law mandates annual registration of all convicted sex offenders with the county sheriff of the jurisdiction where the offender resides, but makes such annual registration the responsibility of the offender. Legislation in process during Spring, 1998, will also require 90-day reregistration for sexually violent predators.

**SOR Notification Automated:**

Not applicable.

**Penalties for Noncompliance:**

The first offense is a misdemeanor with a mandatory sentence of 90 days incarceration. The second offense is a misdemeanor with a mandatory sentence of one year of incarceration. A third or subsequent offense is a felony with a mandatory sentence of five years' incarceration.

***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

Text information is available statewide to all criminal justice agencies with access to South Carolina Law Enforcement Division (SLED) Criminal Justice Information System (CJIS).

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, affirmative notification is the responsibility of the county sheriff where the offender lives and is to be conducted in the interests of public safety and preventing criminal activity. Specific notification to schools or other organizations is not addressed directly in South Carolina legislation

as of 4/98. Legislation to be effective in the Summer of 1998 specifies that for "persons adjudicated delinquent in family court" for certain nonvolent/less serious offenses, information may be released *only* to schools and other relevant organizations.

**Procedures for Public Access**

As of 4/98, local SOR information is open to public inspection upon a request to the county sheriff. Requests must be made in writing and include the name of the requestor and the name or address of the person about whom information is sought. SLED also may respond to written requests for registry lists by zip code, county, or the full State.

**Internet Website:**

No, as of 4/98. (FY'98 NSOR-AP application sought funds for website development for the South Carolina SOR. As of 9/98, the South Carolina Attorney General's website contained text data from the SLED Sex Offender Registry.  
<[www.scattorneygeneral.com/public/registry.html](http://www.scattorneygeneral.com/public/registry.html)>)

# Summary of State Sex Offender Registries: South Dakota

Responsible Agency: South Dakota Office of the Attorney General

## *Who is in the Registry?*

### **Covered Offenses:**

All felony sex offenses are covered.

### **Mandated Registrants:**

Registration is mandatory for all sexual offenders convicted as adults in South Dakota, all Federal or out-of-State offenders convicted of covered sexual offenses in other jurisdictions and moving into South Dakota, and juveniles, 15 years or older, adjudicated since 1997 of a sex offense that would require registration if committed by an adult.

### **Duration of Registration:**

Lifetime, with the exception of persons placed on the Registry as juveniles. They may petition the court for removal based on 10 offense-free years.

### **Offenders in Registry, 4/98:**

800, including adjudicated juveniles, and Federal and convicted felons from out-of-State now residing in South Dakota

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The South Dakota SOR has an automated text database. The initial steps in the process are manual. The Division of Criminal Investigation (DCI) receives hard copy sexual offenders' acknowledgments of the Duty to Register notice and their registration forms. The DCI runs criminal history checks, processes offenders' fingerprints into the AFIS, and creates a name folder for the hard copy forms and photo. The data is then entered into the automated SOR.

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI interim system:**

Yes. As of 4/98, the DCI transmits an electronic message to the FBI's Interstate Identification Index (III) for the interim SOR. (FY'98 NSOR-AP funds sought (1) to upgrade electronic linkages for speed, (2) to meet requirements of NCIC 2000, and (3) for programming needed for the transition to the FBI's permanent NSOR.)

### **Text material for SOR database is received and entered electronically:**

Very limited. Only the largest submitting agency (Sioux Falls Police Department) can enter material directly into the automated system. (FY'98 NSOR-AP funds sought for an interagency interface of the new Adult Probation Tracking of Court Automated Tracking System with other systems and with the SOR.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partially. South Dakota is part of a 3-State regional AFIS now being upgraded under NCHIP funding. (FY'98 NSOR-AP funds sought to support a project now underway to convert the South Dakota Law Enforcement Telecommunication System (SDLETS) network to a Frame Relay Service and to change to Transmission Control/Internet Protocol (TCP/IP) to meet NCIC 2000 requirements and permit the exchange of fingerprints and mugshots between agencies.)

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to support completing the conversion of SDLETS to the Frame Relay Service and the change to TCP/IP which would permit transmittal of mugshots and meet NCIC 2000 requirements.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

"Duty to Register" forms and acknowledgments are completed by offenders and the relevant probation, court services, State DOC, or Federal officials. The original is sent to the Division of Criminal Investigation (DCI) for entry in the SOR. Copies go to the applicable local law enforcement agency, the State's Attorney, and the offender. The DCI Compliance Coordinator monitors the offender's official registration with the local law enforcement agency where he will reside. The original of the Registration Form is sent to DCI, with the offender's fingerprints (on an FBI card) and his photo. All forms are submitted to DCI in hard copy.

### **DNA Sample:**

DNA sample is not taken as a formal part of the SOR registration, but there is a DNA indicator field to note if the State Forensic Lab has sample on file. Division of Criminal Investigation (DCI) has the responsibility for collecting and filing DNA information from all persons convicted of sex crimes.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. The Division of Criminal Identification (DCI) conducts direct certified mailing to all registered offenders annually as an address verification audit. The form must be signed by the offender and returned within 10 days. The registered offender is also required to verify his address annually with his local registering agency by filling out a reregistration or update form. An offender has 10 days to notify the local law enforcement agency of any change of address by completing an update form where he is residing.

#### **B. SOR Notification Automated:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought for this purpose.)

#### **C. Penalties for Noncompliance:**

Failure to register initially and violations of the reregistration requirements carry the same penalties. The first offense is a class 1 misdemeanor, punishable by up to one year in jail and/or a fine of up to \$1,000. Any subsequent offense is a class 6 felony, punishable by up to two years in prison and/or a fine of up to \$2,000.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

South Dakota states its registered sex offender automated database is accessible to all criminal justice entities nationwide instantly through standard telecommunication formats. Intrastate access is through the South Dakota Law Enforcement Telecommunication System (SDLETS), available to law enforcement agencies on 24-hour basis.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

No procedures for affirmative notification to organizations are specified. Names of school or child welfare employees or potential employees may be submitted to a law enforcement agency for a sexual offender records check.

### **Procedures for Public Access:**

The Division of Criminal Investigation (DCI) sexual offender registration file is available to all law enforcement agencies on a twenty-four hour basis, but is not open to inspection by the public. However, the registration records collected by local law enforcement agencies and the registration lists provided to local law enforcement by DCI are public records and may be viewed at local law enforcement offices.

### **Internet Website:**

No.

# Summary of State Sex Offender Registries: Tennessee

Responsible State Agency: Tennessee Bureau of Investigation

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are rape; the rape of a child; sexual battery; statutory rape; aggravated prostitution; sexual exploitation of a minor; incest; false imprisonment or kidnaping of a minor (except by a parent); an attempt, conspiracy, or solicitation to commit a covered offense; and criminal responsibility for facilitating the commission of these offenses.

### **Mandated Registrants:**

Registration is mandatory for persons convicted of, or under criminal justice supervision for, a covered offense on or after January 1, 1995, including those convicted of a comparable offense in another State, country, or a military court.

### **Duration of Registration:**

10 years after the termination of criminal justice supervision, at which point the offender may petition for relief from the registration requirement.

### **Offenders in Registry, 4/98:**

2,800

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Tennessee SOR has an automated text database. It is accessible to local law enforcement through transactions on the State law enforcement network.

### **Database is linked to criminal history files:**

Yes.

### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, Tennessee contributed to the FBI interim system on batch tapes. (FY'98 NSOR-AP funds sought to upgrade the Tennessee Bureau of Investigation (TBI) web server to allow for transmission and storage of images and registry forms for entry into the permanent NSOR.)

### **Text material for SOR database is received and entered electronically:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to improve existing circuits, upgrading them from 1800 baud, in order to permit automated transmission of SOR forms and digital mugshots from local probation and parole offices and to increase electronic transmission of registry forms and digital photos from Departments of Corrections and Parole to the Tennessee Bureau of Investigation via an Internet connection.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes, through the State's AFIS. Through a combination of NCHIP and Byrne funds, TBI's AFIS is being upgraded and the Department of Corrections (DOC) is upgrading their livescan equipment to be more compatible with the TBI repository.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, the offender photo was not maintained by TBI's SOR, but was kept on file by the releasing agency. (FY'98 NSOR-AP funds sought (1) to modify TBI operations so that the system could accept digital mugshots and (2) to acquire digital cameras for DOC local offices.)

## *Operation of Sex Offender Registries, April 1998*

### **Source for Initial Information on Offender:**

Initial information comes from the agency releasing the offender to the community: the Department of Corrections (DOC), Probation or Parole, or court services. The offender completes and signs (1) his Notification of Duty to Register form and (2) the

official Registration Form. Both forms are then sent to the Tennessee Bureau of Investigation (TBI) where the data is manually keyed into the registry and sent on to FBI. Local law enforcement can access SOR data through the State law enforcement telecommunications network.

**DNA Sample:**

Yes, but the DNA program operates under a separate law. Tennessee Code Annotated, Title 40-35-321 requires TBI to establish a DNA database for convicted sexual offenders, maintained by Forensic Services Division.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Every 90 days, TBI sends, by certified mail with return receipt requested, a nonforwardable Verification and Monitoring Form to *all* registered offenders. Registrants must sign it and return it to TBI headquarters within 10 days.

**B. SOR Notification Automated:**

Yes.

**C. Penalties for Noncompliance:**

The first offense is a Class A misdemeanor, punishable by not less than 180 days in the county jail. Any subsequent offense is a Class E felony, with revocation of any probation, parole, or other alternative to incarceration.

***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

Text information is available to all criminal justice agencies through the State's law enforcement telecommunications network. The Tennessee Bureau of Investigation (TBI) notifies the applicable local law enforcement agency and probation or parole agencies of the offender's places of residence and employment and changes of address. If there is evidence of a violation (such as verification forms not being returned), TBI notifies the district attorney of the jurisdiction and any agency responsible for the offender's supervision.

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

The TBI or a local law enforcement agency may

release relevant information deemed necessary to protect the public concerning a specific sexual offender. No formal procedures for notification to schools or other organizations are specified.

**Procedures for Public Access:**

For offenses committed prior to 7/1/97, the registry information is confidential and is released only to law enforcement officials or for public protection. For offenses committed on or after 7/1/97, the registry information is a public record, made available in the same manner as other public records, and through an Internet website (see below). However, the Federal Court for Middle District of Tennessee has held that Tennessee's provisions for notification violate offenders' due process rights, and that discretionary notification must be preceded by a hearing.

**Internet Website**

Yes. <[www.tcic.state.tn.us/sexoffender.htm](http://www.tcic.state.tn.us/sexoffender.htm)> The website is operated by the Tennessee Internet Crime Information Center (TICIC), but a Federal restraining order (from the Middle District of Tennessee, see above) precludes releasing Registry information on individual offenders on the website at this time.



# Summary of State Sex Offender Registries: Texas

## Responsible State Agency: Texas Department of Public Safety

### *Who is in the Registry?*

#### **Covered Offenses:**

Covered offenses are categorized as sexually violent offenses or sexual offenses. Covered sexually violent offenses are indecency with a child, by contact; sexual assault; aggravated sexual assault; sexual performance by a child; aggravated kidnaping with the intent to abuse the victim sexually; and burglary if committed with the intent to commit any listed offense. Covered sexual offenses are indecency with a child, by exposure; incest; indecent exposure (2nd conviction); compelling prostitution; possession or promotion of child pornography; attempted conspiracy or solicitation to commit any of the listed offenses.

#### **Mandated Registrants:**

Registration is mandatory for persons (adult and juvenile) incarcerated or under probation, parole, or mandatory supervision on or after 9/01/97 for conviction of a covered crime, or with adjudication occurring on or after 9/01/70. The exception is the offense of "Compelling Prostitution" (Section 43.05) which requires registration if the conviction or adjudication occurs on or after 9/01/97.

#### **Duration of Registration:**

For adults incarcerated or under supervision as of 9/01/97, there is a lifetime registration requirement for a sexually violent offense or specified offenses against children and a registration requirement of "duration of supervision plus 10 years" for other covered offenses. For adults discharged from supervision before 9/01/97, the duty to register expired on the date of discharge. For juveniles, the registration requirement is for "duration of supervision plus 10 years" if they are adjudicated on or after 9/01/95. For juveniles adjudicated before 9/01/95, the duty to register expires on the date of their discharge from supervision.

#### **Offenders in Registry, 4/98:**

18,000

### *Automation of Sex Offender Registries, April 1998*

#### **Extent of database automation:**

The Texas SOR has an automated text database on mainframe platform, as of 4/98. The system is reported to be difficult to modify and requires manual data entry. (FY'98 NSOR-AP funds sought to migrate the SOR file application to a client server environment, utilizing hardware and software that will incorporate telecommunications, graphics, and fingerprint file viewers, and thus position the system to operate in the TCP/IP environment required by NCIC 2000.)

#### **Database is linked to criminal history files:**

Yes.

#### **SOR transmits electronically to FBI interim system:**

No. As of 4/98, SOR data was sent to the FBI's interim NSOR system on 18 track tape. (FY'98 NSOR-AP funds sought for upgrades to meet the transmission requirements for the FBI's permanent NSOR.)

#### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, all information from contributing agencies was submitted in hard copy and entered manually. (Proposed system upgrades under FY'98 NSOR-AP award should facilitate later automated entry.)

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Partial. The capability for electronic storage and transmittal of fingerprints exists through the State AFIS, but the agencies submitting fingerprints to the SOR sent special fingerprint cards in hard copy to SOR as of 4/98.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. (FY'98 NSOR-AP application seeks support for system upgrades that will allow Department of Public Safety [DPS] to incorporate graphics and images.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

The institution releasing the offender to the community (the Department of Corrections, the local jail, or Court Services) completes the initial registration and a written Notice of Duty to Register, and sends the forms to the local law enforcement agency where the offender will reside. That agency completes registration with the offender, verifies the address, obtains the offender's fingerprints and photo, and submits the full package to the Department of Public Safety (DPS) which enters the data into the SOR. The local law enforcement agency conducts any required school or newspaper notification.

### **DNA Sample:**

Yes. A parallel program within DPS focuses on building a DNA database of all convicted sexual offenders.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, offenders are responsible for personally verifying their addresses annually with the local law enforcement agency where they reside. Offenders with two convictions for sexually violent crimes must verify their addresses every 90 days. The procedural requirements for verification are at the discretion of the local law enforcement agency. The Department of Public Safety provides sample forms which local agencies may use.

#### **B. SOR Notification Automated:**

Not applicable.

#### **C. Penalties for Noncompliance:**

Noncompliance is a State jail felony and can result in revocation and reincarceration.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Local law enforcement agencies can access the SOR database through a specialized Texas Crime Information Center (TCIC) inquiry issue via the Texas Law Enforcement Telecommunication System (TLETS). Out-of-State law enforcement agencies have access to information through the Interstate Identification Index (III) or NCIC.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

The local law enforcement agency for the jurisdiction where the offender resides provides written notice to the superintendent of public schools and to the administrators of private primary and secondary schools concerning any registered sexual offender whose victim was under the age of 17.

### **Procedures for Public Access:**

Registry data is public information, but the street address, Social Security Number, phone number, driver's license number, and photo are not released. Newspaper notification is made on *adult* offenders only for convictions or adjudications on or after 9/01/95 where the victim was under the age of 17. Citizens may write to their local law enforcement agency or the Texas Department of Public Safety (DPS) requesting listings of registered offenders. The preparation of a CD-ROM was under discussion as of 4/98.

### **Internet Website:**

No, not as of 4/98. In July, 1998, SOR data was available (for a fee) on the Conviction Records Database of Texas DPS website:

<<http://records.txdps.state.tx.us/dps/default.htm>>

# Summary of State Sex Offender Registries: Utah

## Responsible State Agency: Utah Department of Corrections

### *Who is in the Registry?*

#### **Covered Offenses:**

Violations of Utah Code Sections 76-7-102, 76-9-702.5, 76-5a-3, 76-10-1306, 76-5-301.1, and attempting, soliciting or conspiring to commit a felony under Title 76, Chapter 5, Part 4, Sexual Offenses are covered offenses.

#### **Mandated Registrants:**

Registration is mandatory for adults convicted in Utah of covered offenses, those convicted of comparable offenses in other State or Federal courts, and those committed to State mental hospitals for commission of one or more covered offenses.

#### **Duration of Registration:**

The registration requirement continues for 10 years after termination of the offender's sentence.

#### **Offenders in Registry, 4/98:**

5,923 of whom 4,733 are in the community and 1,190 are in prison.

### *Automation of Sex Offender Registries, April 1998*

#### **Extent of database automation:**

The Utah SOR has an automated text database incorporating mugshot capture and storage capability. The Utah SOR, operated by the Department of Corrections (DOC), is part of the partially completed automated offender tracking system (O-track). The sex offender management portion of O-track is named I-track and includes the SOR. As of 4/98, I-track was in beta testing. (FY'98 NSOR-AP funds sought to enhance the database to make it FBI compliant.)

#### **Database is linked to criminal history files:**

No, not as of 4/98. The Bureau of Criminal Identification (BCI) of Department of Public Safety maintains fingerprint and demographic offender information entered by arresting agencies and is the only agency authorized to submit offender data to the FBI. The Department of Corrections (DOC)

maintains the State SOR separately from BCI. The BCI will allow the DOC access to its NCIC data link for timely online data entry of SOR information.

#### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. Utah reported plans for an electronic data dump of required fields on registered sex offenders to take place no later than 12/31/98 to immediately populate the FBI interim database. (Utah's criminal history file belongs to a consortium, Western Identification Network [WIN] that will transmit electronically to NCIC 2000 and permanent NSOR when they come online in mid-1999.)

#### **Text material for SOR database is received and entered electronically:**

Partial capability exists. From Utah prisons and from 16 probation and parole offices, text material can be manually keyed in and then is electronically transmitted and entered directly into central SOR file. Material from the Utah Courts or from county sheriffs is sent in hard copy to the closest probation and parole office for entry there.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, not as of 4/98. Fingerprints are taken at only two prisons in Utah. The hardcopy prints are used for internal prison control only. The DOC's O-track system was not designed to capture or store fingerprints. (FY'98 NSOR-AP application seeks funds for livescan equipment for probation and parole offices scattered throughout the State. The DOC plans to use electronic uploads and online data entry rather than hard copies.)

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

Yes. Mugshot capability has been incorporated into I-track, with the added ability to store a series of mugshots of an individual offender. As of 4/98, the Bureau of Criminal Identification, which has the NCIC link and is authorized to transmit data to the FBI, does not have mugshot capture capability. However, the Western Identification Network (WIN) of which Utah is a member will have this ability by the fourth quarter of 1999.

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Information comes from the warden of a prison or other confinement facility to the SOR, from the sentencing court to the applicable probation and parole office and then to the SOR, or from the local sheriff to the applicable probation and parole office and then to the SOR. Material from the courts and from law enforcement agencies comes in hard copy, while material from probation and parole offices is submitted electronically. Probation and parole offices are assuming responsibility for taking fingerprints and photos of offenders as they are released to the community and submitting them to the SOR.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. The SOR sends address verification notices to registrants as directed by the Utah State Code. Offenders must register annually and also within 10 days of every change of address with the probation and parole office responsible for the jurisdiction of residence. For lifetime parolees (sexually violent predators), address verification is required every 60 days.

### **SOR Notification Automated:**

No, not as of 4/98. (Utah reports plans to automate the process and anticipates completion no later than the fourth quarter of 1999.)

### **Penalties for Noncompliance:**

Violation is a Class A misdemeanor, carrying a term of incarceration of not less than 90 days and also at least one year of probation.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Department of Corrections (DOC) employees can access the SOR database through a statewide Wide Area Network. All probation and parole offices in the State have access to the "sex offender management I-track" which includes the SOR database. (FY'98 NSOR-AP application seeks support to provide for law enforcement access to the enhanced SOR database via the Internet.)

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, State Office of Education was notified of registered offenders whose victims were children. Effective 7/1/98, registration data became public record information and may be used by local law enforcement in affirmative notification to schools and youth organizations. However, online access to the SOR database, through the DOC's I-Track, will be given only to law enforcement agencies and the State Office of Education, and that process is not yet complete.

### **Procedures for Public Access:**

As of 4/98, SOR data was available only to law enforcement agencies, the State Office of Education, the DOC, and a "petitioner" (a victim or resident of area where sex offender is suspected to reside) who made a written request approved by the DOC. As of 7/1/98, some registry data is public information. Citizens may write to the DOC's SOR unit for detailed information on registered offenders by zip code(s). There is no limit on the number of zip codes that may be queried. Some information also will be available on the Internet.

### **Internet Website:**

No, not as of 4/98. [In July 1998, SOR data for registered offenders convicted after 4/29/96, was mounted on the DOC website. <[www.cr.ex.state.ut.us/soreg/info\\_soreg.htm](http://www.cr.ex.state.ut.us/soreg/info_soreg.htm)> By yearend, however, legal issues and constraints precluded adding new offenders.]

# Summary of State Sex Offender Registries: Vermont

Responsible State Agency: Vermont Department of Public Safety

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are sexual assault, aggravated sexual assault, lewd and lascivious conduct, sexual activity by a caregiver, (all as defined in specified statute sections) or an attempt to commit any of the offenses listed. If the victim is a minor, covered offenses include all of those already listed, plus kidnaping, lewd and lascivious conduct with a child, prohibited acts in violation of specific statute sections, sexual exploitation of children (all as defined in specified statute sections) or attempts to commit any of these offenses. For purposes of covered offenses requiring registration, conduct that is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is under the age of 18.

### **Mandated Registrants:**

Registration is mandatory for persons convicted of any of the covered offenses listed above and for persons who have been convicted of a comparable sex crime in any jurisdiction of the United States, including a State, territory, Commonwealth, the District of Columbia, or a military court and subsequently take up residence in Vermont. (As noted above, conduct that is criminal only because of the age of the victims shall not be considered a criminal offense requiring registration is the perpetrator is under the age of 18.)

### **Duration of Registration:**

Registration is required for 10 years after release to the community and discharge from probation or parole. A person designated as a sexually violent predator may petition the court for removal of the designation 10 years after release from incarceration or after discharge from probation or parole, whichever is later. The petition must include the recommendations of at least two experts in the behavior and treatment of sexual offenders.

### **Offenders in Registry, 4/98:**

877

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Vermont SOR has an automated text database on a stand-alone personal computer. It is maintained by the Vermont Criminal Information Center (VCIC) of the Department of Public Safety. Most processes are manual. NCHIP funds are being used to move the SOR to a different hardware and software platform for interfaces with the FBI and with the computerized criminal history system, and in order to automate accessing and transmitting data. (FY'98 NSOR-AP funds sought to complete that automation and transmission capability.)

### **Database is linked to criminal history files:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to link SOR and computerized criminal history [CCH] files. Vermont plans to make SOR a "hot file.")

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. Vermont reports plans to submit hard copy to the FBI's interim system beginning in September 1998. (FY'98 NSOR-AP funds sought to support electronic transmission to FBI NCIC 200 and NSOR. See above.)

### **Text material for SOR database is received and entered electronically:**

No, all data entry is done manually by VCIC staff from paper submissions from the courts and the Department of Corrections (DOC). (FY'98 NSOR-AP funds sought to "automate maximum number of registry functions possible." The Vermont SOR unit expects to automate data transfer from the DOC and the courts to VCIC, and to have the capability to enter data simultaneously into the Vermont SOR and the FBI's NSOR, after the current SOR is moved to a more robust hardware and software platform.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes. The capability exists through the Tri-State AFIS network shared by Vermont, New Hampshire, and Maine, although, as of 4/98, it was not linked in any way with the current SOR.

**SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as part of the SOR as of 4/98. Fingerprints are stored in the AFIS, but most photographs are maintained in paper form.

***Operation of Sex Offender Registries, April 1998***

**Source for Initial Information on Offender:**

The court submits the initial registration data from the offender to the Department of Public Safety's Vermont Criminal Information Center (VCIC) immediately upon conviction and then submits the conviction record within 10 days of sentencing. Prior to an offender's release, the Department of Corrections (DOC) formally notifies the offender of his Duty to Register, notifies the offender's parole officer, and updates and adds to the SOR data at VCIC. The Department of Public Safety/VCIC will then notify the FBI.

**DNA Sample:**

No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. Vermont Criminal Information Center (VCIC) annually sends each registered offender an address verification form letter which the offender must complete and return to VCIC within 10 days. Offenders designated sexually violent predators must verify their addresses every 90 days.

**B. SOR Notification Automated:**

No. Generating offender address verification letters is a substantially manual process. (FY'98 NSOR-AP funds sought for automation of this process)

**C. Penalties for Noncompliance:**

The first offenses punishable by imprisonment for not more than two years or a fine of not more than \$1,000 or both. The second and subsequent offenses are punishable by imprisonment for not more than three years or a fine of not more than \$5,000 or both.

***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

As of 4/98, no automated links exist between the SOR and Vermont's intrastate law enforcement network, the NLETS, or NCIC. All requests to the SOR for data or dissemination are processed manually. (FY'98 NSOR-AP application presents plans to move SOR to the State's upgraded law enforcement message switching computer system and will permit adding the SOR to statewide "hot files.")

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Vermont registry information is confidential. It may be given to law enforcement agencies for law enforcement purposes, to State or Federal agencies for confidential background checks, and to employers and school districts authorized to request Vermont Crime Information Center (VCIC) data for public protection purposes, as well as to the offender for review purposes. Legislation to expand community and organizational notification was introduced in legislature in January 1998, but no action was taken.

**Procedures for Public Access:**

Information contained in the registry is not accessible to the public directly. The Registry does inform local law enforcement agencies when a registrant moves into their jurisdictions. The local agencies are authorized to release registry information to the public in the interests of public safety. A bill to provide for community notification was introduced into the State legislature in January 1998, but no action was taken.

**Internet Website:**

Yes, but the Vermont website provides only information on the Registry. *No data is posted on registered offenders.* The website has a description of the VCIC SOR, the registration requirements, and a link to the text of the law.

<[www.dps.state.vt.us/cjs/s\\_registry.htm](http://www.dps.state.vt.us/cjs/s_registry.htm)>

# Summary of State Sex Offender Registries: Virginia

## Responsible State Agency: Virginia State Police

### *Who is in the Registry?*

#### **Covered Offenses:**

The following sexually violent offenses are covered: rape, forcible sodomy, sexual penetration with an object, and aggravated sexual battery. The following sexual offenses also are covered: abduction, abduction for immoral purposes, carnal knowledge of child between 13 - 15 years, carnal knowledge of certain minors, attempted rape, forcible sodomy, sexual penetration with an inanimate object, aggravated sexual battery, crimes against nature, incest, taking indecent liberties with a child, indecent liberties with a child by a person in a custodial relationship, and pornography involving children.

#### **Mandated Registrants:**

Registration is mandatory for adult sex offenders convicted of a covered offense on or after July 1, 1994, and for juvenile felony sex offenders convicted in circuit courts on or after July 1, 1997.

#### **Duration of Registration:**

Sexual offenders are required to register for 10 years. They may then petition the court for removal from the registry, but if denied, they must wait two years to repetition. Those convicted of a second covered offense or designated as sexually violent offenders must register for life.

#### **Offenders in Registry, 4/98:**

6,615

### *Automation of Sex Offender Registries, April 1998*

#### **Extent of database automation:**

As of 4/98, the Virginia SOR database itself is fully automated. The system calculates dates and generates notices for offenders' reregistration, is searchable by county or zip code, and generates reports for the program. Handling of SOR records, however, is largely manual. (FY'98 NSOR-AP application seeks support for expanded automation of data submission and entry, for development of an

offender tracking capability, and for electronic transmission meeting NCIC 2000 standards for text, fingerprints, and photos.)

#### **Database is linked to criminal history files:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to add a sex offender flag to the State's criminal history system.)

#### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to develop a transmission capability meeting all of the NCIC 2000 and permanent NSOR requirements.)

#### **Text material for SOR database is received and entered electronically:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to increase "automated entry and editing of sex offender registration records at State Police, automated identification and tracking of sex offenders by the Department of Corrections, and providing for future electronic transmission of these records from submitting agencies to the State Police.")

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No, the Virginia SOR does not have this capability as of 4/98. The State has an AFIS and uses the Networked AFIS Transaction Management System (NATMS) to automatically enter and update its criminal history records, but the Virginia State law requires that the SOR fingerprints be stored separately from any other records. (FY'98 NSOR-AP funds sought to add SOR transactions to Card Scan, NATMS, and livescan to enhance automated fingerprint entry and comparison on AFIS, and electronic transmission to the FBI.)

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. Larger jurisdictions have photo-imaging systems from several different vendors, but there is no statewide system or standard. (FY'98 NSOR-AP funds sought to begin establishing a statewide mugshot system that will meet requirements of NIST, NCIC 2000, IAFIS, and SOR,

and provide for future transmission of mugshot images from local agencies to the State Police via livescan systems.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

At conviction, the court remands the offender to the local law enforcement agency which completes the registration, fingerprints the offender, and takes his photo, and mails hard copy to Department of State Police (DSP). The Department of Corrections(DOC), the local sheriff, or the jail administrator update the data prior to the offender's release to the community and mail hard copy to DSP. Local agencies also mail hard copy information on offenders moving to Virginia from out-of-State, on address changes, and on reregistrations. (FY'98 NSOR-AP funds sought to flag the SOR registrants in the DOC databases in order to raise compliance with registration requirements.)

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. The State Police SOR computer system automatically calculates the appropriate re-registration date for each registered offender and produces a re-registration notice. The forms sent via "restricted delivery," so that only the offender can sign for and receive them. Reregistration forms require inked thumbprints that are done by any local law enforcement agency or by the State Police. (FY'98 NSOR-AP application seeks support to flag the SOR registrants in probation and parole databases and generate notices there when reregistrations are due, so that probation and parole officers can follow up with registrants to heighten compliance.)

#### **B. SOR Notification Automated:**

Yes. Reregistration notification automated. The SOR system generates notification letters and also automatically generates a listing of offenders who fail to reregister. Notification to law enforcement agencies of an offender's failure to reregister or queries to other agencies are now handled manually. (FY'98 NSOR-AP application seeks support to automate (1) notification of DSP Field Operations Bureau and (2) query to Department of Motor Vehicles files for all offenders who fail to re-

register.)

### **C. Penalties for Noncompliance:**

Violation is a Class 1 misdemeanor for individuals originally convicted of a "sexual offense" and a Class 6 felony for individuals originally convicted of a "sexually violent offense."

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

The Department of State Police (DSP) makes complete sex offender registrations available via the Virginia Criminal Information Network (VCIN) for criminal justice purposes. The DSP notifies the chief law enforcement officer of a jurisdiction of any registrations or reregistrations in his/her jurisdiction.

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, SOR data could be disseminated by DSP only to public, private, and parochial schools; child welfare agencies; daycare homes or a registered or unregistered small family daycare home. Effective 7/1/98, the scope of dissemination was broadened to include SOR searches for employment, volunteering services, for public protection, and the protection of children in general. Effective 1/1/99, schools and child care organizations will be able to request and receive automatic notification of all registrations and reregistrations in their own or contiguous zip codes.

### **Procedures for Public Access:**

As of 4/98, there was no provision for public access. Effective 1/1/99, sex offender records will become public records. Citizens will be able to receive information on a specific individual by completing a request form to be developed by DSP. Information on violent sex offender registrants will be made available through the Internet.

### **Internet Website:**

No, not as of 4/98. [Legislation effective 1/1/99, requires Internet website with information and photos of violent sex offender registrants  
<<http://sex-offender.vsp.state.va.us/cool-ICE/>>.]



# Summary of State Sex Offender Registries: Washington

Responsible State Agency: Washington State Patrol

## *Who is in the Registry?*

### **Covered Offenses:**

Covered offenses are the offenses defined as sex offenses by the Revised Code of Washington 9A.44., 9A.64, 9A.68A, and 9.94A.030, and sexual exploitation of a minor, sexual misconduct with a minor, pornography involving minors, patronizing a juvenile prostitute, and criminal attempts, solicitation, or conspiracy to commit a sexual offense. (Washington law also covers kidnaping offenders.)

### **Mandated Registrants:**

Registration is mandatory for adult and juvenile felony sex offenders convicted, in custody, or under criminal justice supervision on or after July 28, 1991; for those convicted of comparable offenses in other jurisdictions; and for defendants charged with a felony sex offense and found "not guilty by reason of insanity." Registration also is mandatory for kidnaping offenders convicted, in custody, or under criminal supervision, on or after July 27, 1997.

### **Duration of Registration:**

Registration is required for lifetime if the offender was convicted of a Class A felony, for 15 years after the last date of release from confinement if the offender was convicted of a Class B felony, and for 10 years after the last date of release from confinement if the offender was convicted of a Class C felony. Any registrant may petition the court for relief from the registration requirement, but he must show "clear and convincing evidence" that future registration will not serve the purpose of the law. Juveniles who were under 15 at time of their offense must be offense-free for 24 months and meet a "preponderance of the evidence" standard.

### **Offenders in Registry, 4/98:**

14,000

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

Partial. Washington State Patrol (WSP) operates the Sex and Kidnaping Offender Registry (SKOR). The data is divided between three automated but unlinked databases: 1) Washington State Identification System (WASIS-criminal history), 2) Washington Crime Information Center (WACIC), and 3) a stand-alone personal computer system which contains release, address, and image information. (FY'98 NSOR-AP funds asked to re-engineer WASIS and WACIC to support all the data collection needed for the FBI-NSOR and to provide SKOR data online for Washington criminal justice agencies.)

### **Database is linked to criminal history files**

Yes.

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought for NSOR-specific enhancements to Washington's law enforcement telecommunications system, ACCESS, which would permit the State to meet the transmission requirements for the permanent NSOR and NCIC 2000.)

### **Text material for SOR database is received and entered electronically:**

No, not as of 4/98. The data come from local sheriffs and they mail materials to the SOR in hard copy. (FY'98 NSOR-AP application seeks support for NSOR-specific enhancements for courts and corrections computer systems to support a two-way automated information flow. The goal is to provide local law enforcement and corrections officers with online information they can use for offender tracking and supervision, as well as to improve the central database.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. As of 4/98, most sex offender fingerprints were submitted on ink-rolled cards. Although some sheriffs have livescan units, Washington reports that they are outdated, do not meet NIST image transmission standards, and cannot interface with

new Washington State systems. (FY'98 NSOR-AP funds sought for a livescan pilot project to develop the interface between local sheriffs' livescan units and the State criminal history files and the AFIS.)

**SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, Washington State telecommunications system is not capable of transmitting mugshots. (FY'98 NSOR-AP funds sought to achieve this capability.)

## ***Operation of Sex Offender Registries, April 1998***

**Source for Initial Information on Offender:**

The Department of Corrections (DOC) registers offenders prior to their release with the sheriff in their planned county of residence and with the Washington State Patrol (WSP) for the SOR. The offender confirms the information with the sheriff upon his release, and the sheriff submits the offender's photo, fingerprints, and other material to WSP. (FY'98 NSOR-AP support sought to link the DOC, community corrections, and law enforcement to enhance information sharing and offender monitoring.)

**DNA Sample:**

No.

**Validation and Reregistration Procedures:**

**A. State SOR Proactively Notifies Registrants:**

Yes. As of 3/98, annual address verification and reregistration are required, and notification is the responsibility of the Washington State Patrol.

**B. SOR Notification Automated:**

No.

**C. Penalties for Noncompliance:**

Noncompliance is a Class C felony if the underlying conviction was for a Class A felony offense. In other cases, noncompliance is a gross misdemeanor.

## ***Dissemination of Sex Offender Registry Information, April 1998***

**To Law Enforcement and Criminal Justice Agencies:**

There is limited dissemination of SOR information to local law enforcement or Indian tribal police. "Wanted" checks made through the Washington Crime Information Center (WACIC) return SOR flags for Department of Corrections (DOC) registered sex offender. Criminal history checks through Washington State Identification System (WASIS) yield rap sheets with further sex offender information. An offender's photo and current address must be requested in writing from Washington State Patrol (WSP). (FY'98 NSOR funds sought for direct online access for criminal justice agencies statewide.)

**To Organizations Serving Children, Elderly, and the Mentally Ill:**

Eight months prior to release, sex offenders are classified for risk by a DOC committee, but the local law enforcement agency for the jurisdiction where the offender resides makes the final risk determination. For Level II and III (moderate and high risk) offenders, the local school, neighbors and community groups may be notified under the community notification act. A WSP pre-employment records check, requested in writing or through a limited access Internet site, will note if the individual is a registered sex offender.

**Procedures for Public Access:**

WSP disseminates limited sex offender information to the public and only in response to a written "public information disclosure request." Based on the offender's risk level, the local law enforcement agency has the authority to notify neighbors and community groups for moderate and high risk offenders, and may issue press releases for high risk offenders. Some local law enforcement agencies also use Internet sites for dissemination of information on registered offenders in their jurisdiction.

**Internet Website:**

No. As of 4/98, the only SOR data on a State website was on a restricted access site used for employment background checks. (FY'98 NSOR-AP support sought for computers and links to the SOR database for local law enforcement websites to provide public access to local SOR information.)

# Summary of State Sex Offender Registries: West Virginia

## Responsible State Agency: West Virginia State Police

### *Who is in the Registry?*

#### **Covered Offenses:**

Covered offenses are sexual assault in the 1st, 2nd, or 3rd degree; sexual abuse in the 1st, 2nd, or 3rd degree; child sexual abuse; child molestation; abduction of a person or kidnaping of a child; prostitution or procuring for prostitution; incest; sex abuse by a parent, guardian, or custodian; filming, distributing, exhibiting, or facilitating materials depicting sexually explicit conduct of minors.

#### **Mandated Registrants:**

Registration is mandatory for those convicted of any covered offense, those under community supervision for a covered offense, and those released following incarceration for a covered offense on or after April 1988, or those convicted of similar offenses elsewhere and moving to West Virginia. Beginning June 1998, registration is mandatory for those convicted of covered offenses who work or attend school within West Virginia while residing in another State.

#### **Duration of Registration:**

10 years is required for sexual offenders. Lifetime registration is required for violent, recidivistic or predatory offenders.

#### **Offenders in Registry, 4/98:**

600

### *Automation of Sex Offender Registries, April 1998*

#### **Extent of database automation:**

The West Virginia SOR has limited automation of its text database. It can be searched and sorted by name and date of birth only. The SOR resides on the State's computerized criminal history system (CCH). (FY'98 NSOR-AP application seeks support to upgrade the Central Processing Unit capacity to accommodate the CCH, the SOR and the protection order registry, and to make software modifications to comply with new legislation and with NCIC 2000 requirements.)

#### **Database is linked to criminal history files:**

Yes.

#### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. As of 11/98, West Virginia contributes to the FBI's interim system, but on I-112 forms. (West Virginia anticipates meeting FBI transmission requirements for the permanent NSOR by 9/1/99 and FY'98 NSOR-AP funds were sought for this purpose.)

#### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, offenders registered at the local State police detachment in their jurisdiction of residence. Information was gathered in hard copy form, with a single thumbprint, and mailed to State Police, Criminal Identification Bureau (CIB) to be keyed in manually.

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No. As of 4/98, WVSOR required only a single thumbprint, and had no AFIS. The planned AFIS is to have livescan capability at the regional jails for digitalized fingerprints and mugshots, and to have AFIS investigative workstations at local State Police offices. New legislation, effective 6/15/98, mandates full fingerprints, so there also is a need to get the full ten-prints on offenders registered prior to 6/15/98. (FY'98 NSOR-AP funds sought for State Police overtime to contact registrants to get full sets of fingerprints.)

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, West Virginia has no automated mugshot processing capability. The SOR program has required photos since 1996, but they are maintained in hard copy. (FY'98 NSOR-AP application seeks support for digital mugshot cameras to be used in local State Police detachments, as well as overtime for State Police to contact registrants who entered the registry prior to 1996.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

As of 4/98, if the offender is incarcerated, the DOC faxes data to both the SOR and the State Police detachment where the offender will reside, prior to his release. If the offender has a probation sentence, it is the responsibility of his probation officer to ensure that he is registered and the SOR is notified. Hard copy forms are sent to the Criminal Identification Bureau. (Under legislation effective 6/98, information now comes at the time of conviction from the supervising criminal justice authority, and is updated at pre-release from confinement.)

### **DNA Sample:**

Yes. Since July 1996, all persons convicted of violent crimes and sexual crimes are placed into a CODIS DNA database. As of November 1998, there are 2,200 names in the database.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. SOR generates a letter with a reregistration card annually for sexual offenders and every 90 days for sexually violent predators. The offender must personally take his card to the local State Police detachment within 10 days. The State Police phone the postal service to verify the offender's address, update their records and may rephotograph the offender. They also do one unannounced verification visit to each offender.

### **SOR Notification Automated:**

No, not as of 4/98.

### **Penalties for Noncompliance:**

The first offense is a misdemeanor, punishable by a fine of \$250.00 to \$10,000, or imprisonment for not more than one year, or both. A subsequent offense, or *any offense for those with lifetime registration*, is a felony, requiring imprisonment for one to five years.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

SOR data is available electronically to all criminal justice agencies that have access to WATCH (West Virginia's criminal history records system). As of 4/98, the State Police notified the city and county law enforcement agencies where the offender would reside after an offender registered with them. [Legislation effective 6/98 now requires additional notification if the residence jurisdiction differs from the school or work location.]

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

As of 4/98, State Police fax notification to school superintendents and child protective agencies of all registered offenders in their counties. Other civic and religious organizations can register with SOR and automatically receive SOR data (FY'98 NSOR-AP application seeks support for new computer and GIS software to analyze offender addresses vs. vulnerable populations.)

### **Procedures for Public Access:**

As of 4/98, individual citizens could receive SOR information upon application to (and approval by) the circuit court of jurisdiction where the requestor resided. [New legislation effective 6/15/98 makes lifetime registrants subject to community notification. West Virginia began its community notification program in September 1998.]

### **Internet Website:**

No, as of 4/98. [However, in conjunction with community notification, data on lifetime registrants will be mounted on the State Police website. One county was online as of September 1998. Two counties were online as of November 1998. <<http://www.wvstatepolice.com>>]

# Summary of State Sex Offender Registries: Wisconsin

Responsible State Agency: Wisconsin Department of Corrections

## *Who is in the Registry?*

### **Covered Offenses:**

All Wisconsin felony sexual assaults are covered offenses. All felony sex convictions from other jurisdictions are treated as covered offenses.

### **Mandated Registrants:**

Registration is mandatory for offenders convicted of, incarcerated, or under criminal justice supervision for any felony sex offense on or after 12/25/93, including persons entering Wisconsin under interstate compacts, persons committed under the sexually violent persons law to mental health institutions, and any offender whose crime the court determines to be "sexually motivated." Juveniles adjudicated for a covered offense are required to register.

### **Duration of Registration:**

Registration is required for 15 years following discharge from supervision, as well as for the full term of any form of community supervision. There is a lifetime registration requirement for offenders committed under the Sexually Violent Person law or those convicted of two separate episodes of sexual assault.

### **Offenders in Registry, 4/98:**

10,000 records are now in the Registry database. Wisconsin reports that of these, approximately 3,000 cases have full and complete registration information, in part due to legislative amendments effective 6/01/97, but with retroactive application to 12/25/93.

## *Automation of Sex Offender Registries, April 1998*

### **Extent of database automation:**

The Wisconsin Sex Offender Registry Program (SORP) has an automated text database maintained by the State Department of Corrections (DOC). The SORP has only a batch interface with the State Department of Justice (DOJ) TIME system, which transmits to NCIC and to law enforcement agencies statewide. (FY'98 NSOR-AP funds sought for a

systems upgrade for the DOC and the DOJ to permit online linkage between the systems, cross referencing of ID numbers, access by law enforcement personnel to SORP data, and similar improvements.)

### **Database is linked to criminal history files:**

No. As of 4/98 the computerized criminal history files (CCH) maintained by the State DOJ did not indicate whether an individual was on the DOC SORP. (FY'98 NSOR-AP application seeks support to automate index coordination transactions and to implement a "sex offender registrant" flag in the new CCH being developed.)

### **SOR transmits electronically to FBI interim system:**

No, not as of 4/98. Wisconsin Department of Corrections began contributing to the FBI's interim system on 6/01/98 and submits data monthly, on diskette. (FY'98 NSOR-AP application seeks support for system upgrades to develop an online linkage between the FBI NSOR and the DOC SORP through the DOJ TIME system.)

### **Text material for SOR database is received and entered electronically:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought to enhance the automated functions of registry, to improve online access, and to decentralize the automated data entry function so that information can be entered directly by probation and parole officers for offenders under field supervision.)

### **SOR system has capability for electronic transmittal & storage of fingerprints:**

No.

### **SOR system has capability for electronic transmittal and storage of mugshots:**

No. As of 4/98, the DOC SORP does not have the capability to capture, store or retrieve digitized pictures of registrants. DOC has digital cameras only at prisons. (FY'98 NSOR-AP funds sought to create picture identification, storage, retrieval, and access capability within the SORP, to purchase digital cameras for all Community Corrections field centers, correctional centers, and Community Registration Specialists statewide, and to purchase supporting hardware and software.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

The Sex Offender Registry Program (SORP) is run by Wisconsin Department of Corrections (DOC). The initial registration is submitted following the offender's release from prison or jail or comes directly from a supervising field agent to the DOC. The long range plan is to achieve more timely information by automating and decentralizing the data entry function, so that the supervising agent for offenders on active field supervision can directly enter information into the SORP for both the initial registration and for changes of addresses and other updates.

### **DNA Sample:**

Yes. The SORP registration form has a field indicating if a DNA sample was required and taken.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

Yes. The DOC is required to mail nonforwardable annual reregistration notices to all regular registrants and send notices every 90 days to persons committed under the Sexually Violent Person law. Registrants must complete the form and submit it to the DOC SORP within 10 working days. The DOC SORP reviews the data and enters it manually into database. (FY'98 NSOR-AP support sought for portions of a multiphase verification system now being designed, to include random mailings, home visits, employment checks and Department of Motor Vehicles record checks.)

#### **B. SOR Notification Automated:**

In process. As of 4/98, the programming to automate this function was unfinished. The first 3,000 annual registration letters were generated and mailed in March 1998. (FY '98 NSOR-AP funds sought to automate identification of noncompliant cases, capture and transmit this and other contact information, and generate reports for prosecution--as part of the multiphase verification system cited in the preceding section.)

#### **C. Penalties for Noncompliance:**

Noncompliance is a misdemeanor, punishable by up to nine months imprisonment or a fine of up to \$10,000 or both.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

Some SORP data is available through the Department of Justice (DOJ) online database (TIME system), which is now updated daily by a batch interface between the DOJ and the Department of Corrections (DOC). The DOC also develops Special Bulletins on high risk registrants. (The FY'98 NSOR funds sought to establish electronic transmission to the FBI and will also provide State law enforcement agencies with direct access to the full SORP database. NSOR-AP funds were also sought to automate local notification, Special Bulletins, and to provide investigative support through the database and a secure Internet site.)

### **To Organizations Serving Children, Elderly, and the Mentally II:**

The DOC Sex Offender Registry Program (SORP) provides SORP data on geographic areas to Neighborhood Watch Groups, in response to a written request that has been approved by the local law enforcement agency. Affirmative notification to schools or other organizations is the decision and responsibility of the local law enforcement agency.

### **Procedures for Public Access:**

Victims and victims' families have direct access to SORP information related to their offender(s) via 1-800-Victim Information Notification Everyday (VINE) and their Victim Access number, or they may request written notification of the offender's change of address or similar information. The general public can access basic SORP data on a specific person, but they must provide the name, date of birth, and the Social Security Number *or* the driver's license number of the subject of their inquiry. Affirmative community notification is responsibility of the local law enforcement agency.

### **Internet Website:**

No. (FY'98 NSOR-AP funds sought to create "highly secure, online/interactive" World Wide Web access page for use *only by law enforcement agencies* throughout State.)

# Summary of State Sex Offender Registries: Wyoming

## Responsible State Agency: Wyoming Office of the Attorney General

### *Who is in the Registry?*

#### **Covered Offenses:**

Covered offenses are Wyoming felony sex offenses (sexual assault under Wyoming Statute 6-2-302 through 6-2-304, attempted sexual assault, conspiracy to commit sexual assault, incest, or indecent liberties) when the victim is less than 16 years of age and the offender is at least four (4) years older than the victim.

#### **Mandated Registrants:**

Registration is mandatory for persons convicted of a covered offense on or after January 1, 1985, including those convicted of a comparable offense in another State and moving to Wyoming.

#### **Duration of Registration:**

For offenders convicted of first or second degree sexual assault, there is a lifetime registration requirement. For other sexual offenders, the registration requirement is for 10 years following release to the community if there are no further convictions during that period. Both categories of registrants may petition the court for relief from the registration requirement, but petitioning offenders must demonstrate by "clear and convincing evidence" that future registration will not serve the purpose of the act.

**Offenders in Registry, 4/98:**  
552

### *Automation of Sex Offender Registries, April 1998*

#### **Extent of database automation:**

The Wyoming central registry now exists as a database on a personal computer, unconnected to any other database or information system. (FY'98 NSOR-AP funds sought to design and implement an automated registry on an existing AS400 computer, and establish an interface to the Wyoming Criminal Justice Information Network (WCJIN) to support statewide law enforcement access, NLETS queries, and transmission to NCIC and FBI.)

#### **Database is linked to criminal history files:**

No. As of 4/98, the SOR was not linked to Wyoming's computerized criminal history files (CCH).

#### **SOR transmits electronically to FBI interim system:**

No. Wyoming participates in the FBI's interim system by flagging criminal history records in the FBI's Interstate Identification Index (III). (FY'98 NSOR-AP support sought to create an interface between the SOR and the WCJIN system (see preceding sections), which links NCIC to Wyoming.)

#### **Text material for SOR database is received and entered electronically:**

No. As of 4/98, Division of Criminal Investigation (DCI) staff conducted manual data entry twice for each information item, once for the Wyoming SOR on the personal computer, and once for entry into the FBI interim system on another terminal. (The FY'98 NSOR-AP support sought to establish an automated SOR on DCI's AS400 computer and to interface with WCJIN--see preceding sections--will eliminate redundant data entry, although it appears manual data entry will still be needed.)

#### **SOR system has capability for electronic transmittal & storage of fingerprints:**

Yes, the capability for storage and transmittal exists once fingerprint cards are scanned into the system. Fingerprint cards on SOR registrants are now entered into the Western Identification Network, the State's AFIS provider. This practice will continue and when FBI IAFIS is online, fingerprints will be forwarded electronically.

#### **SOR system has capability for electronic transmittal and storage of mugshots:**

No, not as of 4/98. (FY'98 NSOR-AP funds sought for equipment to scan and store photo images on the SOR computer and transmit them electronically, and also for browser technology to permit a subject's photo image to be called up on a computer screen to verify identity--for local law enforcement use.)

## ***Operation of Sex Offender Registries, April 1998***

### **Source for Initial Information on Offender:**

Information comes to the SOR when the offender registers with the local sheriff of the jurisdiction where he resides. It is sent in hard copy, with a photo and fingerprint card, to Division of Criminal Investigation (DCI) of the Wyoming Attorney General's Office. DCI reimburses counties \$15 for each complete sex offender registration packet received. No pre-release notification is required from the Department of Corrections (DOC) to DCI or to the local law enforcement agency.

### **DNA Sample:**

No.

### **Validation and Reregistration Procedures:**

#### **A. State SOR Proactively Notifies Registrants:**

No. As of 4/98, Wyoming had no validation or reregistration requirement. [A bill that was introduced but not acted on in the Wyoming legislature in 1998-- and is expected to be reintroduced in 1999-- would mandate address verification.]

#### **B. SOR Notification Automated:**

Not applicable.

#### **C. Penalties for Noncompliance:**

The first offense is a high misdemeanor, punishable by a fine of up to \$750, imprisonment for not more than one year or both. Any subsequent violation is a felony punishable by a fine of up to \$1,000, imprisonment for not more than two years, or both.

## ***Dissemination of Sex Offender Registry Information, April 1998***

### **To Law Enforcement and Criminal Justice Agencies:**

As of 4/98, inquiries to the SOR required that Division of Criminal Investigation (DCI) staff search the database and respond by telephone or a manually prepared administrative teletype. (FY'98 NSOR-AP support sought to move the SOR to a more powerful computer and establish an interface with the Wyoming Criminal Justice Information Network (WCJIN) to access the FBI and NLETS. That also will provide online access for law enforcement statewide.)

### **To Organizations Serving Children, Elderly, and the Mentally Ill:**

The District Court determines the offender's risk of reoffense. For moderate and high risk offenders, the court authorizes the local law enforcement agency to notify community organizations including schools, religious groups, and youth organizations. The law in effect in April 1998 also required an application from the district attorney, prior notice to the offender, and an in-camera hearing before a notification program could begin. [A bill introduced in the legislature in 1998 but not acted upon, and expected to be reintroduced in the 1999 legislature, is reported to be compliant with all Federal legislation.]

### **Procedures for Public Access:**

For offenders classified as being at high risk for reoffense, the district court authorizes the local law enforcement agency to provide public notification. As noted above, the law in effect in April 1998, required an application from the district attorney, prior notice to the offender, and an in-camera hearing before any notification could begin. [A bill to be reintroduced in 1999 session of legislature is reported to be compliant with all Federal legislation with respect to organizational and community notification.]

### **Internet Website:**

No.