

**Registered Sex Offender Policy  
Prohibited Occupancy and Access to Family Housing**

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**Specific Objective:** To comply with prohibited Registered Sex Offender occupancy and access to USMC Family Housing policy stipulated in the following directives:

- A. SECNAV Memo of 07 Oct 2008 -- "Policy for Sex Offender Tracking and Assignment and Access Restrictions within the Department of the Navy"
- B. CMC I&L Policy Letter of 31 Dec 2008 – "Registered Sex Offenders Prohibited Occupancy and Access to Marine Corps Government-Owned, Leased, or Privatized family Housing"

**Disclosure Statement:** Information provided is for public safety disclosure purposes in accordance with the Sex Offender Registration and Notification Act (SORNA), (P.L. 109-248), and to check names against national/ state sex offender registries.

**Family Housing Applicant Action:**

1. Are you or any member of your family for whom you seek authorized housing under this application a sex offender as defined in the enclosure, or required to register as a sex offender? (circle one)

**YES**

**NO**

**Note: If you answered "Yes", your application will be referred to the Installation Commander and Legal for processing.**

2. CERTIFICATION OF APPLICANT

I hereby certify that my response contained herein is true and correct, and I understand that the omission of any material fact may result in denial of my application for housing, or eviction from housing if the omission is discovered after assignment.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Definitions:

1. Sex Offender. The term sex offender means an individual who was convicted of a sex offense to include all persons who are required to be registered as a sex offender. Sex offense means (from section 111 of The Sex Offender Registration and Notification Act (SORNA)):

(i) A criminal offense that has an element involving a sexual act or sexual contact with another. Criminal offense refers to offenses under any body of criminal law, including state, local, tribal, foreign, and military.

(ii) A criminal offense that is a specified offense against a minor.

(iii) A Federal offense ( including an offense prosecuted under 1152 or 1153 of title 18 United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18, United States Code. This covers most sex offenses under Federal law.

(iv) A military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note), the Uniform Code of Military Justice.

(v) An attempt or a conspiracy to commit an offense described in clauses (i) through (iv).

A foreign conviction is not a sex offense if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused. Sex offense convictions under the laws of Canada, United Kingdom, Australia, and New Zealand are deemed to have been obtained with sufficient safeguards for fundamental fairness and due process. Sex offense convictions under the laws of any foreign country are deemed to have been obtained with sufficient safeguards for fundamental fairness and due process if the U.S. State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

An offense involving consensual sexual conduct is not a sex offense if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

Convictions for SORNA purposes include convictions of juveniles who are prosecuted as adults. It does not include juvenile delinquency adjudications unless the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense. Considering the relevant aspects of the federal "aggravated sexual abuse" offense, it suffices for substantial compliance with the SORNA requirements to juveniles at least 14 years old at the time of the offense who are adjudicated delinquent for committing (or attempting or conspiring to commit) offenses under laws that cover: (1) engaging in a sexual act with another by force or the threat of serious violence; or (2)

engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim. Sexual act for this purpose includes any degree of genital or anal penetration, and any oral-genital or oral-anal contact.

Specified offense against a minor means an offense against a minor that involves any of the following:

- (a) An offense involving kidnapping (unless committed by a parent or guardian).
- (b) An offense involving false imprisonment (unless committed by a parent or guardian).
- (c) Solicitation to engage in sexual conduct.
- (d) Use in a sexual performance.
- (e) Solicitation to practice prostitution.
- (f) Video voyeurism as described in section 1801 of title 18, United States Code.
- (g) Possession, production, or distribution of child pornography.
- (h) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
- (i) Any conduct that by its nature is a sex offense against a minor.