

Sex Offender Registry Policy

American Law Institute model law:

- Law-enforcement only registry (see extensive research and commentary in ALI document that supports with research on recidivism and crime patterns a law-enforcement only registration system)
- No juvenile offenders (under the age of 18) shall be required to register with one exception for Sexual Assault with Aggravated Physical Force or Restraint if the offender was at least 16
- Limited Registerable offenses:
 - Sexual Assault by Aggravated Physical force or Restraint
 - Sexual Assault by Physical Force only when committed as a subsequent conviction for a felony sex offense
 - Sexual Assault of an incapacitated person only when committed as a subsequent conviction for a felony sex offense
 - Sexual Assault of a minor under the age of 12 when the offender is a degree older (i.e. more than five years)
 - Sexual Assault of a minor 12 to 16 years of age when the offender is a degree older (i.e. more than five years)
 - Incestuous sexual assault of a minor
- Out-of-state offenders are required to register only if the following conditions are met:
 - Offender is required to register in the jurisdiction where the offense was committed and
 - The offense would be a registerable offense if committed in the jurisdiction where the offender is residing or is a student
- Prior to accepting a guilty plea and at the time of sentencing, the sentencing judge shall inform the offender of all duties associated with registration, including the right to petition for relief
- Information required in registration:
 - Name and alias, if any
 - Social security number
 - Residential address(es)
 - Employment address(es)
 - School address(es)
 - License plate number and description of vehicle regularly used
 - On the part of LE, criminal offense for which the offense is registered
 - Offenders criminal history
 - Homeless offenders shall report as much specificity as possible and update every 30 days

- Offender shall update in-person annually
- Any changes in information between annual updates can be made through US mail or internet notification, or any other accessible means of communication established by the jurisdiction, within five business days
- Length of registry requirement shall be 15 years beginning when the offender is released from custody; in the case of no term of incarceration the registration period commences on the sentencing date
- The registrant shall be automatically released from registration obligation at ten years if during the that period:
 - The registrant successfully completes supervised release and
 - Required sex offender treatment programs and
 - Is not convicted of any additional sex offense
- It is a misdemeanor offense if the registrant knowingly fails to register with an affirmative defense that circumstances were beyond the registrant's control
- Access to registry information is confidential except that it shall be made available to upon any law-enforcement request in connection with an investigation
- Unauthorized access to registry information is a misdemeanor offense and certain unauthorized disclosure is a felony offense
- The model law limits government action or government-imposed additional collateral consequences upon a registrant's employment, education, internet access, residence, community notification, etc. unless imposed by a sentencing judge after affording individual notice and opportunity to respond, with the requirement that such additional collateral consequence is in the interest of public safety
- Offender may petition the sentencing court for relief in whole or in part from registration obligations at any time with required notice to prosecutor