

## Consultation: Adam Walsh Child Protection & Safety Act of 2006



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## A Brief History of Registry Laws

**Pre 1994:** Few states required convicted sex offenders to register addresses with local law enforcement. The 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act, required states to implement a sex-offender registration program.

**1996:** Wetterling amended by Megan's Law. Required all states to conduct community notification, required the creation of Internet sites containing state sex-offender information but did not establish specific forms and methods.

**Post 1996:** Several pieces of legislation were passed to improve sex offender registries. Despite these efforts, many sex offenders still failed to comply with registry laws.

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## The Adam Walsh Child Protection and Child Safety Act of 2006

- Signed into law on July 27, 2006.
- Covers States, territories, the District of Columbia, and Indian tribes.
- Establishes uniform and comprehensive sex offender registration and notification requirements.
- Authorized new programs and initiatives designed to combat crimes against children, expands sex offender registries, ensure sex offenders are held accountable for their crimes, prevents child pornography, and makes the Internet safer for children through authorizing Project Safe Childhood.
- Establishes the SMART Office.



## SMART Office Duties

- Administering national standards for sex offender registration and notification,
- Administering grant programs relating to sex offender registration and notification and other grant programs authorized by the Act as directed by the Attorney General,
- Cooperating with and providing technical assistance to states and other public and private entities in relation to sex offender registration and notification and other measures for the protection of the public from sexual abuse or exploitation, and
- Performing such other functions as the Attorney General may delegate.



# SORNA

## (Sex Offender Registration and Notification Act)

- Title 1 of the Adam Walsh Act includes:
  - A tiered system of classifying sex offenders which establishes national minimum registration periods based on the seriousness of offense and recidivism.
  - Periodic in person updates of registry information by convicted sex offenders.
  - Identifies registration information for mandatory inclusion in state sex offender public registries.
  - Standardizes for information sharing between jurisdictions, the public and other entities.



# Administering SORNA

- Development of Guidelines to assist jurisdictions in the implementation of SORNA.
- Providing technical assistance to jurisdictions implementing SORNA.
- Providing intensive outreach to Tribal Governments.
- Providing outreach to organization including:
  - The National Association of Attorneys General,
  - The National Conference of State Legislatures,
  - The National Sheriff's Association,
  - The FBI, United States Marshal's Service, the military and Interpol
  - The National Center for Missing and Exploited Children,
  - The National Council of State Legislatures,
  - Congressional briefings
  - OJJDP stakeholders,
  - Office of Justice Programs.
- Developing and administering grant programs.



## Election By Non PL 280 Indian Tribes SORNA section 127

- Tribe has choice to function as a registration jurisdiction or delegate that function to the state(s).
- If tribe elects to become a registration jurisdiction, it will have the same obligations and responsibilities as a state.
- Tribe can make cooperative arrangements with a state(s) for pooling or sharing of functions in areas of overlapping responsibility.
- If tribe delegates to the state, then the state(s) is responsible for registration and notification concerning sex offenders in the tribes territory in conformity with federal law.



## Election By Non PL 280 Indian Tribes SORNA section 127

- Where a tribe delegates to a state, federal law grants the state(s) a “right of access” to the tribe’s jurisdiction to implement the law.
- July 27, 2007: Tribes election deadline.
  - If no election made, the responsibility will be automatically delegated to state.
  - Delegation to state is automatic if tribe is in a PL 280 jurisdiction (18 USC 1162).



## The AWA in Indian Country

- “Right of access” provision: If tribe delegates to state, right of access requirement is perceived by some as an erosion of tribal sovereignty.
- Tribal court sex offender convictions: Guidelines give tribal convictions same considerations as foreign convictions.
- Tribes straddling PL 280 and non-PL 280 jurisdictions: Guidelines provide for election for non-PL 280 area and automatic delegation for PL 280 area.
- Formal tribal consultation: None conducted prior to enactment of the legislation. Formal consultation being conducted regarding guidelines pursuant to EO13175.



## Implementation Timeline

- The Attorney General has issued Guidelines as required by SORNA section 112.
- July 27, 2007: Federally recognized Indian tribes must make their election to implement SORNA or delegate their authority to the state(s) in which the tribal land is located.
- April 27, 2009: Suggested deadline for jurisdiction’s to submit information to SMART Office establishing substantial compliance with SORNA or requests for a one year extension to implement SORNA.
- July 27, 2009: SORNA substantial compliance deadline.



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You can visit the SMART webpage at:  
[www.ojp.usdoj.gov/smart](http://www.ojp.usdoj.gov/smart)