



SMART

Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

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See the [Case Law Updates](#) page for case information, issues raised and clarification of decision impacts.

Legislative History of Federal Sex Offender Registration and Notification

Prior to 1994, there was no federal law governing sex offender registration and notification in the United States. Beginning with the Jacob Wetterling Act in 1994, Congress started to address the issue, and passed a series of bills from 1996–2003 to enhance, clarify and strengthen the provisions of the Wetterling Act. In 2006, Congress passed the Sex Offender Registration and Notification Act (SORNA), which fully revamped the federal standards for sex offender registration and notification, and repealed the federal standards outlined in the Wetterling Act. Since 2006, a number of bills have added to SORNA's provisions.

Federal Sex Offender Legislation

- [1994 - Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act](#). Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, the Wetterling Act —
 - Established baseline standards for states to register sex offenders.
 - Established a heightened class of offenders, "Sexually Violent Predators" (SVPs).
 - Required address verification every 90 days for SVPs and annually for all other offenders.
 - Required SVPs to register for life and all other offenders to register for 10 years.
 - Provided for discretionary public notification procedures when necessary to protect the public.
- [1996 - Megan's Law](#). By the mid-1990s, some states had implemented the discretionary public notification procedures called for in the Wetterling Act. Congress passed the federal Megan's Law, amending the Wetterling Act, that —
 - Mandated public disclosure of information about registered sex offenders when required to protect the public.
 - Provided that information collected under state registration programs could be disclosed for any purpose permitted under state law.
- [1996 - The Pam Lychner Sexual Offender Tracking and Identification Act of 1996](#). Established a law enforcement only national database (the National Sex Offender Registry or NSOR) at the FBI to house information about registered sex offenders. The law also —
 - Required state registry officials to immediately transmit sex offender registration information to NSOR.
 - Allowed for the dissemination of information collected by the FBI necessary to protect the public to federal, state and local officials responsible for law enforcement activities or for background checks pursuant to the National Child Protection Act (34 U.S.C. § 40101, *et seq.*).
- [1997 – Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998](#). As part of a larger appropriations bill, certain sections amended portions of the laws above as follows:
 - Added to the federal standards all state offenses that are comparable to those listed in the Wetterling Act.
 - Required registered offenders who change their state of residence to register under the new state's laws.
 - Required registered offenders to register in the states where they work or go to school if those states were different from their state of residence.
 - Directed states to participate in the National Sex Offender Registry.
 - Required each state to set up procedures to register federal offenders and offenders sentenced by court-martial.
 - Required the Bureau of Prisons to notify state agencies of released or paroled federal offenders.
 - Required the Secretary of Defense to track and ensure registration compliance of offenders with certain Uniform Code of Military Justice (UCMJ) convictions.
- [1998 - Protection of Children from Sexual Predators Act](#). As part of a comprehensive bill to enhance the ability to prosecute and punished child sex offenses, one section —
 - Directed the Bureau of Justice Assistance to carry out the Sex Offender Management Assistance program to help eligible states comply with registration requirements.
- [2000 - Campus Sex Crimes Prevention Act](#). As part of the Violence Against Women Act of 2000, this act —
 - Required registered sex offenders to notify the state of each institution of higher education at which the sex offender worked or was a student and to notify the state if there was any change in his or her employment or enrollment status.
 - Amended the Higher Education Act of 1965 to require institutions obligated to disclose campus security policy and campus crime statistics to also provide notice of how to obtain information about registered sex offenders.
- [2003 - Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today \(PROTECT\) Act](#). The Protect Act of 2003 was a comprehensive bill intended to strengthen law enforcement's ability to investigate and prosecute violent crimes against children. The bill addressed sex offender registration and notification as follows:
 - Required states to maintain a website containing registry information, and required the Department of Justice to maintain a website with links to each state website.
- [2006 - Adam Walsh Child Protection and Safety Act](#). Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA), wholly rewrote the federal standards for sex offender registration and notification. The law —
 - Created a new baseline of sex offender registration and notification standards for jurisdictions to implement.
 - Expanded the definition of "jurisdiction" to include 212 federally recognized Indian tribes, of whom 197 have opted to establish their own sex offender registration and notification systems.
 - Expanded the number of sex offenses that must be captured by registration jurisdictions to include all state, territory, tribal, federal and UCMJ sex offense convictions, as well as certain foreign convictions.
 - Created the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) within the Department of Justice, Office of Justice Programs, to administer the standards for sex offender notification and registration, administer the grant programs authorized by the Adam Walsh Act and coordinate related training and technical assistance.
 - Directed the Department of Justice to establish the Dru Sjodin National Sex Offender Public Website (www.NSOPW.gov) that provided for one point of access to search all state, tribal and territory sex offender registry websites.
 - Established a Sex Offender Management Assistance program within the Department of Justice.
- [2008 - Keeping the Internet Devoid of Predators Act \(KIDS Act\)](#). To address the issue of online safety, the KIDS Act made the following changes to SORNA —

- Required jurisdictions to collect sex offenders' internet identifiers in the registration process.
- Exempted posting of internet identifiers on any registration jurisdiction's public sex offender registry website.
- [2015 - Military Sex Offender Reporting Act](#). As part of the Justice for Victims of Trafficking Act of 2015, and as an amendment to SORNA, these sections —
 - Required the Department of Defense to submit information on any sex offender convicted via court-martial to NSOR and NSOPW.
- [2016 - International Megan's Law](#). This law, which addressed international travel by registered sex offenders, amended SORNA to mandate advance travel notice. The law —
 - Required offenders to provide 21 days' advance notice of any intended international travel.
 - Required jurisdictions to submit international travel information to the U.S. Marshals Service for transmission to destination countries via INTERPOL-Washington.

State Legislation

For information on recent state legislation, see the [Sex Offender Enactments Database](#), maintained by the Civil and Criminal Justice section of the National Conference of State Legislatures.