

Responsibilities for SVOR Tasks

By Rachel Weiss for the Law and Justice Interim Committee's SJ 19 Study
November 2019

Department of Justice (DOJ)

- Mail registration verification forms to offender at designated times - **R**
- Enter offender's DNA into identification index - **R**
- Disseminate certain information about and offender to the public and develop a community notification policy to assist local law enforcement - **N**
- Assign risk levels for certain offenders required to register because of a tribal, other state, or federal conviction - **S**
- Develop community education curriculum on the release of sexual or violent offenders to the community - **E**

Department of Corrections (DOC)

- Inform offender in writing of duty to register prior to the offender's release from custody - **R**
- Obtain and give to DOJ and local law enforcement:
 - the address where the offender will reside upon release;
 - the offender's fingerprints and photograph; and
 - a form signed by the offender stating the offender's duty to register has been explained. - **R**
- Probation officer to verify the offender's registration status with local law enforcement - **R**
- Adopt qualifications for psychosexual evaluators - **S**
- Designate risk level for certain offenders without one prior to release from confinement - **S**

Local law enforcement

(Defined as "registration agency" in SVORA and is the local chief of police or county sheriff)

- Chief of police to notify county sheriff when an offender registers with the police department - **N**
- Obtain fingerprints, photographs, DNA sample, and other information from the offender and forward to the DOJ - **R**
- Forward information about changes in offender name, resident, student or employment status, or transient status to the DOJ - **R**
- Disseminate information to the public - **N**

Courts

- Clerk of District Court of the county in which a conviction occurs to notify county sheriff within 10 days of entry of the judgment - **N**
- Consider petitions for relief from duty to register - **R**
- Designate a risk level for an offender at sentencing or upon receiving a petition - **S**
- Order records expunged after a final reversal of a sexual or violent offense - **S**

Key to Task Types

E = Education; **N** = Notification; **R** = Registration; **S** = Sentencing or Risk Evaluation

Comparison of Montana's Sexual and Violent Offender Registry Elements

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Registry Element	Sexual Offenders	Violent Offenders
Federal involvement in standard-setting	Yes	No
Penalty for failure to register or keep registration current	Up to 5 years in prison and/or a fine of up to \$10,000	Up to 5 years in prison and/or a fine of up to \$10,000
Risk level assigned	Yes	No
Duration	Life, with option for certain offenders to petition court for relief	10 years from release from confinement or end of sentence (but must petition court to be relieved from registration)
Offender may petition court for relief from registration duty?	Yes, after 10 years for level 1 Yes, 25 years for level 2 No for level 3	Yes, 10 years from release from confinement or end of sentence
Photograph, fingerprints, DNA samples required?	Yes	Yes
Photograph updates	At minimum annually	Annually
Address verification	<p>DOJ mails a verification form:</p> <ul style="list-style-type: none"> - every 90 days for a level 3 offender; - every 180 days for a level 2 offender; - every year for a level 1 offender <p>A sex offender must return the form in person.</p>	DOJ mails a verification form every year

Sources:

Montana Sexual or Violent Offender Registration Act, Title 46, chapter 23, part 5;
 Montana Department of Justice website (<https://app.doj.mt.gov/apps/svow/>) and staff

Last update: October 18, 2019

SJ 19 Study: Comparison of State Crime Registries

<i>State (established)</i>	<i>Murder (includes Manslaughter)</i>	<i>Other Violent Offenses</i>	<i>Drug-Related</i>	<i>Kidnapping (Adult/Child)**</i>	<i>Human Trafficking</i>	<i>Arson</i>	<i>PFMA</i>	<i>Public?</i>	<i>Other Notes</i>
Montana (1995)	Yes	Yes	Yes*	Yes (adult)		Yes	Yes	Yes	Includes meth manufacturing crimes
Alabama (2013)			Yes					No	
Alaska (1998)				Yes (child victim)				Yes	1998 is when kidnapping was added to the sex offender registry
California (1961/1984)*			Yes			Yes		No	1961 for controlled substance registration
Connecticut (2014)		Yes*						No	A person who has been convicted of an offense committed with a deadly weapon must register.
Florida (2002)*	Yes	Yes		Yes				Yes	Has a registry for violent career or habitual offenders and a registry for any felony offender
Illinois (2004/2006)*	Yes*	Yes (youth victim)*	Yes	Yes (child victim)		Yes		Yes	Arson registry was created in 2004; Meth was created in 2006; registry includes murder if victim is adult
Indiana (2007)	Yes		*		Yes			Yes	2007 is when violent offender provisions effective; requires registry of properties that were the site of a meth lab
Kansas (1997/2007)*	Yes	Yes	Yes	Yes (both)	Yes			Yes	2007 is when drug provisions were effective
Louisiana (2005/2010)*		Yes*				Yes		No	Limited to offenses against a peace officer and includes terrorism offenses as of 2019; arson added in 2010.
Michigan (2015)			Yes						Reports meth offenders to national association of drug investigators, limits offenders' ability to purchase precursors

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Minnesota (1991/2006)*		Yes*	Yes*	Yes (both)			Yes	No*	Noncompliant offender information is public; certain violent offenses don't require registration unless the offender has previously been convicted of a predatory crime; the drug-related offense registry was created in 2006 and is for meth manufacturing crimes. That database is public
Nevada*								No	Offender with two or more felony convictions must register regardless of type of offense
Ohio (2013/2019)*	Yes			Yes (adult)*		Yes*		Yes*	Abduction is also a registration offense; Information on offenders is only at local sheriff's office; Arson registry started in 2013; violent offenders added in 2019
Oklahoma (2004)	Yes	Yes	Yes*					Yes	Registration can be required for certain abuse crimes if ordered by a judge; a separate meth registry exists for certain meth-related convictions
Tennessee (2005)			Yes					Yes	Also has a public registry for animal abusers (2016)
Utah				Yes (adult)				Yes	Utah also has separate registries for white collar crimes (2015) and child abuse (2017)
Virginia	Yes*							Yes	*Only when victim a minor
Washington (1997)				Yes (both)					
* See Other Notes column for additional information specific to the state									
**See note on kidnapping in NCSL Crime Registry Acts document, kidnapping with a child victim often included in sexual offender registries									
Source: NCSL Crime Registry Acts document available at:									
https://leg.mt.gov/content/Committees/Interim/2019-2020/Law-and-Justice/Committee-Topics/SJ-19-Study/sj19-crime-registry-requirements-ncsl-september-2019-update.pdf									