



SEX OFFENDER REGISTRATION AND NOTIFICATION ACT: SUBSTANTIAL IMPLEMENTATION CHECKLIST

This checklist is designed as a tool to assist registration jurisdictions as they seek to substantially implement Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). It is not a definitive guide to SORNA's full implementation requirements. Jurisdictions are advised to consult with the SMART Office throughout their implementation process to ensure that their laws, policies, procedures, and practices conform with the entirety of what SORNA requires.

This checklist includes SORNA's basic requirements, along with space for users to fill in their jurisdictions' statutes, policies, and procedures. Please be advised that this version continues to update an earlier version of the checklist with the following:

1. Sex Trafficking of Children by Force, Fraud, or Coercion (18 U.S.C. 1591) was INCORRECTLY listed as a Tier I Offense; it is a Tier II Offense.
2. The Kids Act of 2008 (34 U.S.C. § 20916 & 34 U.S.C. § 20917) amended the SORNA provisions of the Adam Walsh Act by adding Internet identifiers as items that are NOT permitted to be displayed on public sex offender registry websites.

Additionally, this latest version of the checklist makes substantive changes to the previous version with changes authorized by the Supplemental Guidelines, including:

1. Jurisdictions are required to have sex offenders report international travel 21 days in advance of such travel and to submit information concerning such travel to the appropriate Federal agencies and databases.
2. Jurisdictions are required to utilize the SORNA Exchange Portal to ensure consistent interjurisdictional information sharing and tracking of sex offenders.
3. Jurisdictions must now include the forms signed by sex offenders acknowledging that they were advised as required registration information.
4. Relating to recapture of sex offenders, jurisdictions are now to require registration for individuals who reenter the jurisdiction's criminal justice system because of a conviction for some other **felony** crime (whether or not it is a sex offense).

The SORNA Checklist is organized into 14 sections, covering the major requirements of the Act. Each section contains a table listing the SORNA requirement with space to answer whether the jurisdiction meets that requirement (yes/no), the relevant statute citation and/or the relevant administrative policy or procedure page number, and a "notes" space to further elaborate or explain the jurisdiction's approach to the corresponding requirement. When submitting a completed checklist, please attach all relevant statutes, codes, and administrative policy or procedures, along with documentation of database/data sharing systems and the jurisdiction's public sex offender website.



I. IMMEDIATE TRANSFER OF INFORMATION

Whenever a sex offender initially registers or updates their registration information with a jurisdiction, that jurisdiction is required to immediately notify any other jurisdiction where the sex offender resides, is an employee, or is a student and each jurisdiction from or to which a change of residence, employment, or student status occurs. This includes notification to any relevant SORNA-registration jurisdiction, including states, territories, tribes, and the District of Columbia.

The jurisdiction is also required to immediately update the National Sex Offender Registry (NSOR) and its own public sex offender registry website.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
'Immediate' and 'immediately' are defined as 'within 3 business days'			
Any initial registration and/or updated information is immediately sent to any required SORNA-registration jurisdiction, including:			
<ul style="list-style-type: none"> • States 			
<ul style="list-style-type: none"> • D.C. 			
<ul style="list-style-type: none"> • The five principal U.S. Territories (Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands) 			
<ul style="list-style-type: none"> • Any tribe operating as a SORNA registration jurisdiction 			
<ul style="list-style-type: none"> • NCIC/NSOR 			
<ul style="list-style-type: none"> • The jurisdiction's public sex offender registry website 			

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SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
• 18 U.S.C. §1591 (Sex Trafficking of Children)			
• 18 U.S.C. §1801 (Video Voyeurism of a Minor)			
• 18 U.S.C. §2241 (Aggravated Sexual Abuse)			
• 18 U.S.C. §2242 (Sexual Abuse)			
• 18 U.S.C. §2243 (Sexual Abuse of a Minor or Ward)			
• 18 U.S.C. §2244 (Abusive Sexual Contact)			
• 18 U.S.C. §2245 (Offenses Resulting in Death)			
• 18 U.S.C. §2251 (Sexual Exploitation of Children)			
• 18 U.S.C. §2251A (Selling or Buying of Children)			
• 18 U.S.C. §2252 (Material Involving the Sexual Exploitation of Minors)			
• 18 U.S.C. §2252A (Material Containing Child Pornography)			
• 18 U.S.C. §2252B (Misleading Domain Names on the Internet)			
• 18 U.S.C. §2252C (Misleading Words or Digital Images on the Internet)			
• 18 U.S.C. §2260 (Production of Sexually Explicit Depictions of a Minor for Import in to the United States)			
• 18 U.S.C. §2421 (Transportation of a Minor for Illegal Sexual Activity)			
• 18 U.S.C. §2422 (Coercion and Enticement of a Minor for Illegal Sexual Activity)			
• 18 U.S.C. §2423 (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places)			
• 18 U.S.C. §2424 (Failure to File Factual Statement about an Alien Individual)			
• 18 U.S.C. §2425 (Transmitting Information about a Minor to further Criminal Sexual Conduct)			

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SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
<ul style="list-style-type: none"> Including offenses whose elements involve using other persons in prostitution -- such as provisions defining crimes of "pandering," "procuring," or "pimping" in cases where the victim was below 18 at the time of the offense 			
<ul style="list-style-type: none"> False imprisonment of a minor 			
<ul style="list-style-type: none"> Kidnapping of a minor 			
<ul style="list-style-type: none"> Possession, production, or distribution of child pornography 			
<ul style="list-style-type: none"> Solicitation of a minor to practice prostitution 			
<ul style="list-style-type: none"> Solicitation to engage a minor in sexual conduct (this should be understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct) 			
<ul style="list-style-type: none"> Use of a minor in a sexual performance 			
<p>Jurisdictions are required to register any person who has been convicted of conduct similar to that prohibited by the following Federal Offenses:</p>			
<ul style="list-style-type: none"> 18 U.S.C. §1591 (Sex Trafficking by Force, Fraud, or Coercion) 			
<ul style="list-style-type: none"> 18 U.S.C. §1801 (Video Voyeurism of a Minor) 			
<ul style="list-style-type: none"> 18 U.S.C. §2241 (Aggravated Sexual Abuse) 			
<ul style="list-style-type: none"> 18 U.S.C. §2242 (Sexual Abuse) 			
<ul style="list-style-type: none"> 18 U.S.C. §2244 (Abusive Sexual Contact) 			
<ul style="list-style-type: none"> 18 U.S.C. §2422(b) (Coercing a Minor to Engage in Prostitution) 			
<ul style="list-style-type: none"> 18 U.S.C. §2423(a) (Transporting a Minor to Engage in Illicit Conduct) 			

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SORNA Requirement	Y/N	Statute Citation	Notes
• 18 U.S.C. §2252B (Misleading Domain Name)			
• 18 U.S.C. §2252C (Misleading Words or Digital Images)			
• 18 U.S.C. §2422(a) (Coercion to Engage in Prostitution)			
• 18 U.S.C. §2423(b) (Travel with the Intent to Engage in Illicit Conduct)			
• 18 U.S.C. §2423(c) (Engaging in Illicit Conduct in Foreign Places)			
• 18 U.S.C. §2423(d) (arranging, inducing, procuring, or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain)			
• 18 U.S.C. §2424 (Filing Factual Statement about Alien Individual)			
• 18 U.S.C. §2425 (Transmitting Information about a Minor to further Criminal Sexual Conduct)			
• Any comparable 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)			

Tier II Offenses — Convictions that involve:			
• A person previously convicted of a tier I offense whose current sex offense conviction is punishable by more than one year imprisonment			
• The use of minors in prostitution (to include solicitations)			
• Enticing a minor to engage in criminal sexual activity			
• A non-forcible Sexual Act with a minor 16 or 17 years old			
• Sexual contact with a minor 13 or older			
• The use of a minor in a sexual performance			
• The production or distribution of child pornography			
The following Federal Offenses:			

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SORNA Requirement	Y/N	Statute Citation	Notes
Minor or Ward)			
• 18 U.S.C. §2244 (Abusive Sexual Contact, victim under 13)			
Any comparable 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)			



IV. REQUIRED REGISTRATION INFORMATION

Once a jurisdiction determines which sex offense convictions will require what level of registration, the question turns to the types of information they are required to collect for their sex offender registry. These requirements are different from the more limited list of items that are required to be displayed via a jurisdiction’s public sex offender registry website.

All information is to be available in digitized format. Jurisdictions will need to maintain all required registration information in a digitized form that will enable it to be immediately accessed by or transmitted to various entities. The jurisdiction’s registry must be an electronic database, and descriptions of the required types of information should consistently be understood as referring to digitizable information rather than hard copies or physical objects.

However, when items and/or data might be stored in separate databases (such as DNA profiles in CODIS, fingerprints in IAFIS, or professional licensing information with a separate board or committee), it is sufficient if a jurisdiction provides an identification number or some other indicator of precisely where such registration information might be found, and in which database.

SORNA Requirement	Digitized	Y/N	Statute Citation or Regulation Page #	Notes
Criminal History information, including:	<input type="checkbox"/>			
• Date of all arrests	<input type="checkbox"/>			
• Date of all convictions	<input type="checkbox"/>			
• Status of parole, probation, or supervised release	<input type="checkbox"/>			
• Registration status	<input type="checkbox"/>			
• Outstanding arrest warrants	<input type="checkbox"/>			
Date of Birth, including:				
• Actual date of birth	<input type="checkbox"/>			
• Purported date of birth	<input type="checkbox"/>			
DNA, including:				
• A DNA sample must be taken, or must have been taken, from the sex offender for purposes of analysis and entry of the resulting DNA profile into the Combined DNA Index System (CODIS)	<input type="checkbox"/>			
• Samples are analyzed and submitted for entry to CODIS	<input type="checkbox"/>			
Driver’s License or ID Card:				



SORNA Requirement	Digitized	Y/N	Statute Citation or Regulation Page #	Notes
Phone Numbers, including:				
<ul style="list-style-type: none"> Telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications 	<input type="checkbox"/>			
<ul style="list-style-type: none"> Land line telephone numbers 	<input type="checkbox"/>			
<ul style="list-style-type: none"> Cell phone telephone numbers 	<input type="checkbox"/>			
<ul style="list-style-type: none"> Photograph collected unless appearance has not changed significantly, on the following schedule: 	<input type="checkbox"/>			
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Tier I Offender: Once every Year 	<input type="checkbox"/>			
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Tier II Offender: Once every 6 Months 	<input type="checkbox"/>			
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Tier III Offender: Once every 90 Days 	<input type="checkbox"/>			
Physical Description, including:				
<ul style="list-style-type: none"> Physical description of the sex offender 	<input type="checkbox"/>			
<ul style="list-style-type: none"> General description of physical appearance or characteristics 	<input type="checkbox"/>			
<ul style="list-style-type: none"> Any identifying marks, such as scars or tattoos, etc. 	<input type="checkbox"/>			
Professional Licensing Information:				
<ul style="list-style-type: none"> Concerning all licensing of the registrant that authorizes the registrant to engage in an occupation or carry out a trade or business 	<input type="checkbox"/>			
Registration Forms: forms signed by sex offenders acknowledging that they were advised of their registration obligations	<input type="checkbox"/>			
Resident Address, including:				
<ul style="list-style-type: none"> Address of each residence at which the sex offender resides or will reside 	<input type="checkbox"/>			
<ul style="list-style-type: none"> If no permanent residence, location or description that identifies where the sex offender "habitually lives" 	<input type="checkbox"/>			



V. WHERE REGISTRATION IS REQUIRED

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
All sex offenders convicted in the jurisdiction are required to initially register.			
All sex offenders who complete their sentence of incarceration in the jurisdiction are required to initially register.			
All sex offenders who reside in the jurisdiction are required to register.			
All sex offenders who are employees in the jurisdiction are required to register. "Employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.			
All sex offenders who are students in the jurisdiction are required to register. "Student" is an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.			



VII. INITIAL REGISTRATION: RETROACTIVE CLASSES OF OFFENDERS

SORNA, by its terms, applies to all sex offenders, regardless of when they were convicted. Jurisdictions are required to recapture (i.e., appropriately classify and register) certain offenders, including those who previously may have not been required to register, but who would be required to register under the jurisdiction's new SORNA-implementing legislation.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Procedure in place to recapture three categories of sex offenders:			
<ul style="list-style-type: none"> Currently incarcerated or under supervision, either for the predicate sex offense or for some other crime 			
<ul style="list-style-type: none"> Already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law 			
<ul style="list-style-type: none"> Reenter the jurisdiction's criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense) 			
The initial registration of these recaptured offenders must take place within a certain amount of time (from date of implementation of SORNA in the jurisdiction), depending on the tier classification of the sex offender:			
<ul style="list-style-type: none"> Tier I Offenders: Within One Year 			
<ul style="list-style-type: none"> Tier II Offenders: Within 6 Months 			
<ul style="list-style-type: none"> Tier III Offenders: Within 3 Months 			



SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Information			
Employer Jurisdiction — When an offender is employed in a jurisdiction, but neither resides nor attends school there, that offender must immediately appear in-person to update any of the following information:			
• Employment-related information in that jurisdiction			
• Termination of employment in that jurisdiction			
School Jurisdiction — When an offender attends school in a jurisdiction, but neither resides nor works there, that offender must immediately appear in-person to update any of the following information:			
• School-related information in that jurisdiction			
• Termination of school in that jurisdiction			

Special Issue: International Travel

Sex offenders must inform their residence jurisdictions 21 days in advance if they intend to travel outside of the United States, and that jurisdictions that are so informed must notify the U.S. Marshals Service and update the sex offender's registration information in the national databases.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Duties of the Residence Jurisdiction When An Offender Intends to Travel to Another Country:			
• Offender must report intent 21 days in advance of travel.			
• Immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information			
• Immediately notify the U.S. Marshals Service			
• Immediately update NCIC/NSOR Information			

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SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
completion of any periods of supervised release, probation, and parole;			
<ul style="list-style-type: none"> Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General. (34 U.S.C. § 20917(b)(1)) 			
<p>Tier III Offender — An offender’s registration and notification requirement may be terminated if the following conditions are met:</p>			
<ul style="list-style-type: none"> The sex offender is required to register based on a juvenile delinquency adjudication for an offense which required Tier III registration 			
<ul style="list-style-type: none"> The sex offender has had twenty-five years with a “clean record” 			
<ul style="list-style-type: none"> Not being convicted of any offense for which imprisonment for more than 1 year may be imposed; 			
<ul style="list-style-type: none"> Not being convicted of any sex offense; 			
<ul style="list-style-type: none"> Successful (without revocation) completion of any of supervised release, probation, and parole; 			
<ul style="list-style-type: none"> Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General. (34 U.S.C. § 20917(b)(1)) 			

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SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
which the offender is registered			
• Employer address			
• Name, including all aliases			
• Photograph (current)			
• Physical description			
• Resident Address, including any information about where the offender "habitually lives"			
• School address			
• Vehicle(s) information, including: • license plate number(s); and • vehicle description(s)			
Information That Is NOT Permitted to be Displayed on Public Websites:			
• Victim Identity			
• Criminal History: any arrests not resulting in conviction			
• Social Security Number			
• Travel and Immigration Document Numbers			
• Internet Identifiers			

Special Issue: Witness Protection

Jurisdictions are permitted and encouraged to make provision in their laws and procedures to accommodate consideration of the security of such individuals and to honor requests from the United States Marshals Service and other agencies responsible for witness protection in order to ensure that their original identities are not compromised.



SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
outlined below, it will be sufficient to comply with the general community notification portion of SORNA:			
<ul style="list-style-type: none"> An automated notification system⁴ is adopted by the jurisdiction that incorporates the following features: 			
<ul style="list-style-type: none"> Any initial registration, and any changes in a sex offender's registration information, are posted to the jurisdiction's public registry website within three business days 			
<ul style="list-style-type: none"> An email notification (including a sex offender's identity) is made available to the general public whenever a sex offender commences: 			
<ul style="list-style-type: none"> Residence 			
<ul style="list-style-type: none"> Employment 			
<ul style="list-style-type: none"> School attendance 			
<ul style="list-style-type: none"> Within a certain zip code or geographic radius 			

XII. FAILURE TO REGISTER AS A SEX OFFENDER: STATE PENALTY

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of their registration and notification requirements in a jurisdiction.			

⁴ Jurisdictions are not required to adopt an automated notification system in order to implement this general community notification portion of SORNA. If a jurisdiction chooses not to do so, however, it will still be held to SORNA's baseline requirements. Please contact the SMART office for assistance in determining which alternate procedures would substantially implement this portion of SORNA.

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SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
is the lead federal agency for investigating sex offender registration violations, must be notified			
The jurisdiction must update NCIC/NSOR to reflect the sex offender's status as an absconder or unlocatable			
The jurisdiction must enter the sex offender into the National Crime Information Center Wanted Person File (assuming issuance of a warrant meeting the requirement for entry into that file)			