

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

### ALABAMA

#### Registrable Offenses (Alabama)

#### Offenses for Which Registration is Required Pursuant to ALA. CODE § 13A-11-200:

- Production of obscene material - ALA. CODE § 13A-12-197 (West 2008)
- Rape (2nd degree) - ALA. CODE § 13A-6-62 (West 2008)
- Sodomy (1st degree) - ALA. CODE § 13A-6-63 (West 2008)
- Sodomy (2nd degree) - ALA. CODE § 13A-6-64 (West 2008)
- Sexual misconduct - ALA. CODE § 13A-6-65 (West 2008)
- Indecent Exposure - ALA. CODE § 13A-6-68 (West 2008)
- Promoting Prostitution (1st degree) - ALA. CODE § 13A-12-111 (West 2008)
- Promoting prostitution (2nd degree) - ALA. CODE § 13A-12-112 (West 2008)
- Public display of obscene bumper sticker, sign or writing - ALA. CODE § 13A-12-131 (West 2008)
- Incest - ALA. CODE § 13A-13-3 (West 2008)

#### Offenses Requiring Registration and Community Notification Pursuant to ALA. CODE. § 15-20-20:

- Sodomy (1st degree) - ALA. CODE § 13A-6-63 (West 2008)
- Sodomy (2nd degree) - ALA. CODE § 13A-6-64 (West 2008)
- Rape (1st degree) - ALA. CODE § 13A-6-61 (West 2008).
- Rape (2nd degree), provided that a sentencing court may exempt a juvenile criminal sex offender or youthful offender criminal sex offender who is 16 years of age or older for engaging in sexual intercourse with a member of the opposite sex who is between the ages of 12 and 16 - ALA. CODE 13A-6-62 § (West 2008).
- Sexual torture - ALA. CODE § 13A-6-65.1 (West 2008).

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

1

This publication is developed by the NIC/WCL Project on Addressing Prison Rape under NIC Cooperative Agreement 06S20GJJ1.  
This is not to be posted or reproduced without permission from the authors.  
American University, Washington College of Law  
Current as of August 2009

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Alabama)</i></p>	<ul style="list-style-type: none"> <li>• Sexual abuse (1st degree) - ALA. CODE § 13A-6-66 (West 2008).</li> <li>• Sexual abuse (2nd degree) - ALA. CODE § 13A-6-67 (West 2008).</li> <li>• Enticing a child for immoral purposes - ALA. CODE § 13A-6-69 (West 2008).</li> <li>• Promoting Prostitution (1st degree) - ALA. CODE § 13A-12-111 (West 2008).</li> <li>• Promoting prostitution (2nd degree) - ALA. CODE § 13A-12-112 (West 2008).</li> <li>• Dissemination or display of obscene material - ALA. CODE § 13A-12-191 (West 2008).</li> <li>• Possession of obscene matter - ALA. CODE § 13A-12-192 (West 2008).</li> <li>• Permitting or allowing a child to engage in production of obscene material - ALA. CODE § 13A-12-196 (West 2008).</li> <li>• Production of obscene material - ALA. CODE § 13A-12-197 (West 2008).</li> <li>• Kidnapping (1st degree) of a minor, except by a parent - ALA. CODE § 13A-6-43 (West 2008).</li> <li>• Kidnapping (2nd degree) of a minor, except by a parent - ALA. CODE § 13A-6-44 (West 2008).</li> <li>• Incest - ALA. CODE § 13A-13-3 (West 2008).</li> <li>• Soliciting a child by computer for the purposes of committing a sexual act - ALA. CODE § 13A-6-110 (West 2008).</li> <li>• Transmission of obscene material to a child - ALA. CODE § 13A-6-111 (West 2008).</li> <li>• Any solicitation, attempt, or conspiracy to commit any of the offenses listed above.</li> <li>• Any crime committed in any state or a federal, military, Indian, or a foreign country jurisdiction which, if it had been committed in this state under the current provisions of law, would constitute an offense listed above.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Alabama)</i></p>	<p><b>NO</b></p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

This publication is developed by the NIC/WCL Project on Addressing Prison Rape under NIC Cooperative Agreement 06S20GJJ1.  
 This is not to be posted or reproduced without permission from the authors.  
 American University, Washington College of Law  
 Current as of August 2009

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <i>(Alabama)</i></p>	<p>ALA. CODE § 15-20-21 (West 2008)</p> <p>(3) Community notification flyer. This notification shall include the following information on the criminal sex offender:</p> <ul style="list-style-type: none"> <li>• name</li> <li>• sex</li> <li>• complete physical description</li> <li>• address of residence</li> <li>• address of employer (if any)</li> <li>• address where offender attends school (if applicable)</li> <li>• sex offense history including statement of criminal sex offense for which offender was convicted</li> <li>• age of the offender’s victim</li> <li>• geographic area where sex offense occurred</li> <li>• date upon which the offender will be released</li> <li>• fingerprints</li> <li>• photograph</li> </ul>
<p><b>Community Notification and Websites</b> <i>(Alabama)</i></p>	<p>ALA. CODE § 15-20-25 (West 2008)</p> <p>(b):</p> <ul style="list-style-type: none"> <li>• A community notification flyer shall be made by regular mail or hand delivered to all legal residences required by this section.</li> <li>• In addition, any other method reasonably expected to provide notification may be utilized, including, but not limited to:             <ul style="list-style-type: none"> <li>○ posting a copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the released criminal sex offender,</li> <li>○ publicizing the notice in a local newspaper, or</li> <li>○ posting electronically, including the Internet, or other means available.</li> </ul> </li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Limitations on Residency or Employment</b> <i>(Alabama)</i></p>	<p>ALA. CODE § 15-20-26 (West 2008)</p> <p>(a): Adult criminal sex offenders may not live or work within 2000 feet of a school or child care facility.</p> <p>(b): Sex offenders may not live where a minor resides unless the offender is the parent, grandparent or stepparent of the minor.</p> <p>(c): Adult criminal sex offenders may not live with minor if:</p> <ul style="list-style-type: none"> <li>• the offender’s parental rights have been terminated</li> <li>• the minor child was the victim of the offender, or</li> <li>• the offender has ever been convicted of a criminal sex offense involving a child</li> </ul> <p>(d): No adult criminal sex offender shall willfully or knowingly come within 100 feet of any of his or her former victims, except as elsewhere provided by law, or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim or a member of the victim's immediate family.</p> <p>(f): No child sex offender may loiter or work within 500 feet of a school, child care facility, playground, athletic field or facility for educating minors.</p>
<p><b>Duration of Registration</b> <i>(Alabama)</i></p>	<p>ALA. CODE § 15-20-33 (West 2008)</p> <p>(a) Adult criminal sex offenders are subject to registration and notification for life.</p>
<p><b>ALASKA**</b></p>	
<p><b>Registrable Offenses</b> <i>(Alaska)</i></p>	<ul style="list-style-type: none"> <li>• 1st degree murder during commission or attempted commission of a sexual offense or kidnapping of a child under the age of 16 - ALASKA STAT. § 11.41.100(a)(3) (West 2008).</li> <li>• 2nd degree murder during commission of sexual assault in 1st or 2nd degree or the sexual abuse of a minor</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Alaska)</i></p>	<p>in the 1st or 2nd degree - ALASKA STAT. § 11.41.110(a)(3) (West 2008).</p> <ul style="list-style-type: none"> <li>• Sexual assault (1st degree) - ALASKA STAT. § 11.41.410 (West 2008).</li> <li>• Sexual assault (2nd degree) - ALASKA STAT. § 11.41.420 (West 2008).</li> <li>• Sexual assault (3rd degree) - ALASKA STAT. § 11.41.425 (West 2008).</li> <li>• Sexual assault (4th degree) - ALASKA STAT. § 11.41.427 (West 2008).</li> <li>• Sexual abuse of a minor (1st degree) - ALASKA STAT. § 11.41.434 (West 2008).</li> <li>• Sexual abuse of a minor (2nd degree) - ALASKA STAT. § 11.41.436 (West 2008).</li> <li>• Sexual abuse of a minor (3rd degree) - ALASKA STAT. § 11.41.438 (West 2008).</li> <li>• Sexual abuse of a minor (4th degree) - ALASKA STAT. § 11.41.440 (West 2008).</li> <li>• NOTE: 4th degree sexual abuse of minor (offender is over 18 and at least 3 years older than victim who is 16 or 17) - ALASKA STAT. § 11.41.400(a)(2) (West 2008).</li> <li>• Incest - ALASKA STAT. § 11.41.450 (West 2008).</li> <li>• Online enticement of a minor - ALASKA STAT. § 11.41.452 (West 2008).</li> <li>• Unlawful exploitation of a minor - ALASKA STAT. § 11.41.455 (West 2008).</li> <li>• Indecent exposure (1st degree) - ALASKA STAT. § 11.41.458 (West 2008).</li> <li>• Indecent exposure (2nd degree) if victim is under 16 and offender has previous conviction for that offense - ALASKA STAT. § 11.41.460 (West 2008).</li> <li>• Distribution of child pornography - ALASKA STAT. § 11.61.125 (West 2008).</li> <li>• Possession of child pornography - ALASKA STAT. § 11.61.127 (West 2008).</li> <li>• Promoting Prostitution (1st degree) if person who was induced to engage in prostitution was 16 or 17- ALASKA STAT. § 11.66.110 (West 2008).</li> <li>• Promoting Prostitution (2nd degree) if person who was induced to engage in prostitution was 16 or 17- ALASKA STAT. § 11.66.130(a)(2) (West 2008).</li> <li>•</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Alaska)</i></p>	<p><b>YES.</b></p> <p>ALASKA STAT. §11.41.410 (West 2008). <u>Sexual assault in the first degree.</u></p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Alaska)</i></p>	<p>(a) An offender commits the crime of sexual assault in the first degree if</p> <ul style="list-style-type: none"><li>(1) the offender engages in sexual penetration with another person without consent of that person;</li><li>(2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;</li><li>(3) the offender engages in sexual penetration with another person<ul style="list-style-type: none"><li>(A) who the offender knows is mentally incapable; and</li><li>(B) who is in the offender's care<ul style="list-style-type: none"><li>(i) by authority of law; or</li><li>(ii) in a facility or program that is required by law to be licensed by the state; or</li></ul></li></ul></li><li>(4) the offender engages in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and<ul style="list-style-type: none"><li>(A) the offender is a health care worker; and</li><li>(B) the offense takes place during the course of professional treatment of the victim.</li></ul></li></ul> <p>(b) Sexual assault in the first degree is an unclassified felony and is punishable as provided in AS 12.55.</p> <p>ALASKA STAT. § 11.41.420 (West 2008). <u>Sexual assault in the second degree.</u></p> <p>(a) An offender commits the crime of sexual assault in the second degree if</p> <ul style="list-style-type: none"><li>(1) the offender engages in sexual contact with another person without consent of that person;</li><li>(2) the offender engages in sexual contact with a person<ul style="list-style-type: none"><li>(A) who the offender knows is mentally incapable; and</li><li>(B) who is in the offender's care<ul style="list-style-type: none"><li>(i) by authority of law; or</li><li>(ii) in a facility or program that is required by law to be licensed by the state;</li></ul></li></ul></li><li>(3) the offender engages in sexual penetration with a person who the offender knows is<ul style="list-style-type: none"><li>(A) mentally incapable;</li></ul></li></ul>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Alaska)</i></p>	<p>(B) incapacitated; or (C) unaware that a sexual act is being committed; or (4) the offender engages in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and (A) the offender is a health care worker; and (B) the offense takes place during the course of professional treatment of the victim.</p> <p>(b) Sexual assault in the second degree is a class B felony.</p> <p>A.S. § 11.41.425 (West 2008) <u>Sexual Assault in the third degree</u></p> <p>(a) An offender commits the crime of sexual assault in the third degree if the offender</p> <p>(1) engages in sexual contact with a person who the offender knows is (A) mentally incapable; (B) incapacitated; or (C) unaware that a sexual act is being committed;</p> <p>ALASKA STAT. § 11.41.427 (West 2008). <u>Sexual assault in the fourth degree.</u></p> <p>(a) An offender commits the crime of sexual assault in the fourth degree if</p> <p>(1) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, the offender engages in sexual contact with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment; or (2) the offender engages in sexual contact with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Alaska)</i></p>	<p>the offender is the legal guardian of the person.</p> <p>(b) Sexual assault in the fourth degree is a class A misdemeanor.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Alaska)</i></p>	<p>A.S. § 12.63.010(b) (West 2008).</p> <p>(b)(1)(A) Name, address, place of employment, and date of birth</p> <p>(B) each conviction for a sex offense or child kidnapping for which the duty to register has not terminated under AS 12.63.020, the date of the sex offense or child kidnapping convictions, the place and court of the sex offense or child kidnapping convictions, and whether the sex offender or child kidnapper has been unconditionally discharged from the conviction for a sex offense or child kidnapping and the date of the unconditional discharge; if the sex offender or child kidnapper asserts that the offender or kidnapper has been unconditionally discharged, the offender or kidnapper shall supply proof of that discharge acceptable to the department;</p> <p>(C) all aliases used;</p> <p>(D) the sex offender's or child kidnapper's driver's license number;</p> <p>(E) the description, license numbers, and vehicle identification numbers of motor vehicles the sex offender or child kidnapper has access to, regardless of whether that access is regular or not;</p> <p>(F) any identifying features of the sex offender or child kidnapper;</p> <p>(G) anticipated changes of address;</p> <p>(H) a statement concerning whether the offender or kidnapper has had treatment for a mental abnormality or personality disorder since the date of conviction for an offense requiring registration under this chapter; and</p> <p>(I) each electronic mail address, instant messaging address, and other Internet communication identifier used by the sex offender or child kidnapper;</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites</b> <i>(Alaska)</i></p>	<p>A.S. § 18.65.087 (West 2008).</p> <p>(h):</p> <ul style="list-style-type: none"> <li>• The Department of Public Safety shall provide on the Internet website that the department maintains for the central registry of sex offenders and child kidnappers information as to how members of the public using the website may access or compile the information relating to sex offenders or child kidnappers for a particular geographic area on a map.</li> <li>• The information may direct members to mapping programs available on the Internet and to Internet websites where information contained in the registry has already been converted to a map or geographic format.</li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(Alaska)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b> <i>(Alaska)</i></p>	<p>A.S. § 12.63.020 (West 2008).</p> <p>(a)(1): Life for offenders convicted of:</p> <ul style="list-style-type: none"> <li>• an aggravated sex offense</li> <li>• two or more sex offenses (including two or more convictions for indecent exposure before a person under the age of 16)</li> <li>• two or more child kidnappings, or</li> <li>• one sex offense and one child kidnapping</li> </ul> <p>(a)(2): 15 years for offenders convicted for a non-aggravated sex offense or a single child sex offense.</p> <p>(a)(2)(c): Indefinitely for a sex offender who has not supplied proof of the offender's unconditional discharge for the sex offense requiring registration.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

### ARIZONA

**Registrable Offenses**  
(Arizona)

- Unlawful imprisonment, if the victim is under 18 and the offender is not the victim's parent - ARIZ. REV. STAT. ANN. § 13-1303 (West 2008).
- Kidnapping, if the victim is under 18 and the offender is not the victim's parent - ARIZ. REV. STAT. ANN. § 13-1304 (West 2008).
- Sexual abuse, if the victim is under 18 - ARIZ. REV. STAT. ANN. § 13-1404 (West 2008).
- Sexual conduct with a minor - ARIZ. REV. STAT. ANN. § 13-1405 (West 2008).
- Sexual assault - ARIZ. REV. STAT. ANN. § 13-1406 (West 2008).
- Molestation of a child - ARIZ. REV. STAT. ANN. § 13-1410 (West 2008).
- Continuous sexual abuse of a child - ARIZ. REV. STAT. ANN. § 13-1417 (West 2008).
- Taking a child for the purpose of prostitution - ARIZ. REV. STAT. ANN. § 13-3206 (West 2008).
- Child prostitution - ARIZ. REV. STAT. ANN. § 13-3212 (West 2008).
- Commercial sexual exploitation of a minor - ARIZ. REV. STAT. ANN. § 13-3552 (West 2008).
- Sexual exploitation of a minor - ARIZ. REV. STAT. ANN. § 13-3553 (West 2008).
- Luring a minor for sexual exploitation - ARIZ. REV. STAT. ANN. § 13-3554 (West 2008).
- Aggravated luring a minor for sexual exploitation- ARIZ. REV. STAT. ANN. § 13-3560 (West 2008).
- Sex trafficking of a minor - ARIZ. REV. STAT. ANN. § 13-1307 (West 2008).
- A 2nd or subsequent conviction of Indecent exposure if victim was under 15 - ARIZ. REV. STAT. ANN. § 13-1402(B) (West 2008).
- A 2nd or subsequent conviction of Public sexual indecency if victim was under 15 - ARIZ. REV. STAT. ANN.-13-1403(B) (West 2008).
- A 3rd or subsequent conviction of indecent exposure - ARIZ. REV. STAT. ANN. § 13-1402 (West 2008).
- A 3rd or subsequent conviction of public sexually indecency - ARIZ. REV. STAT. ANN. § 13-1403 (West 2008).
- Failure of registered offender to notify of a change of residence - ARIZ. REV. STAT. ANN. § 13-3822 (West 2008).

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(Arizona)</i>	<ul style="list-style-type: none"> <li>• Failure of a person subject to registration to register as a sex offender - ARIZ. REV. STAT. ANN. § 13-3824 (West 2008).</li> </ul> <p>In addition, the court may require any person convicted of any sex offense or of child sexual exploitation to register if there was a finding of sexual motivation</p>
<b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Arizona)</i>	<b>NO</b>
<b>Information Maintained in Sex Offender Registry</b> <i>(Arizona)</i>	<p>ARIZ. REV. STAT. 13 § 3821 (West 2008).</p> <p>(H):</p> <ul style="list-style-type: none"> <li>• name</li> <li>• physical location and address of the offender's residence</li> <li>• name of the owner of the offender's residence</li> <li>• location and number of any post office boxes used by the offender</li> <li>• all aliases</li> <li>• fingerprints</li> <li>• photograph of offender</li> <li>• enrollment or employment status at a public or private institution of postsecondary education (if applicable)</li> </ul>
<b>Community Notification and Websites</b> <i>(Arizona)</i>	<p>A.R.S. 13 § 3825 (West 2008).</p> <p>(A):</p> <ul style="list-style-type: none"> <li>• Within seventy-two hours after a person who was convicted as a sex offender shall provide all of the following information to the department of public safety by entering all of the following information into the sex offender profile and notification database:</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 11

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites</b> <i>(Arizona)</i></p>	<ul style="list-style-type: none"> <li>○ the offender's identifying information.</li> <li>○ a risk assessment of the offender.</li> <li>○ the offender's date of release from confinement or, if the offender is sentenced to probation without jail time, the date the sentence is imposed.</li> </ul> <p>(B). The information from subsection A is then forwarded to the sheriff in the county where the person is registered.</p> <p>(C). After receiving the information pursuant to subsection B of this section, the sheriff shall forward the information to the chief law enforcement officer of the community in which the person resides.</p> <ul style="list-style-type: none"> <li>• After reviewing the information received and any other information available to the local law enforcement agency, the local law enforcement agency shall categorize each offender and place each offender into a notification level.</li> <li>• Within forty-five days, the local law enforcement agency shall notify the community of the offender's presence in the community pursuant to the guidelines established by the community notification guidelines committee.</li> <li>• If the community does not have a chief law enforcement officer, the sheriff shall perform the duties of the local law enforcement agency.</li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(Arizona)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b> <i>(Arizona)</i></p>	<p>A.R.S. 13 § 3821 (West 2008).</p> <p>(M) 10 years for persons convicted for a single offense of unlawful imprisonment or kidnapping of a minor. Life for persons with prior convictions for any registrable offense.</p>
<p><b>ARKANSAS**</b></p>	

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses</b> <i>(Arkansas)</i></p>	<ul style="list-style-type: none"> <li>• Rape - ARK. CODE ANN. § 5-14-103 (West 2008).</li> <li>• Sexual indecency with a child - ARK. CODE ANN. § 5-14-110 (West 2008).</li> <li>• Sexual assault (1st degree) - ARK. CODE ANN. § 5-14-124 (West 2008).</li> <li>• Sexual assault (2nd degree) - ARK. CODE ANN. § 5-14-125 (West 2008).</li> <li>• Sexual assault (3rd degree) - ARK. CODE ANN. § 5-14-126 (West 2008).</li> <li>• Sexual assault (4th degree) - ARK. CODE ANN. § 5-14-127 (West 2008).</li> <li>• Incest - ARK. CODE ANN. § 5-26-202 (West 2008).</li> <li>• Engaging children in sexual explicit conduct for use in visual or print medium - ARK. CODE ANN. § 5-27-303 (West 2008).</li> <li>• Transportation of minors for prohibited sexual conduct - ARK. CODE ANN. § 5-27-305 (West 2008).</li> <li>• Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child - ARK. CODE ANN. § 5-27-304 (West 2008).</li> <li>• Employing or consenting to use of a child in a sexual performance - ARK. CODE ANN. § 5-27-402 (West 2008).</li> <li>• Producing, directing or promoting sexual performance - ARK. CODE ANN. § 5-27-403 (West 2008).</li> <li>• Promoting prostitution (1st degree) - ARK. CODE ANN. § 5-70-104 (West 2008).</li> <li>• Stalking when ordered by the court to register as a sex offender - ARK. CODE ANN. § 5-71-229 (West 2008).</li> <li>• Indecent exposure, if a felony level offense - ARK. CODE ANN. § 5-14-112 (West 2008).</li> <li>• Exposing another person to HIV when ordered by the court to register as a sex offender - ARK. CODE ANN. § 5-14-123 (West 2008).</li> <li>• Kidnapping, when the victim is a minor and the offender is not the parent of the victim - ARK. CODE ANN. § 5-11-102(a) (West 2008).</li> <li>• False imprisonment (1st and 2nd degree), when the victim is a minor and the offender is not the parent of the victim - ARK. CODE ANN. §§ 5-11-103, -104 (West 2008).</li> <li>• Permitting abuse of a child - ARK. CODE ANN. § 5-27-221 (West 2008).</li> <li>• Computer child pornography - ARK. CODE ANN. § 5-27-603 (West 2008).</li> <li>• Computer exploitation of a child - ARK. CODE ANN. § 5-27-605 (West 2008).</li> <li>• Permanent detention or restraint when the offender is not the parent of the victim - ARK. CODE ANN. § 5-</li> </ul>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 13

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Arkansas)</i></p>	<p>11-106 (West 2008).</p> <ul style="list-style-type: none"> <li>• Distributing, possessing or viewing matter depicting sexually explicit conduct involving a child - ARK. CODE ANN. § 5-27-602 (West 2008).</li> <li>• The attempt, solicitation or conspiracy to commit any of the offenses enumerated</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Arkansas)</i></p>	<p><b>YES.</b></p> <p>Staff Members, in their professional capacity, who are convicted of sexual assault in the first, second or third degree are required to register as sex offenders.</p> <p>A.C.A. § 5-14-124 (West 2008) <u>Sexual assault in the first degree.</u></p> <p>(a) A person commits sexual assault in the first degree if the person engages in sexual intercourse or deviate sexual activity with another person who is less than eighteen (18) years of age and is not the actor's spouse and the actor is:</p> <p style="padding-left: 40px;">(1) Employed with the Department of Correction, the Department of Community Correction, the Department of Health and Human Services, or any city or county jail or a juvenile detention facility, and the victim is in the custody of the Department of Correction, the Department of Community Correction, the Department of Health and Human Services, any city or county jail or juvenile detention facility, or their contractors or agents;</p> <p style="padding-left: 40px;">(2) A professional under § 12-12-507(b) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or</p> <p style="padding-left: 40px;">(3) An employee in the victim's school or school district, a temporary caretaker, or a person in a position of trust or authority over the victim.</p> <p>(b) It is no defense to a prosecution under this section that the victim consented to the conduct.</p> <p>(c) It is an affirmative defense to a prosecution under subdivision (a)(3) of this section that the actor was not more than three (3) years older than the victim.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 14

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Arkansas)</i></p>	<p>A.C.A. § 5-14-125 (West 2008) <u>Sexual assault in the second degree</u></p> <p>(4)(A) Engages in sexual contact with another person who is less than eighteen (18) years of age and the actor is:              (i) Employed with the Department of Correction, Department of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;              (ii) A professional under § 12-12-507(b) and is in a position of trust or authority over the minor; or              (iii) The minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor.</p> <p>(4)(B) For purposes of subdivision (a)(4)(A) of this section, consent of the minor is not a defense to a prosecution;</p> <p>(6) Is a teacher in a public school in a grade kindergarten through twelve (K-12) and engages in sexual contact with another person who is:              (A) A student enrolled in the public school; and              (B) Less than twenty-one (21) years of age.</p> <p>A.C.A. § 5-14-126 (West 2008) <u>Sexual assault in the third degree</u></p> <p>(a) A person commits sexual assault in the third degree if the person: (1) Engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse, and the actor is:</p> <p style="padding-left: 40px;">(A) Employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail;          (B) Employed or contracted with or otherwise providing services, supplies, or supervision to an agency maintaining custody of inmates, detainees, or juveniles, and the victim is in the custody of the Department of</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 15

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Arkansas)</i></p>	<p>Correction, Department of Community Correction, Department of Human Services, or any city or county jail; or</p> <p>(C) A professional under § 12-12-507(b) or a member of the clergy and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity;</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Arkansas)</i></p>	<p>A.C.A. § 12-12-908 (West 2008)</p> <p>(b) The registration file required by this subchapter shall include:</p> <ol style="list-style-type: none"> <li>(1) The offender's full name and all aliases that the offender has used or under which the offender has been known;</li> <li>(2) Date of birth;</li> <li>(3) Sex;</li> <li>(4) Race;</li> <li>(5) Height;</li> <li>(6) Weight;</li> <li>(7) Hair and eye color;</li> <li>(8) Address of any temporary residence;</li> <li>(9) Anticipated address of legal residence;</li> <li>(10) Driver's license number or state identification number, if available;</li> <li>(11) Social security number;</li> <li>(12) Place of employment, education, or training;</li> <li>(13) Photograph, if not already obtained;</li> <li>(14) Fingerprints, if not already obtained;</li> <li>(15) Date of arrest, arresting agency, offense for which convicted or acquitted, and arrest tracking number for each adjudication of guilt or acquittal on the grounds of mental disease or defect;</li> <li>(16) A brief description of the crime or crimes for which registration is required;</li> <li>(17) The registration status of the offender as a sexually violent predator, aggravated sex offender, or sex offender;</li> <li>(18) A statement in writing signed by the offender acknowledging that the offender has been advised of</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 16



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Arkansas)</i></p>	<p>the duty to register imposed by this subchapter; and  (19) Any other information that the center deems necessary, including, but not limited to:  (A) Criminal and corrections records;  (B) Nonprivileged personnel records;  (C) Treatment and abuse registry records; and  (D) Evidentiary genetic markers.  (c) Certain information such as social security number, driver's license number, employer, information that may lead to identification of the victim, and the like may be excluded from the information that is released during the course of notification.</p>
<p><b>Community Notification and Websites</b>  <i>(Arkansas)</i></p>	<p>A.C.A. § 12-12-913 (West 2008)  (b): In accordance with guidelines promulgated by the Sex Offenders Assessment Committee, local law enforcement agencies having jurisdiction shall disclose relevant and necessary information regarding sex offenders to the public when the disclosure of such information is necessary for public protection.</p>
<p><b>Limitations on Residency or Employment</b>  <i>(Arkansas)</i></p>	<p>A.C.A. § 5-14-128 (West 2008)  <u>Registered offender living near school, public park, youth center, or daycare prohibited</u>  (a) It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to reside within two thousand feet (2,000') of the property on which any public or private elementary or secondary school, public park, youth center, or daycare facility is located.  (b)(1) It is not a violation of this section if the property on which the sex offender resides is owned and occupied by the sex offender and was purchased prior to the date on which the public or private elementary or secondary school, public park, youth center, or daycare facility was established.  A.C.A. § 5-14-129 (West 2008)</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment Cont'd</b> <i>(Arkansas)</i>	<p><u>Registered offender working with children prohibited</u></p> <p>(a) It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to engage in an occupation or participate in a volunteer position that requires the sex offender to work or interact primarily and directly with a child under sixteen (16) years of age.</p> <p>A.C.A. § 5-14-131 (West 2008)</p> <p><u>Registered offender living near victim or having contact with victim prohibited</u></p> <p>(b) It is unlawful for a person who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly:</p> <p>(1) Reside within two thousand feet (2,000') of the residence of his or her victim;</p> <p>(c)(1) It is an affirmative defense to a prosecution for a violation of subdivision (b)(1) of this section if the property where the sex offender resides is owned and occupied by the sex offender and was purchased prior to the date on which his or her victim began residing within two thousand feet (2,000') of the residence of the sex offender.</p> <p>A.C.A. § 5-14-132 (West 2008)</p> <p><u>Registered offender prohibited from entering upon school campus-</u></p> <p>(b) It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly enter upon the campus of a public school.</p> <p>(c) It is not a violation of this section if the sex offender:</p> <p>(1) Is a minor and is a student;</p> <p>(2) Enters upon the campus for the purpose of attending a school-sponsored event for which an admission fee is charged or tickets are sold or distributed, a graduation ceremony, or a baccalaureate ceremony;</p> <p>(3) Enters upon the campus on a day that is not designated a student contact day by the school district's</p>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 18

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Limitations on Residency or Employment Cont'd</b> <i>(Arkansas)</i></p>	<p>calendar or on a day in which no school-sponsored event is taking place upon the campus; or                  (4) Is the parent or guardian of a student enrolled in a public school district and enters upon the campus where the student is enrolled for the purpose of:                      (A) Delivering to the student medicine, food, or personal items, provided that the items are delivered directly to the school office; or                      (B) Attending a scheduled parent-teacher conference, provided the sex offender is escorted to and from the conference by a designated school official or employee.</p> <p>(d)(1) A sex offender who is the parent or guardian of a child enrolled in a public school district and wishes to enter upon the campus in which the student is enrolled for any other purpose must give reasonable notice to the school principal or his or her designee.</p>
<p><b>Duration of Registration</b> <i>(Arkansas)</i></p>	<p>A.C.A. § 12-12-919 (West 2008)</p> <p>(a): Lifetime registration is required for a sex offender:                  1. offenders convicted of an aggravated offense                  2. sexually violent predators, or                  3. offenders adjudicated guilty of a second or subsequent offense under a separate case number, not multiple counts of the same charge.</p> <p>(b)(1)(A)(i) Any other sex offender required to register under this subchapter may make application for an order terminating the obligation to register to the sentencing court fifteen (15) years after release from incarceration or other institution or fifteen (15) years after having been placed on probation or any other form of community supervision by the court.</p> <p>(ii) A sex offender sentenced in another state but permanently residing in Arkansas may make an application for an order terminating the obligation to register to the court of the county in which the sex offender resides.</p> <p>(B)(i) The court shall hold a hearing on the application at which the applicant and any interested persons</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 19

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> <i>(Arkansas)</i></p>	<p>may present witnesses and other evidence.</p> <p>(ii) No fewer than twenty (20) days prior to the date of the hearing on the application, a copy of the application for termination of the obligation to register shall be served on the prosecutor of the county in which the adjudication of guilt triggering registration was obtained.</p>
<p><b>CALIFORNIA**</b></p>	
<p><b>Registrable Offenses</b> <i>(California)</i></p>	<ul style="list-style-type: none"> <li>• Kidnapping (CAL. PENAL CODE § 207, 209 (West 2008).) with the intent to commit:             <ul style="list-style-type: none"> <li>○ Rape - CAL. PENAL CODE § 261 (West 2008).</li> <li>○ Sodomy - CAL. PENAL CODE § 286 (West 2008).</li> <li>○ Lewd or lascivious acts involving children - CAL. PENAL CODE § 288 (West 2008).</li> <li>○ Oral copulation - CAL. PENAL CODE § 288a (West 2008). Penetration by foreign object - CAL. PENAL CODE § 289 (West 2008).</li> </ul> </li> <li>• Assault with the intent to commit rape, sodomy, oral copulation, penetration by foreign object, lewd or lascivious acts involving children, or aiding or abetting a rape (Cal Pen Code 264.1) - CAL. PENAL CODE § 220 (West 2008).</li> <li>• Sexual battery of seriously disabled or medically incapacitated victims - CAL. PENAL CODE § 243.4 (West 2008).</li> <li>• Rape:             <ul style="list-style-type: none"> <li>• when the victim is incapable of giving consent;</li> <li>• by force or fear, or in concert with force or violence;</li> <li>• by threat of retaliation;</li> <li>• of a drugged victim;</li> <li>• of a victim unconscious of the nature of the act; or</li> <li>• of a spouse by force or violence for which the offender is sentenced to the state prison; CAL. PENAL CODE § 261 (West 2008).</li> </ul> </li> <li>• Spousal rape for which the offender is sentenced to state prison - CAL. PENAL CODE § 262(a)(1) (West</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 20

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(California)</i>	<p>2008).</p> <ul style="list-style-type: none"> <li>• Aiding or abetting a rape - CAL. PENAL CODE § 264.1 (West 2008).</li> <li>• Enticing an unmarried female to a house of ill-fame for the purposes of prostitution - CAL. PENAL CODE § 266 (West 2008).</li> <li>• Inducing consent to sexual act by fraud or fear - CAL. PENAL CODE § 266c (West 2008).</li> <li>• Pimping of a minor - CAL. PENAL CODE § 266h(b) (West 2008).</li> <li>• Pandering of a minor - CAL. PENAL CODE § 266i(b) (West 2008).</li> <li>• Procurement of a child - CAL. PENAL CODE § 266j (West 2008).</li> <li>• Abduction of a minor for prostitution - CAL. PENAL CODE § 267 (West 2008).</li> <li>• Aggravated sexual assault of a child - CAL. PENAL CODE § 269 (West 2008).</li> <li>• Incest - CAL. PENAL CODE § 285 (West 2008).</li> <li>• Sodomy - CAL. PENAL CODE § 286 (West 2008).</li> <li>• Lewd or lascivious acts involving children - CAL. PENAL CODE § 288 (West 2008).</li> <li>• Oral Copulation - CAL. PENAL CODE § 288a (West 2008).</li> <li>• Penetration by foreign object - CAL. PENAL CODE § 289 (West 2008).</li> <li>• Continuous sexual abuse of a child - CAL. PENAL CODE § 288.5 (West 2008).</li> <li>• Sale or distribution of obscene matter depicting person under age of 18 years engaging in sexual conduct - CAL. PENAL CODE § 311.1 (West 2008).</li> <li>• Production, distribution, or exhibition of obscene matter - CAL. PENAL CODE § 311.2 (West 2008).</li> <li>• Sexual exploitation of a child - CAL. PENAL CODE § 311.3 (West 2008).</li> <li>• Employment of minor in sale or distribution of obscene matter or production of pornography - CAL. PENAL CODE § 311.4 (West 2008).</li> <li>• Advertisement of obscene matters depicting minors - CAL. PENAL CODE § 311.10 (West 2008).</li> <li>• Possession or control of child pornography - CAL. PENAL CODE § 311.11 (West 2008).</li> <li>• Annoying or molesting children - CAL. PENAL CODE § 647.6 (West 2008).</li> <li>• Solicitation to commit rape by force or violence, sodomy by force or violence, oral copulation by force or violence, Aiding or abetting a rape, Lewd or lascivious acts involving children, or Penetration by foreign object - CAL. PENAL CODE § 653f(c) (West 2008).</li> <li>• Indecent exposure - CAL. PENAL CODE § 314(1)-(2) (West 2008).</li> </ul>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 21

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(California)</i></p>	<ul style="list-style-type: none"> <li>• Luring minor under 14 away from home to commit an offense involving lewd or lascivious conduct - CAL. PENAL CODE § 272 (West 2008).</li> <li>• Felony violation of sending harmful matter to minor by telephone messages, electronic mail, Internet, or commercial online service - CAL. PENAL CODE § 288.2 (West 2008).</li> <li>• Conviction for the attempt to commit the offenses above.</li> <li>• Any person required to register as a sex offender in another state, unless the conviction was for the equivalent of indecent exposure, unlawful sexual intercourse pursuant to Cal Pen. Code § 261.5, incest, sodomy, or oral copulation, provided that the offender notifies the Dept. of Justice that the sodomy or oral copulation was between consenting adults and the Dept. is able to verify that fact.</li> <li>• Any person convicted in any state, federal or military court of any offense that, if committed or attempted in California, would have been punishable as one or more of the offenses above.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(California)</i></p>	<p><b>YES.</b></p> <p>An employee or officer of a public detention facility or health care facility who engages in sexual activity—specifically ) Sodomy, as defined in subdivision (a) of Section 286, Oral copulation, as defined in subdivision (a) of Section 288a, Sexual penetration, as defined in subdivision (k) of Section 289 and is convicted, is required to register as a sex offender. See, §§ 289.6 &amp; 290.</p> <p>Relevant Statutes:</p> <p>CAL. PENAL § 289.6 (West 2008)</p> <p>(a)(1) An employee or officer or agent of a private person of a public entity health facility or entity that provides a health facility or staff for a health facility under contract with a public entity, who engages in sexual activity with a consenting adult who is confined in a health facility is guilty of a public offense. As used in this paragraph, “health facility” means a health facility as defined in subdivisions (b), (e), (g), (h), and (j), and subparagraph (C) of paragraph (2) of subdivision (i) of Section 1250 of the Health and Safety Code, in which the victim has been confined involuntarily.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 22

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(California)</i></p>	<p>(a)(2) An employee or officer of a public entity detention facility, or an employee, officer, or agent of a private person or entity that provides a detention facility or staff for a detention facility, or person or agent of a public or private entity under contract with a detention facility, or a volunteer of a private or public entity detention facility, who engages in sexual activity with a consenting adult who is confined in a detention facility, is guilty of a public offense.</p> <p>(a)(3) An employee with a department, board, or authority under the Youth and Adult Correctional Agency or a facility under contract with a department, board, or authority under the Youth and Adult Correctional Agency, who, during the course of his or her employment directly provides treatment, care, control, or supervision of inmates, wards, or parolees, and who engages in sexual activity with a consenting adult who is an inmate, ward, or parolee, is guilty of a public offense.</p> <p>(d) As used in this section, “sexual activity” means:</p> <ul style="list-style-type: none"><li>(1) Sexual intercourse.</li><li>(2) Sodomy, as defined in subdivision (a) of Section 286.</li><li>(3) Oral copulation, as defined in subdivision (a) of Section 288a.</li><li>(4) Sexual penetration, as defined in subdivision (k) of Section 289.</li><li>(5) The rubbing or touching of the breasts or sexual organs of another, or of oneself in the presence of and with knowledge of another, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of oneself or another.</li></ul> <p>(e) Consent by a confined person or parolee to sexual activity proscribed by this section is not a defense to a criminal prosecution for violation of this section.</p> <p>CAL. PENAL § 290. <u>Sex Offender Registration Act</u></p> <p>(c) The following persons shall be required to register:</p> <p>Any person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 23

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(California)</i></p>	<p>military court of a violation of Section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286, 288, 288a, or 289</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(California)</i></p>	<p>CAL. PENAL CODE § 290.015 (West 2008)</p> <p>(a) A person who is subject to the Act shall register, or reregister if the person has previously registered, upon release from incarceration, placement, commitment, or release on probation pursuant to subdivision (b) of Section 290. This section shall not apply to a person who is incarcerated for less than 30 days if he or she has registered as required by the Act, he or she returns after incarceration to the last registered address, and the annual update of registration that is required to occur within five working days of his or her birthday, pursuant to subdivision (a) of Section 290.012, did not fall within that incarceration period. The registration shall consist of all of the following:</p> <ol style="list-style-type: none"> <li>(1) A statement in writing signed by the person, giving information as shall be required by the Department of Justice and giving the name and address of the person's employer, and the address of the person's place of employment if that is different from the employer's main address.</li> <li>(2) The fingerprints and a current photograph of the person taken by the registering official.</li> <li>(3) The license plate number of any vehicle owned by, regularly driven by, or registered in the name of the person.</li> <li>(4) Notice to the person that, in addition to the requirements of the Act, he or she may have a duty to register in any other state where he or she may relocate.</li> <li>(5) Copies of adequate proof of residence, which shall be limited to a California driver's license, California identification card, recent rent or utility receipt, printed personalized checks or other recent banking documents showing that person's name and address, or any other information that the registering official believes is reliable. If the person has no residence and no reasonable expectation of obtaining a residence in the foreseeable future, the person shall so advise the registering official and shall sign a statement provided by the registering official stating that fact. Upon presentation of proof of residence to the registering official or a signed statement that the person has no residence, the person shall be allowed to register. If the person claims that he or she has a residence but does not have any proof of residence, he or she shall be allowed to</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 24



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(California)</i></p>	<p>register but shall furnish proof of residence within 30 days of the date he or she is allowed to register.</p>
<p><b>Community Notification and Websites</b>  <i>(California)</i></p>	<p>CAL. PENAL § 290.45 (West 2008)</p> <p>(a)(1): Any designated law enforcement entity may provide information to the public about a person required to register as a sex offender by whatever means the entity deems appropriate, when necessary to ensure the public safety based upon information available to the entity concerning that specific person.</p> <p>CAL. PENAL § 290.46 (West 2008)</p> <p>(a)(1): On or before July 10, 2010, the Department of Justice shall make available information concerning persons who are required to register pursuant to Section 290 to the public via an Internet Web site as specified in this section.</p>
<p><b>Limitations on Residency or Employment</b>  <i>(California)</i></p>	<p>CAL. PENAL § 290.95 (West 2008)</p> <p>(a): Registrants who apply or accept a position that has direct and unaccompanied access to minor children must disclose their status as a registrant on their application for that position or upon acceptance of the employment.</p> <p>(b): No registrant who has been convicted of a crime against a victim under the age of 16 may work in a position where the registrant would have direct and unaccompanied access to minor children or have supervision or disciplinary power over minor children.</p> <p>CAL. PENAL § 3003.5(b) (West 2008)</p> <p>Notwithstanding any other provision of law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2000 feet of any public or private school or park where children regularly gather.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 25

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <i>(California)</i>	CAL. PENAL § 290 (West 2008)  (a)(1)(A) Sex offenders must register for life.
<b>COLORADO**</b>	
<b>Registrable Offenses</b> <i>(Colorado)</i>	<ul style="list-style-type: none"> <li>• Enticement of a child - COLO REV. STAT. § 18-3-305 (West 2008).</li> <li>• Internet luring of a child - COLO. REV. STAT. § 18-3-306(3) (West 2008).</li> <li>• Internet sexual exploitation of a child - COLO. REV. STAT. § 18-3-405.4 (West 2008).</li> <li>• Sexual assault when the victim is a child less than 15 years old - COLO REV. STAT. § 18-3-402 (West 2008).</li> <li>• Sexual assault (2nd degree) when the victim is less than 15 years old - COLO REV. STAT. § 18-3-403(1)(a), (1)(b), (1)(c), (1)(d), (1)(g), (1)(h) or (1)(e) (West 2008) if the victim is less than 15 and the offender is at least 4 years older than the victim (as the law existed prior to its repeal on July 1, 2000)</li> <li>• Unlawful sexual contact - COLO REV. STAT. § 18-3-404(1)(a), (1)(b), (1)(c), (1)(d), (1)(f), or (1)(g) (West 2008), when the victim is a child less than fifteen years of age</li> <li>• Sexual assault on a child - COLO REV. STAT. § 18-3-405 (West 2008).</li> <li>• Sexual assault on a child by one in a position of trust - COLO REV. STAT. § 18-3-405.3 (West 2008).</li> <li>• Sexual assault on a client by a psychotherapist - COLO REV. STAT. § 18-3-405.5 (West 2008).</li> <li>• Incest - COLO REV. STAT. § 18-6-301 (West 2008).</li> <li>• Aggravated incest - COLO REV. STAT. § 18-6-302 (West 2008).</li> <li>• Trafficking in children - COLO REV. STAT. § 18-6-402 (West 2008).</li> <li>• Sexual exploitation of a child - COLO REV. STAT. § 18-6-403 (West 2008).</li> <li>• Indecent exposure - COLO REV. STAT. § 18-7-302 (West 2008).</li> <li>• Procurement of a child for sexual exploitation - COLO REV. STAT. § 18-6-404 (West 2008).</li> <li>• Soliciting a child prostitute - COLO REV. STAT. § 18-7-402 (West 2008).</li> <li>• Pandering of a child - COLO REV. STAT. § 18-7-403 (West 2008).</li> <li>• Procurement of a child - COLO REV. STAT. § 18-7-403.5 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Colorado)</i></p>	<ul style="list-style-type: none"> <li>• Keeping a place of child prostitution - COLO REV. STAT. § 18-7-404 (West 2008).</li> <li>• Pimping of a child - COLO REV. STAT. § 18-7-405 (West 2008).</li> <li>• Inducement of child prostitution - COLO REV. STAT. § 18-7-405.5 (West 2008).</li> <li>• Patronizing a prostituted child - COLO REV. STAT. § 18-7-406 (West 2008).</li> <li>• Engaging in sexual conduct in a penal institution - COLO REV. STAT. § 18-7-701 (West 2008).</li> <li>• Wholesale promotion of obscenity to a minor - COLO REV. STAT. § 18-7-102(1.5) (West 2008).</li> <li>• Promotion of obscenity to a minor - COLO REV. STAT. § 18-7-102(2.5) (West 2008).</li> <li>• The criminal attempt, conspiracy, or solicitation to commit any of the acts listed above.</li> <li>• Any person who was convicted on or after July 1, 1991, in another state or jurisdiction, including but not limited to a military or federal jurisdiction, of an offense that, if committed in Colorado, would constitute one of the offenses above.</li> <li>• Any person who was released on or after July 1, 1991, from the custody of the department of corrections of this state or any other state, having served a sentence for one of the offenses above.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Colorado)</i></p>	<p><b>YES.</b></p> <p>A staff member convicted of violating C.R.S.A. § 18-7-01 “Sexual Conduct in Penal Institutions,” must register as a sex offender.</p> <p>Note, § 18-7-01, on its face, does not require a convicted staff member to register as a sex offender. However, a staff member convicted of an “unlawful sexual behavior” is required to register as a sex offender. See, § 16-22-103. Included in the enumerated offenses of “unlawful sexual behavior” is “Engaging in sexual conduct in a penal institution under § 18-7-01”. See, § 6-22-102.</p> <p>A staff member convicted of sexual assault under § 18-3-402 is required to register as a sex offender.</p> <p>A staff member who uses his position of authority to coerce the victim in custody of law to submit to a sexual act, has committed sexual assault under § 18-3-402. Assault as defined under § 18-3-402 is an enumerated offense of</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Colorado)</i></p>	<p>“unlawful sexual behavior” and a resulting conviction requires a staff member to register as a sex offender.</p> <p>Relevant Statutes:</p> <p><u>C.R.S.A. § 16-22-103 (WEST 2008)</u></p> <p>(2)(a) On and after July 1, 1994, any person who is convicted in the state of Colorado of unlawful sexual behavior or of another offense, the underlying factual basis of which involves unlawful sexual behavior, or any person who is released from the custody of the department of corrections having completed serving a sentence for unlawful sexual behavior or for another offense, the underlying factual basis of which involved unlawful sexual behavior, shall be required to register.</p> <p><u>C.R.S.A. § 6-22-102 (WEST 2008)</u></p> <p>(9) “Unlawful sexual behavior” means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:</p> <p>(u) Engaging in sexual conduct in a penal institution, in violation of section 18-7-701, C.R.S.;</p> <p><u>C.R.S.A. § 18-7-701 (West 2008)</u></p> <p>(5) Sexual Conduct in Penal Institutions.</p> <p>(1) An employee, contract employee, or volunteer of a criminal justice facility or an individual who performs work or volunteer functions in a criminal justice facility or for the department of corrections who engages in sexual conduct with a person who is in lawful custody in a criminal justice facility commits the offense of sexual conduct in a penal institution.</p> <p><u>C.R.S.A. § 18-3-402 (West 2008)</u> <u>Sexual Assault</u></p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> (Colorado)</p>	<p>(f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search.</p>
<p><b>Information Maintained in Sex Offender Registry</b> (Colorado)</p>	<p>COLO. REV. STAT. § 16-22-110 (West 2008)</p> <p>(2) The sex offender registry shall provide, at a minimum, the following information to all criminal justice agencies with regard to registered persons:</p> <p>(a) Identification of a person's registration status;                  (b) A person's date of birth;                  (c) Descriptions of the offenses of unlawful sexual behavior of which a person has been convicted;                  (d) Identification of persons who are identified as sexually violent predators;</p> <p>(3)(a) In addition to the sex offender registry, the CBI shall maintain one or more interactive data base systems to provide, at a minimum, cross validation of a registrant's known names and known addresses with information maintained by the department of revenue concerning driver's licenses and identification cards issued under article 2 of title 42, C.R.S. Discrepancies between the known names or known addresses listed in the sex offender registry and information maintained by the department of revenue shall be reported through the Colorado crime information center to each local law enforcement agency that has jurisdiction over the location of the person's last-known residences.</p>
<p><b>Community Notification and Websites</b> (Colorado)</p>	<p>C.R.S.A. § 16-22-111 (West 2008)</p> <p>(1): The CBI shall post a link on the state of Colorado homepage on the internet to a list containing the:</p> <ul style="list-style-type: none"> <li>• Names,</li> <li>• Addresses, and</li> <li>• Physical descriptions of certain persons and descriptions of the offenses committed by said persons.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Colorado)</i></p>	<p>C.R.S.A. § 16-22-112 (West 2008)</p> <p>(2)(a):</p> <ul style="list-style-type: none"> <li>• A local law enforcement agency shall release information regarding any person registered with the local law enforcement agency to any person residing within the local law enforcement agency's jurisdiction.</li> <li>• In addition, the local law enforcement agency may post the information specified on the law enforcement agency's website.</li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(Colorado)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b> <i>(Colorado)</i></p>	<p>C.R.S.A. § 16-22-113 (West 2008)</p> <p>(3): Life for:</p> <ul style="list-style-type: none"> <li>• sexually violent predators</li> <li>• adults convicted of:             <ul style="list-style-type: none"> <li>○ sexual assault on a child</li> <li>○ sexual assault in the first or second degree</li> <li>○ sexual assault on a child by one in a position of trust</li> <li>○ sexual assault on a client by a psychotherapist</li> <li>○ incest or aggravated incest</li> </ul> </li> <li>• Any adult who has more than one conviction or adjudication for unlawful sexual behavior.</li> </ul> <p>(1)(a): 20 years if the offense requiring registration was a class 1, 2, or 3 felony.            (1)(b): 10 years if the offense requiring registration was a class 4, 5, or 6 felony or class 1 misdemeanor.            (1)(c): 5 years for misdemeanors other than a class 1 misdemeanor of unlawful sexual contact or sexual assault in the 3rd degree if the offender has no subsequent convictions for unlawful sexual behavior.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 30

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

### CONNECTICUT\*\*

**Registrable Offenses**  
*(Connecticut)*

Criminal Offense Against a Victim Who is a Minor:

- Having contact with the intimate parts of a minor under 16 or subjecting a minor under 16 to contact with the intimate parts of such person in a sexual and indecent manner likely to impair the health or morals of such child - CONN. GEN. STAT. § 53-21(a) (2) (West 2008).
- Sexual assault (1st degree) of a person under 13 years of age when the offender is at least two years older than the victim - CONN. GEN. STAT. § 53a-70(a)(2) (West 2008).
- Sexual assault (2nd degree) when the victim is: (1) between the ages of 13 and 16, and the offender is at least 2 years older than the victim; (2) less than 18 years old and the actor is the victim's guardian or is otherwise responsible for the general supervision of the victim's welfare; or (3) the actor is a school employee and the victim is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board that employs the actor - CONN. GEN. STAT. § 53a-71(a)(1), (4) or (8) (West 2008).
- Sexual assault (3rd degree) when the actor engages in sexual intercourse with another person whom the actor knows to be related to him or her within specified degrees of kindred - CONN. GEN. STAT. § 53a-72a(a)(2) (West 2008).
- Promoting prostitution (1st degree) when the offender advances or profits from the prostitution of a person less than 16 years old - CONN. GEN. STAT. § 53a-86(a)(2) (West 2008).
- Promoting prostitution (2nd degree) when the offender advances or profits from the prostitution of a person less than 18 years old - CONN. GEN. STAT. § 53a-87(a)(2) (West 2008).
- Enticing a minor - CONN. GEN. STAT. § 53a-90a (West 2008).
- Employing a minor in an obscene performance - CONN. GEN. STAT. § 53a-196a (West 2008).
- Promoting a minor in an obscene performance - CONN. GEN. STAT. § 53a-196b (West 2008).
- Importing child pornography - CONN. GEN. STAT. § 53a-196c (West 2008).
- Possessing child pornography (1st degree) - CONN. GEN. STAT. § 53a-196d (West 2008).
- Possessing child pornography (2nd degree) - CONN. GEN. STAT. § 53a-196e (West 2008).

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 31

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Connecticut)</i></p>	<ul style="list-style-type: none"> <li>• Possessing child pornography (3rd degree) - CONN. GEN. STAT. § 53a-196f (West 2008).</li> <li>• Kidnapping (1st degree) of a victim under the age of 18 - CONN. GEN. STAT. § 53a-92 (West 2008).</li> <li>• Kidnapping (1st degree with a firearm) of a victim under the age of 18 - CONN. GEN. STAT. § 53a-92a (West 2008).</li> <li>• Kidnapping (2nd degree) of a victim under the age of 18 - CONN. GEN. STAT. § 53a-94 (West 2008).</li> <li>• Kidnapping (2nd degree with a firearm) of a victim under the age of 18 - CONN. GEN. STAT. § 53a-94a (West 2008).</li> <li>• Unlawful restraint (1st degree) of a victim under the age of 18 - CONN. GEN. STAT. § 53a-95 (West 2008).</li> <li>• Unlawful restraint (2nd degree) of a victim under the age of 18 - CONN. GEN. STAT. § 53a-96 (West 2008).</li> <li>• Public indecency involving a victim under the age of 18 - CONN. GEN. STAT. § 53a-186 (West 2008).</li> <li>• Committing an offense listed above for which a person can be criminally liable for the acts of another, or the attempt or conspiracy to commit one of the crimes listed above.</li> </ul> <p>Sexually Violent Offenses:</p> <ul style="list-style-type: none"> <li>• Sexual assault (1st degree), except when the victim is under the age of 13 and the offender is at least two years older than the victim - CONN. GEN. STAT. § 53a-70 (West 2008) (except (a)(2)).</li> <li>• Sexual assault in spousal or cohabiting relationship - CONN. GEN. STAT. § 53a-70b (West 2008).</li> <li>• Sexual assault (2nd degree) - CONN. GEN. STAT. § 53a-71 (West 2008) (except (a)(1), (4) or (8)).</li> <li>• Sexual assault (3rd degree) - CONN. GEN. STAT. § 53a-72a (West 2008) (except (a)(2)).</li> <li>• CONN. GEN. STAT. § 53a-72b (West 2008).</li> <li>• Kidnapping (1st degree), provided the court makes a finding that the offense was committed with the intent to sexually violate or abuse the victim - CONN. GEN. STAT. § 53a-92 (West 2008).</li> <li>• Kidnapping (1st degree with a firearm), provided the courts makes a finding that the offense was committed with the intent to sexually violate or abuse the victim - CONN. GEN. STAT. § 53a-92a (West 2008).</li> </ul> <p>Committing an offense listed above for which a person can be criminally liable for the acts of another, or the</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 32



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(Connecticut)</i>	attempt or conspiracy to commit one of the crimes listed above
<b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Connecticut)</i>	<p><b>YES.</b></p> <p>Staff Members, in their professional capacity, who are convicted of sexual assault in the second degree are required to register as sex offenders.</p> <p>C.G.S.A. § 53a-71(West 2008)  <u>Sexual assault in the second degree</u></p> <p>(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and:</p> <p style="padding-left: 40px;">(5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person;</p> <p>C.G.S.A. § 54-252 (West 2008)  <u>Registration of person who has committed a sexually violent offense</u></p> <p>(a) Any person who has been convicted or found not guilty by reason of mental disease or defect of a sexually violent offense, and shall maintain such registration for life.</p> <p>C.G.S.A. § 54-250. (West 2008)  <u>Definitions</u></p> <p>(11) “Sexually violent offense” includes (A) a violation of § 53a-71(a5)</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <i>(Connecticut)</i></p>	<p>C.G.S.A. § 54-251(a), 54-252(a), 54-253(b), &amp; 54-254(a)</p> <ul style="list-style-type: none"> <li>• name</li> <li>• fingerprints</li> <li>• photograph</li> <li>• description of any other identifying characteristics</li> <li>• blood sample or other biological sample for DNA analysis</li> <li>• criminal history record</li> <li>• address of residence</li> <li>• status as student or employee at institution of higher learning, trade institution or professional institution</li> <li>• documentation of any treatment received for mental abnormality or personality disorder (for persons convicted of a sexually violent offense)</li> </ul>
<p><b>Community Notification and Websites</b> <i>(Connecticut)</i></p>	<p>C.G.S.A. § 54-258</p> <p>(a)(1):</p> <ul style="list-style-type: none"> <li>• The registry maintained by the Department of Public Safety shall be a public record and shall be accessible to the public during normal business hours.</li> <li>• The Department of Public Safety shall make registry information available to the public through the Internet.</li> <li>• Not less than once per calendar quarter, the Department of Public Safety shall issue notices to all print and electronic media in the state regarding the availability and means of accessing the registry.</li> <li>• Each local police department and each state police troop shall keep a record of all registration information transmitted to it by the Department of Public Safety, and shall make such information accessible to the public during normal business hours.</li> </ul> <p>(a)(2): Any state agency, the Judicial Department, any state police troop or any local police department may, at its discretion, notify any government agency, private organization or individual of registration information when such agency, said department, such troop or such local police department, as the case may be, believes such notification</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 34

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Community Notification and Websites Cont'd</b> <i>(Connecticut)</i>	is necessary to protect the public or any individual in any jurisdiction from any person who is subject to registration.
<b>Limitations on Residency or Employment</b> <i>(Connecticut)</i>	None.
<b>Duration of Registration</b> <i>(Connecticut)</i>	<p>C.G.S.A. § 54-252(a)</p> <p>Life for persons convicted of sexually violent offenses.</p> <p>C.G.S.A. § 54-251(a)</p> <p>10 years for persons convicted of a criminal offense against a minor or a nonviolent sexual offense, unless the offender has a prior conviction for any such offense, in which case registration is for life.</p> <p>C.G.S.A. § 54-254(a)</p> <p>10 years for persons convicted of a felony which the court finds was committed for a sexual purpose.</p>
<b>DELAWARE</b>	
<b>Registrable Offenses</b> <i>(Delaware)</i>	<ul style="list-style-type: none"> <li>• Indecent Exposure (1st degree) - DEL. CODE ANN. tit. 11, § 765 (West 2008).</li> <li>• Indecent exposure (2nd degree), if the offender had previously been convicted of the same offense or any other sexual offense within five years of the current offense - DEL. CODE ANN. tit. 11, § 764 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 35

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Delaware)</i></p>	<ul style="list-style-type: none"> <li>• Incest - DEL. CODE ANN. tit. 11, § 766 (West 2008).</li> <li>• Unlawful Sexual Contact (1st, 2nd, 3rd degrees) - DEL. CODE ANN. tit. 11, §§ 767-769 (West 2008).</li> <li>• Rape (1st, 2nd, 3rd, 4th degrees) - DEL. CODE ANN. tit. 11, §§ 770- 773 (West 2008).</li> <li>• Sexual extortion - DEL. CODE ANN. tit. 11, § 776 (West 2008).</li> <li>• Bestiality - DEL. CODE ANN. tit. 11, § 777 (West 2008).</li> <li>• Continuous sexual abuse of a child - DEL. CODE ANN. tit. 11, § 778 (West 2008).</li> <li>• Dangerous crime against a child - DEL. CODE ANN. tit. 11, § 779 (West 2008).</li> <li>• Female genital mutilation - DEL. CODE ANN. tit. 11, § 780 (West 2008).</li> <li>• Dealing in children - DEL. CODE ANN. tit. 11, § 1100 (West 2008).</li> <li>• Sexual exploitation of a child - DEL. CODE ANN. tit. 11, § 1108 (West 2008).</li> <li>• Unlawfully dealing in child pornography - DEL. CODE ANN. tit. 11, § 1109 (West 2008).</li> <li>• Possession of child pornography - DEL. CODE ANN. tit. 11, § 1111 (West 2008).</li> <li>• Sex offender residing or loitering in a school zone - DEL. CODE ANN. tit. 11, § 1112 (West 2008).</li> <li>• Sexual solicitation of a child - DEL. CODE ANN. tit. 11, § 1112A (West 2008).</li> <li>• Violation of privacy - DEL. CODE ANN. tit. 11, § 1335(a)(6)-(7) (West 2008).</li> <li>• Promoting prostitution (1st and 2nd degree) - DEL. CODE ANN. tit. 11, §§ 1352(2), 1353(2) (West 2008).</li> <li>• Offenders convicted after June 27, 1994, of any offense specified in the laws of another state, the United States or any territory of the United States which is the same as, or equivalent to, any of the offenses listed above.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Delaware)</i></p>	<p><b>NO</b></p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <i>(Delaware)</i></p>	<p>11 DEL.C § 4120</p> <p>(d)(2):</p> <ul style="list-style-type: none"> <li>• name</li> <li>• previously used names</li> <li>• aliases or nicknames</li> <li>• age</li> <li>• gender</li> <li>• race</li> <li>• physical description of the offender</li> <li>• identifying factors</li> <li>• offense history</li> <li>• sex offender's place of residence, study and employment</li> <li>• age of the victim</li> <li>• statement of any relevant conditions of release, discharge, parole or probation</li> <li>• relationship to the victim</li> <li>• photograph</li> </ul>
<p><b>Community Notification and Websites</b> <i>(Delaware)</i></p>	<p>11 DEL.C § 4121</p> <p>(1):</p> <ul style="list-style-type: none"> <li>• "Community notification" means notice which is provided by any method devised specifically to notify members of the public who are likely to encounter a sex offender.</li> <li>• Methods of notification may include, but not be limited to:             <ul style="list-style-type: none"> <li>○ door-to-door appearances,</li> <li>○ mail,</li> <li>○ electronic mail,</li> <li>○ telephone,</li> <li>○ fax,</li> </ul> </li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> (Delaware)</p>	<ul style="list-style-type: none"> <li>○ newspapers or notices, or</li> <li>○ any combination thereof, to schools, licensed day care facilities, public libraries and other accessible public facilities within the community.</li> </ul> <ul style="list-style-type: none"> <li>● "Community notification" also includes notice provided through an alert system added to the Delaware State Police Sex Offender Registry Internet Web Site that allows governmental agencies, public officials, and members of the general public to register to receive updates by geographical region whenever a sex offender is added to, deleted from, or has any change in status on the registry.</li> </ul> <p>(v) (1):</p> <ul style="list-style-type: none"> <li>● If a school, school district or licensed child care provider receives community notification, the community notification must be placed in a binder and kept in the administrative office available to view upon request by adults and juveniles with adult supervision.</li> <li>● The school, school district or licensed child care provider shall notify parents and staff frequently through their regular communications of the availability and location of the community notification binder.</li> </ul> <p>(2) The physical posting of community notifications in public school buildings and licensed child care facilities is prohibited.</p>
<p><b>Limitations on Residency or Employment</b> (Delaware)</p>	<p>None.</p>
<p><b>Duration of Registration</b> (Delaware)</p>	<p>11 DEL.C § 4121</p> <p>(f)(1)(a): Life for offenders designated to Risk Assessment <i>Tier III</i> or if the offender has been designated to Risk Assessment <i>Tier II or I</i>, and has previously been convicted of a registrable offense.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 38

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration Cont'd</b> (Delaware)</p>	<p>(f)(1)(b): 15 years for offenders released from <i>Level V</i> custody or for individuals designated to Risk Assessment <i>Tier II</i> or <i>I</i> who are not otherwise required to register for life.</p> <p>(f)(2)(b): Individuals designated to Risk Assessment <i>Tier II</i> may petition the court for redesignation to Risk Assessment <i>Tier I</i> if the victim was not a child under 18 years of age and 10 years have elapsed without a subsequent conviction for any crime (other than a motor vehicle offense).</p>
<p><b>DISTRICT OF COLUMBIA**</b></p>	
<p><b>Registrable Offenses</b> (District of Columbia)</p>	<ul style="list-style-type: none"> <li>• Sexual abuse (1st degree) - D.C. CODE ANN. § 22-3002 (West 2008).</li> <li>• Sexual abuse (2nd degree) - D.C. CODE ANN. § 22-3003 (West 2008).</li> <li>• Sexual abuse (3rd degree) - D.C. CODE ANN. § 22-3004 (West 2008).</li> <li>• Sexual abuse (4th degree) - D.C. CODE ANN. § 22-3005 (West 2008).</li> <li>• Forcible rape (as the offense was proscribed until May 23, 1995) - D.C. CODE ANN. § 22-4801 (West 2008).</li> <li>• Sodomy (as the offense was proscribed until May 23, 1995) - D.C. CODE ANN. § 22-3802(a) (West 2008).</li> <li>• Child sexual abuse (1st degree) committed against a person under the age of 12 - D.C. CODE ANN. § 22-3008 (West 2008).</li> <li>• Child sexual abuse (2nd degree) - D.C. CODE ANN. § 22-3009 (West 2008).</li> <li>• Carnal knowledge or statutory rape (as the offense was proscribed until May 23, 1995) committed against a person under the age of 12 - D.C. CODE ANN. § 22-4801 (West 2008).</li> <li>• Murder or manslaughter committed during or after attempting to engage in a sexual act, sexual contact or rape (as the offense was proscribed until May 23, 1995) - D.C. CODE ANN. § 22-4801 (West 2008).</li> <li>• Lewd, indecent or obscene acts, where the victim is a minor - D.C. CODE ANN. § 22-1312 (West 2008).</li> <li>• Obscenity, where the victim is a minor - D.C. CODE ANN. § 22-2201 (West 2008).</li> <li>• Sexual performances using minors - D.C. CODE ANN. § 22-3102 (West 2008).</li> <li>• Incest - D.C. CODE ANN. § 22-1901 (West 2008).</li> <li>• Kidnapping of a minor - D.C. CODE ANN. § 22-2001 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 39

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(District of Columbia)</i></p>	<ul style="list-style-type: none"> <li>• Inviting for purposes of prostitution - D.C. CODE ANN. §§ 22-2701, 2703, 2723 (West 2008).</li> <li>• Sexual abuse of a ward (1st degree) - D.C. CODE ANN. § 22-3013 (West 2008).</li> <li>• Sexual abuse of a ward (2nd degree) - D.C. CODE ANN. § 22-3014 (West 2008).</li> <li>• Sexual abuse of a patient or client (1st degree) - D.C. CODE ANN. § 22-3015 (West 2008).</li> <li>• Sexual abuse of a patient or client (2nd degree) - D.C. CODE ANN. § 22-3016 (West 2008).</li> <li>• Any offense that involved a sexual act or sexual contact without consent or with a minor, assaulting or threatening another with the intent to engage in a sexual act or sexual contact or with the intent to commit rape, or causing the death of another in the course of, before, or after engaging or attempting to engage in a sexual act or sexual contact or rape.</li> <li>• Assault with the intent to commit any other crime (D.C. CODE ANN. § 22-403 (West 2008)), or kidnapping ( D.C. CODE ANN. § 22-2001(West 2008)) or burglary ( D.C. CODE ANN. § 22-801 West 2008)) where the offense involved an intent, attempt or conspiracy to commit an offense listed above.</li> <li>• The attempt or conspiracy to commit any of the crimes listed above assault with the intent to commit rape, carnal knowledge, statutory rape, first and second degree sexual abuse, or child abuse as proscribed by DC CODE ANN. § 22-401 (West 2008).</li> <li>• An offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute an offense described above, or conduct which is substantially similar to that described above.</li> <li>• Any offense where the offender agrees in a plea agreement to be subject to sex offender registration requirements.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(District of Columbia)</i></p>	<p><b>YES.</b></p> <p>Staff Members, in their professional capacity, who are convicted of first or second degree Sexual Abuse of a Ward are required to register as sex offenders.</p> <p>D.C. ST. §§ 22-3013 &amp; 22-3014 (West 2008) <u>First &amp; Second Degree Sexual Abuse of a Ward</u></p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 40



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(District of Columbia)</i></p>	<p>Any staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution; or any official custodian of a ward, patient, client, or prisoner, who engages in a sexual act with a ward, patient, client, or prisoner, or causes a ward, patient, client, or prisoner to engage in or submit to a sexual act.</p> <p>D.C. ST. § 22-4001 (West 2008)</p> <p>(8) "Registration offense" means:     (A) An offense under Chapter 30 of this title;</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(District of Columbia)</i></p>	<p>D.C. CODE § 22-4007 (West 2008)</p> <p>(a)(2) Obtain the information required for registration, which may include such information as the sex offender's name, all aliases used, date of birth, sex, race, height, weight, eye color, identifying marks and characteristics, driver's license number, social security number, PDID, DCDC, FBI and NCIC numbers, home address or expected place of residence, and any current or expected place of employment or school attendance;</p> <p>(3) Obtain a photograph and set of fingerprints of the sex offender;</p> <p>(4) Obtain a detailed description of the offense on the basis of which the sex offender is required to register, the victim impact statement, the date of conviction or other disposition related to the offense, and any sentence imposed;</p> <p>(5) Obtain the sex offender's criminal record and a detailed description of any relevant offense</p>
<p><b>Community Notification and Websites</b> <i>(District of Columbia)</i></p>	<p>D.C. ST. § 22-4011</p> <p>(a): The Metropolitan Police Department shall have the authority to release and disseminate the information obtained on sex offenders. The authorized activities of the Metropolitan Police Department under this section include, but are</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 41

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(District of Columbia)</i></p>	<p>not limited to, active and passive notification to all or parts of the community concerning a sex offender, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Victims and witnesses;</li> <li>• Public and private educational institutions, day care entities and other institutions or organizations that provide services to or employ individuals who may be victimized by a sex offender;</li> <li>• Members of the public or governmental agencies requesting information on identified individuals for employment or foster care background checks or similar purposes;</li> <li>• The public at large; and</li> <li>• Any unit of the Metropolitan Police Department and other law enforcement agencies.</li> </ul> <p>(b) (1): Active notification under this section refers to affirmatively informing persons or entities about sex offenders. Authorized means of active notification include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Community meetings,</li> <li>• Flyers,</li> <li>• Telephone calls,</li> <li>• Door-to-door contacts,</li> <li>• Electronic notification,</li> <li>• Direct mailings, and</li> <li>• Media releases.</li> </ul> <p>(B) Passive notification under this section refers to making information about sex offenders available for public inspection or in response to inquiries. Authorized means of passive notification include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Internet postings,</li> <li>• Making registration lists and information about registrants available for inspection at police stations and other locations, and</li> <li>• Responding to written or oral inquiries in person, through the mail, by telephone, or through email or other electronic means.</li> <li>• The Metropolitan Police Department shall develop and implement a system to make available for public</li> </ul>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(District of Columbia)</i></p>	<p>inspection by means of the Internet all or part of the portions of the sex offender registry relating to Class A and Class B offenders.</p> <p>(3):</p> <ul style="list-style-type: none"> <li>• Passive notification may be carried out concerning any sex offender, except that information made available under this section for public inspection by means of the Internet shall be limited to information on Class A and Class B offenders.</li> <li>• Active notification concerning Class A offenders may be provided to any person or entity.</li> <li>• Active notification concerning Class B and Class C offenders may be provided to:             <ul style="list-style-type: none"> <li>○ law enforcement agencies;</li> <li>○ organizations that deal with or provide services to vulnerable populations or victims of sexual offenses, including but not limited to schools, day care centers, other child care and youth-serving organizations, facilities caring for or providing services to the elderly or persons with impairments, shelters, churches, and victims rights and victims services entities;</li> <li>○ victims of and witnesses to a sex offender's crime or crimes and parents, guardians, and family member of such persons; and</li> <li>○ any person where the Metropolitan Police Department has information indicating that the sex offender may pose a specific risk to that person, and parents, guardians, and family members of such a person.</li> </ul> </li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(District of Columbia)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b> <i>(District of Columbia)</i></p>	<p>D.C. ST. § 22-4002</p> <p>(b): Life for a sex offender who:</p> <ul style="list-style-type: none"> <li>• Committed a registration offense that is a lifetime registration offense as defined in Section 22-4001(6)</li> <li>• Was determined to be a sexual psychopath under §§ 22-3803 through 22-3811</li> <li>• Has been subject on 2 or more occasions to a disposition described in § 22-4001(3)(A) that involved a felony registration offense or a registration offense against a minor</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 43

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration Cont'd</b> (District of Columbia)</p>	<ul style="list-style-type: none"> <li>• Has been subject to 2 or more dispositions described in § 22-4001(3)(A), relating to different victims, each of which involved a felony registration offense or a registration offense against a minor.</li> </ul> <p>(a): 10 years for any person not subject to lifetime registration.</p>
<p><b>FLORIDA**</b></p>	
<p><b>Registrable Offenses</b> (Florida)</p>	<p>Florida Sexual Predators Act:</p> <ul style="list-style-type: none"> <li>• A capital, life, or first-degree felony violation, or any attempt thereof, of:               <ul style="list-style-type: none"> <li>○ Kidnapping (where the victim is a minor and the defendant is not the victim's parent) - FLA. STAT. ANN. § 787.01 (West 2008).</li> <li>○ False imprisonment (where the victim is a minor and the defendant is not the victim's parent) - FLA. STAT. ANN. § 787.02 (West 2008).</li> <li>○ Sexual battery - chapter 794</li> <li>○ Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age - FLA. STAT. ANN. § 800.04 (West 2008).</li> <li>○ Selling or buying of minors - FLA. STAT. ANN. § 847.0145 (West 2008).</li> <li>○ Or violation of a similar laws of another jurisdiction.</li> <li>○ Any felony violation, or attempt thereof, of any of the offenses requiring registration as a sex offender, where the offender has previously been convicted of one of the offenses requiring registration.</li> <li>○ An offender who has committed a 2nd or subsequent offense of sexual battery is required to register as a sexual predator only for the offenses listed in FLA. STAT. ANN. §§ 794.011(2), (3), (4), (5) or (8) (West 2008).</li> </ul> </li> </ul> <p>Florida Sex Offender Registration:</p> <ul style="list-style-type: none"> <li>• Kidnapping (where the victim is a minor and the defendant is not the victim's parent) - FLA. STAT. ANN. § 787.01 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 44

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Florida)</i></p>	<ul style="list-style-type: none"> <li>• False imprisonment (where the victim is a minor and the defendant is not the victim's parent) - FLA. STAT. ANN. § 787.02 (West 2008).</li> <li>• Luring or enticing a child (where the victim is a minor and the defendant is not the victim's parent) - FLA. STAT. ANN. § 787.025 (West 2008).</li> </ul> <p>Sexual Battery, including:</p> <ul style="list-style-type: none"> <li>• Sexual Battery FLA. STAT. ANN. § 794.011 (except 794.011(10)) (West 2008).</li> <li>• Sexual battery by multiple perpetrators - FLA. STAT. ANN. § 794.023 (West 2008). Unlawful sexual activity with certain minors - FLA. STAT. ANN. § 794.05 (West 2008).</li> <li>• Procuring person under age of 18 for prostitution - FLA. STAT. ANN. § 796.03 (West 2008).</li> <li>• Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age - FLA. STAT. ANN. § 800.04 (West 2008).</li> <li>• Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person - FLA. STAT. ANN. § 825.1025 (West 2008).</li> <li>• Sexual performance by a child - FLA. STAT. ANN. § 827.071 (West 2008).</li> <li>• Obscenity - FLA. STAT. ANN. § 847.0133 (West 2008).</li> <li>• Computer pornography - FLA. STAT. ANN. § 847.0135 (West 2008).</li> <li>• Transmission of pornography by electronic device or equipment - FLA. STAT. ANN. § 847.0137 (West 2008).</li> <li>• Transmission of material harmful to minors to a minor by electronic device or equipment prohibited - FLA. STAT. ANN. § 847.0138 (West 2008).</li> <li>• Selling or buying of minors - FLA. STAT. ANN. § 847.0145 (West 2008).</li> <li>• Attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed.</li> </ul> <p>Any person who establishes or maintains a residence in this state and who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction.</p>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 45

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Florida)</i></p>	<p><b>YES.</b></p> <p>Correctional Officers in their professional capacity, who are convicted of First Degree Sexual Battery are required to register as sex offenders.</p> <p>FL. ST. § 794.011(4) (West 2008) <u>First Degree Sexual Battery committed by a correctional officer in a custodial setting.</u></p> <p>(g) When the offender is a law enforcement officer, correctional officer, or correctional probation officer as defined by s. 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under the provisions of s. 943.1395 or is an elected official exempt from such certification by virtue of s. 943.253, or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government.</p> <p>FL. ST. § 943.0435 (West 2008)</p> <p>(a) 1. “Sexual offender” means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:</p> <p>a. (I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011,</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Florida)</i></p>	<p>FLA. STAT. ANN. § 943.0435 (West 2008)</p> <p>(2)(b) Provide his or her name, date of birth, social security number, race, sex, height, weight, hair and eye color, tattoos or other identifying marks, occupation and place of employment, address of permanent or legal residence or address of any current temporary residence, within the state and out of state, including a rural route address</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 46

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <i>(Florida)</i></p>	<p>and a post office box, any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d), date and place of each conviction, and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address</p>
<p><b>Community Notification and Websites</b> <i>(Florida)</i></p>	<p>FL. ST. § 943.046</p> <p>(1):</p> <ul style="list-style-type: none"> <li>• Any state or local law enforcement agency may release to the public any criminal history information and other information regarding a criminal offender, including, but not limited to, public notification by the agency of the information, unless the information is confidential.</li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(Florida)</i></p>	<p>FL. ST. § 943.04351</p> <p>A state agency or governmental subdivision, prior to making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that person's name against the registration information regarding sexual predators and sexual offenders.</p> <p>FL. ST. § 775.21</p> <p>(11) Sexual predators, as defined in Section 775.21(4), commit a 3<sup>rd</sup> degree felony if they work, either for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate.</p>
<p><b>Duration of Registration</b> <i>(Florida)</i></p>	<p>FL. ST. § 943.0435</p> <p>(11) Sex offenders must register for life.</p> <p>(11)(a) Sex offenders may be relieved from the obligation to register if:</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b>  <b>Cont'd</b>  <i>(Florida)</i></p>	<ul style="list-style-type: none"> <li>• The registrant has not been arrested for any misdemeanor or felony offense for 20 years; or</li> <li>• The registrant was under 18 years of age at the time of the offense, the victim was at least 12 years old, and at least 10 years have elapsed since the registrant was arrested for any felony or misdemeanor.</li> </ul>
<p><b>GEORGIA</b></p>	
<p><b>Registrable Offenses</b>  <i>(Georgia)</i></p>	<ul style="list-style-type: none"> <li>• Rape - GA. CODE ANN. § 16-6-1 (West 2008).</li> <li>• Sodomy (against a minor) or Aggravated Sodomy (against a minor or adult) - GA. CODE ANN. § 16-6-2 (West 2008).</li> <li>• Statutory Rape (unless the age of the perpetrator is 18 years of age or younger) - GA. CODE ANN. § 16-6-3 (West 2008).</li> <li>• Child Molestation - GA. CODE ANN. § 16-6-4 (West 2008).</li> <li>• Enticing a child for indecent purposes - GA. CODE ANN. § 16-6-5 (West 2008).</li> <li>• Aggravated Sexual Battery - GA. CODE ANN. § 16-6-22.2 (West 2008).</li> <li>• Kidnapping of a minor, except by a parent - GA. CODE ANN. § 16-5-40 (West 2008).</li> <li>• False imprisonment of a minor except by a parent - GA. CODE ANN. § 16-5-41 (West 2008).</li> <li>• Criminal sexual conduct toward a minor -</li> <li>• Solicitation of a minor to engage in sexual contact -</li> <li>• Use of a minor in sexual performance -</li> <li>• Solicitation of a minor to practice prostitution -</li> <li>• Any conviction resulting from an underlying sexual offense against a victim who is a minor -</li> <li>• Use of a minor to engage in any sexually explicit conduct to produce any visual medium depicting such conduct -</li> <li>• Creating, publishing, selling, or distributing any material depicting a minor engaged in sexually explicit conduct -</li> <li>• Transmitting, making, selling, buying, or disseminating by means of a computer any descriptive or identifying information regarding a child for the purpose of offering or soliciting sexual conduct of or with</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 48



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses</b> <i>(Georgia)</i>	<p>a child or the visual depicting of such conduct</p> <p>Any conduct which, by its nature, is a sexual offense against a minor (this language replaces GA. CODE ANN. § 42-1-12(a)(4)(A)(vii) (West 2008).</p>
<b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Georgia)</i>	<b>NO</b>
<b>Information Maintained in Sex Offender Registry</b> <i>(Georgia)</i>	<p>GA. ST. § 42-1-12 (West 2008)</p> <p>(a)(16): “Required registration information” means:</p> <ul style="list-style-type: none"> <li>(A) Name; social security number; age; race; sex; date of birth; height; weight; hair color, eye color, fingerprints; and photograph;</li> <li>(B) Address of any permanent residence and address of any current temporary residence, within the state or out of state, and, if applicable in addition to the address, a rural route address and a post office box;</li> <li>(C) If the place of residence is a motor vehicle or trailer, provide the vehicle identification number, the license tag number, and a description, including color scheme, of the motor vehicle or trailer;</li> <li>(D) If the place of residence is a mobile home, provide the mobile home location permit number; the name and address of the owner of the home; a description, including the color scheme of the mobile home; and, if applicable, a description of where the mobile home is located on the property;</li> <li>(E) If the place of residence is a manufactured home, provide the name and address of the owner of the home; a description, including the color scheme of the manufactured home; and, if applicable, a description of where the manufactured home is located on the property;</li> <li>(F) If the place of residence is a vessel, live-aboard vessel, or houseboat, provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat;</li> <li>(G) Date of employment, place of any employment, and address of employer;</li> <li>(H) Place of vocation and address of the place of vocation;</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Georgia)</i></p>	<p>(I) Vehicle make, model, color, and license tag number;                  (J) If enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the name, address, and county of each institution, including each campus attended, and enrollment or employment status; and                  (K) The name of the crime or crimes for which the sexual offender is registering and the date released from prison or placed on probation, parole, or supervised release.</p>
<p><b>Community Notification and Websites</b>  <i>(Georgia)</i></p>	<p>GA. ST. § 42-1-12 (West 2008)</p> <p>(i) The sheriff's office in each county shall:                  (1) Prepare and maintain a list of all sexual offenders and sexually dangerous predators residing in each county. Such list shall include the:</p> <ul style="list-style-type: none"> <li>• Sexual offender's name;</li> <li>• Age;</li> <li>• Physical description;</li> <li>• Address;</li> <li>• Crime of conviction, including conviction date and the jurisdiction of the conviction;</li> <li>• Photograph; and</li> <li>• The risk assessment classification level provided by the board, and</li> <li>• An explanation of how the board classifies sexual offenders and sexually dangerous predators;</li> </ul> <p>(2) Electronically submit and update all information provided by the sexual offender within two working days to the Georgia Bureau of Investigation in a manner prescribed by the Georgia Bureau of Investigation;</p> <p>(3) Maintain and post a list of every sexual offender residing in each county:</p> <ul style="list-style-type: none"> <li>(A) In the sheriff's office;</li> <li>(B) In any county administrative building;</li> <li>(C) In the main administrative building for any municipal corporation;</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 50

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Georgia)</i></p>	<p>(D) In the office of the clerk of the superior court so that such list is available to the public; and (E) On a website maintained by the sheriff of the county for the posting of general information;</p> <p>(4) Update the public notices required by paragraph (3) of this Code section within two working days;</p> <p>(5) Inform the public of the presence of sexual offenders in each community.</p>
<p><b>Limitations on Residency or Employment</b> <i>(Georgia)</i></p>	<p>GA. ST. § § 42-1-15 (West 2008)</p> <p>(a): Sex offenders may not reside or loiter within 1000 feet of any child care facility, church, school or area where minors congregate.</p> <p>(b)(1): Sex offenders may not work at any child care facility, church, school or by any business that is located within 1000 feet of such facility.</p> <p>(b)(2): Sexually dangerous predators may not be employed by any business or entity within 1000 feet of an area where minors congregate.</p>
<p><b>Duration of Registration</b> <i>(Georgia)</i></p>	<p>GA. ST. § 42-1-12 (West 2008)</p> <p>(f)(6)-(7): Life for persons:</p> <ul style="list-style-type: none"> <li>• With one or more prior convictions for a registrable offense,</li> <li>• With convictions for an aggravated registrable offense, or</li> <li>• That have been determined to be a sexually violent predator.</li> </ul> <p>(g): 10 years for sex offenders with a single conviction for a registrable offense.</p>
<p><b>GUAM</b></p>	

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 51

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses</b> <i>(Guam)</i>	<ul style="list-style-type: none"> <li>• Kidnapping - GUAM CODE ANN. tit. 9, § 22.20 (West 2008).</li> <li>• Felonious restraint - GUAM CODE ANN. tit. 9, § 22.30 (West 2008).</li> <li>• Felony child stealing - GUAM CODE ANN. tit. 9, § 22.40 (West 2008).</li> <li>• Custodial interference - GUAM CODE ANN. tit. 9, § 22.50 (West 2008).</li> <li>• Promoting prostitution - GUAM CODE ANN. tit. 9, § 28.20 (West 2008).</li> <li>• Abetting prostitution - GUAM CODE ANN. tit. 9, § 28.25 (West 2008).</li> <li>• Compelling prostitution - GUAM CODE ANN. tit. 9, § 28.30 (West 2008).</li> <li>• Participation in obscenity - GUAM CODE ANN. tit. 9, § 28.50 (West 2008).</li> <li>• Use of one's own child in obscene acts - GUAM CODE ANN. tit. 9, § 28.52 (West 2008).</li> <li>• Criminal sexual conduct - GUAM CODE ANN. tit. 9, §§ 25.15-25.30 (West 2008).</li> <li>• Attempt to commit, solicitation to commit, or conspiracy to commit any of the offenses above.</li> <li>• Criminal sexual conduct involving sexual penetration or sexual contact where the actor causes personal injury to the victim and 1) force or coercion is used to accomplish the sexual penetration or contact OR 2) the actor knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.</li> <li>• Criminal sexual conduct involving sexual penetration or sexual contact where the actor is aided or abetted by one or more other persons and either 1) force or coercion is used to accomplish the sexual penetration or contact, OR 2) the actor knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.</li> <li>• Criminal sexual conduct involving sexual penetration or sexual contact where the actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.</li> <li>• Criminal sexual conduct involving sexual penetration or sexual contact which occurs under circumstances involving the commission of another felony.</li> <li>• Violation of 18 USC §§ 2241 or 2242, or any other similar laws of other states, territories or tribes.</li> <li>• Criminal sexual conduct involving a victim under 14 years of age.</li> </ul>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Sex Offender Registration Required for Staff Sexual Misconduct?<sup>1</sup></b> <i>(Guam)</i>	NO
<b>Information Maintained in Sex Offender Registry</b> <i>(Guam)</i>	9 G.C.A. § 89.03 (West 2008)  (b) Registration Requirements; Information to be Registered.  (1) All persons required to register must register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. The following information must be registered and updated:  (A) name, alias(es), date of birth, social security number, <i>if any</i> , and any other identifying factors; (B) current physical address and mailing address, <i>or</i> if the person is incarcerated, the address of the residence where the person will be residing immediately upon release and the mailing address the person plans to use immediately upon release; (C) anticipated future residence; (D) current and/or anticipated employment (E) offense history, including all relevant information related to the underlying crime which triggered the registration requirements of this Chapter, and any outstanding arrests warrants; (F) documentation of treatment; (G) fingerprints and palm prints; (H) current photograph; (I) name and address of the institution of higher education, enrollment <i>or</i> employment status, and any changes of enrollment <i>or</i> employment status if the person is enrolled, employed <i>or</i> carrying on a vocation (J) the license plate number and description of any vehicle owned <i>or</i> operated (K) a photocopy of the person's driver's license <i>or</i> identification card and passport, if any; <i>and</i> (L) a photograph of any distinguishing physical characteristics such as scars and tattoos, which will not be released to the community.

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 53

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Community Notification and Websites</b> <i>(Guam)</i>	GU ST T. 9, § 89.10 (West 2008)  (d) <ul style="list-style-type: none"> <li>• The Judiciary of Guam, Sex Offender Registry Management Office <i>shall</i> maintain an Internet web-page dedicated to persons required to register, which shall contain the information that is required to be released.</li> <li>• The community <i>shall</i> have access to the Sex Offender Registry Web Page.</li> <li>• The Judiciary of Guam, Sex Offender Registry Management Office <i>shall</i> transmit released information concerning <i>Level One</i> and <i>Level Two</i> Offenders to the Guam Public School System, the Guam Community College, the University of Guam, all public and private schools, day care centers, victim shelters and victim advocates on the first week of every month.</li> <li>• The Judiciary of Guam, Sex Offender Registry Management Office <i>may</i> transmit information concerning <i>Level One</i> and <i>Level Two</i> Offenders directly to the media for dissemination.</li> </ul>
<b>Limitations on Residency or Employment</b> <i>(Guam)</i>	None.
<b>Duration of Registration</b> <i>(Guam)</i>	9 G.C.A. § 89.04 (West 2008)  (a): Life for <i>level 1</i> and <i>level 2</i> offenders, as classified by section 89.02. (b): 10 years for <i>level 3</i> offenders, as classified by section 89.02
<b>HAWAII**</b>	
<b>Registrable Offenses</b> <i>(Hawaii)</i>	<ul style="list-style-type: none"> <li>• Kidnapping of a minor, except by a parent - HAW. REV. STAT. ANN. § 707-720 (West 2008).</li> <li>• Unlawful imprisonment (1st degree) of a minor, except by a parent - HAW. REV. STAT. ANN. § 707-721 (West 2008).</li> <li>• The attempt, criminal solicitation, or criminal conspiracy to commit the crimes above.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 54

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Hawaii)</i></p>	<ul style="list-style-type: none"> <li>• A criminal offense that is comparable to or which exceeds one of the offenses above, or any federal, military, or out-of-state conviction for any offense that, under the laws of this state would be a crime listed above.</li> <li>• Sexual assault (1st degree) - HAW. REV. STAT. ANN. § 707-730 (1)(a), (1)(b), (1)(c) (West 2008), but excludes conduct that is criminal only because of the age of the victim, as provided in HAW. REV. STAT. ANN. § 707-730(1)(b) (West 2008), if the perpetrator is under the age of 18.</li> <li>• Sexual assault (2nd degree) - HAW. REV. STAT. ANN. § 707-731(1)(a)-(c) (West 2008).</li> <li>• Sexual assault (3rd degree) - HAW. REV. STAT. ANN. § 707-732 (1)(b)-(f) (West 2008), but excludes conduct that is criminal only because of the age of the victim, as provided in HAW. REV. STAT. ANN. § 707-733(1)(b) (West 2008), if the perpetrator is under the age of 18.</li> <li>• Sexual assault (4th degree) - HAW. REV. STAT. ANN. § 707-733(1)(a) (West 2008).</li> <li>• Continuous sexual assault of a minor under the age of fourteen years (CONTINGENTLY REPEALED upon enactment of a constitutional amendment to define what behavior constitutes a continuing course of conduct) - HAW. REV. STAT. ANN. § 707-733.5 (West 2008).</li> <li>• Promoting prostitution in the first degree - HAW. REV. STAT. ANN. § 712-1202 (West 2008).</li> <li>• Kidnapping, as defined in HAW. REV. STAT. ANN. § 707-720 (West 2008), if the charging document for the offense for which there has been a conviction alleged intent to subject the a sexual offense.</li> <li>• Criminal sexual conduct toward a minor.</li> <li>• Solicitation of a minor who is less than 14 years old to engage in sexual conduct.</li> <li>• Use of a minor in sexual performance.</li> <li>• Production, distribution, or possession of child pornography chargeable as a felony under HRS §§ 707-750, 707-751, 707-752 (promoting child abuse in 1st, 2nd and 3rd degrees).</li> <li>• Indecent electronic display to a child HAW. REV. STAT ANN. § 707-</li> <li>• Electronic enticement of a child (1st and 2nd degrees), if the act involves 1) sexual conduct, 2) attempted sexual conduct, or 3) a proposal to engage in sexual conduct - HAW. REV. STAT. ANN. §§ 707-756, 707-757 (West 2008).</li> <li>• Solicitation of a minor to practice prostitution.</li> </ul> <p>A criminal offense that is comparable to or which exceeds one of the offenses above, or any federal, military, or out-of-state conviction for any offense that, under the laws of this state would be a crime listed above.</p>
---	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 55

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Hawaii)</i></p>	<p><b>YES.</b></p> <p>H.R.S. §§ 707-731(1)(c) &amp; 707-732(1)(e) (West 2008) <u>Second and Third Degree Sexual Assaults in a Custodial Setting.</u></p> <p>(1) A person commits the offense of sexual assault in the third degree if:</p> <p>(e) The person, while employed:</p> <ul style="list-style-type: none"> <li>(i) In a state correctional facility;</li> <li>(ii) By a private company providing services at a correctional facility;</li> <li>(iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;</li> <li>(iv) By a private correctional facility operating in the State of Hawaii; o</li> <li>(v) As a law enforcement officer as defined in section 710-1000(13),</li> </ul> <p>707-732(1)(e): knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor;</p> <p>707-731(1)(c): knowingly subjects to sexual penetration an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Hawaii)</i></p>	<p>H.R.S. § 846E-2 (West 2008)</p> <p>(c) Registration information for each covered offender shall consist of a recent photograph, verified fingerprints, and a signed statement by the covered offender containing:</p> <p>(1) The name, all prior names, and all aliases used by the covered offender or under which the covered offender</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 56



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Hawaii)</i></p>	<p>has been known and other identifying information, including date of birth, social security number, sex, race, height, weight, and hair and eye color;</p> <ol style="list-style-type: none"> <li>(2) The actual address and telephone number of the covered offender's residence or mailing address, or any current, temporary address where the covered offender resides, and for each address how long the covered offender has resided there;</li> <li>(3) The actual address and telephone number where the covered offender is staying for a period of more than ten days, if other than the stated residence;</li> <li>(4) If known, the future address and telephone number where the covered offender is planning to reside, if other than the stated residence;</li> <li>(5) Names and, if known, actual business addresses of current and known future employers and the starting and ending dates of any such employment;</li> <li>(6) Names and actual addresses of current and known future educational institutions with which the covered offender is affiliated in any way, whether or not compensated, including but not limited to affiliation as a faculty member, an employee, or a student, and the starting and ending dates of any such affiliation</li> <li>(7) The year, make, model, color, and license number of all vehicles currently owned or operated by the covered offender;</li> <li>(8) A statement listing all covered offenses for which the covered offender has been convicted or found unfit to proceed or acquitted pursuant to chapter 704;</li> <li>(9) A statement indicating whether the covered offender has received or is currently receiving treatment</li> </ol>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Hawaii)</i></p>	<p>ordered by a court of competent jurisdiction or by the Hawaii paroling authority;</p> <p>(10) A statement indicating whether the covered offender is a United States citizen; and</p> <p>(11) Any additional identifying information about the covered offender.</p>
<p><b>Community Notification and Websites</b>  <i>(Hawaii)</i></p>	<p>H.R.S. § 846E-3 (West 2008)</p> <p>(a) Registration information shall be disclosed as follows:</p> <p>(1) The information shall be disclosed to law enforcement agencies for law enforcement purposes;</p> <p>(2) The information shall be disclosed to government agencies conducting confidential background checks;</p> <p>(3) The attorney general and any county police department shall release public information.</p> <p>(d) Public access authorized by this section shall be accomplished by the following methods:</p> <p>(1) Public access to the public information for each covered offender subject to subsection (c), paragraphs (1) through (4) shall be provided by both public Internet access and on-site public access or;</p> <p>(2) Public access to the public information for each covered offender subject to subsection (c), paragraph (5) shall be provided by on-site public access; provided that on-site public access shall be provided for each covered offender at the Hawaii criminal justice data center and at one or more designated police stations in each county, to be designated by the attorney general, between the hours of 8:00 a.m. and 4:30 p.m. on weekdays, excluding holidays.</p>
<p><b>Limitations on Residency or Employment</b>  <i>(Hawaii)</i></p>	<p>None.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 58

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> <i>(Hawaii)</i></p>	<p>H.R.S. § 846E-2 (West 2008)</p> <p>(a) Sex offenders must register for life.</p> <p>H.R.S. § 846E-10 (West 2008)</p> <p>A sex offender who has substantially complied with registration and who is not an aggravated sex offender, repeat sex offender or sexually violent predator may petition the court for termination of his/her registration requirements:</p> <ul style="list-style-type: none"> <li>• After 25 years if the most serious registration offense was a <i>class A</i> felony or non-Hawaii equivalent</li> <li>• After 15 years if the most serious registration offense was a <i>class B</i> felony or non-Hawaii equivalent</li> <li>• After 10 years if the most serious offense was a <i>class C</i> felony or its non-Hawaii equivalent, or a misdemeanor.</li> </ul>
<p><b>IDAHO**</b></p>	
<p><b>Registrable Offenses</b> <i>(Idaho)</i></p>	<ul style="list-style-type: none"> <li>• Assault with intent to commit a serious felony (including rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery) - IDAHO CODE ANN. § 18-909 (West 2008).</li> <li>• Battery with the intent to commit a serious felony (including rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery) - IDAHO CODE ANN. § 18-911 (West 2008).</li> <li>• Sexual abuse of a child under 16 years of age - IDAHO CODE ANN. § 18-1506 (West 2008).</li> <li>• Ritualized abuse of a child - IDAHO CODE ANN. § 18-1506A (West 2008).</li> <li>• Sexual exploitation of a child - IDAHO CODE ANN. § 18-1507 (West 2008).</li> <li>• Possession of sexually exploitative material for other than a commercial purpose - IDAHO CODE ANN. § 18-1507A (West 2008).</li> <li>• Lewd conduct with a minor child under 16 - IDAHO CODE ANN. § 18-1508 (West 2008).</li> <li>• Sexual battery of a minor child 16 or 17 years of age - IDAHO CODE ANN. § 18-1508A (West 2008).</li> <li>• Enticing a child over the Internet - IDAHO CODE ANN. § 18-1509A (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 59

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Idaho)</i></p>	<ul style="list-style-type: none"> <li>• Murder committed in perpetration of rape - IDAHO CODE ANN. § 18-4003(d) (West 2008).</li> <li>• Indecent exposure (felony conviction) - IDAHO CODE ANN. § 18-4116 (West 2008).</li> <li>• Kidnapping (1st degree) (committed for the purpose of rape, committing the infamous crime against nature or for committing any lewd an lascivious act upon any child under age 16, or for purposes of sexual gratification) - IDAHO CODE ANN. § 18-4502 (West 2008).</li> <li>• Kidnapping (2nd degree), where the victim is an unrelated minor child - IDAHO CODE ANN. § 18-4503 (West 2008).</li> <li>• Rape - IDAHO CODE ANN. § 18-6101 (West 2008). (but excluding IDAHO CODE ANN. § 18-6101(1) (West 2008) where the defendant is 18 years of age or younger)</li> <li>• Male rape - IDAHO CODE ANN. § 18-6108 (West 2008).</li> <li>• Sexual contact with a prisoner - IDAHO CODE ANN. § 18-6110 (West 2008).</li> <li>• Incest - IDAHO CODE ANN. § 18-6602 (West 2008).</li> <li>• Crime against nature - IDAHO CODE ANN. § 18-6605 (West 2008).</li> <li>• Forcible sexual penetration by use of a foreign object - IDAHO CODE ANN. § 18-6608 (West 2008).</li> <li>• 2nd or subsequent convictions for video voyeurism - IDAHO CODE ANN. § 18-6609 (West 2008).</li> <li>• Conviction for any crime, attempt solicitation or conspiracy to commit a crime in another state, territory, commonwealth, or other jurisdiction of the United States, including tribal and military courts, that is substantially equivalent to the offenses above and enters the state to establish permanent or temporary residence.</li> <li>• Conviction for any crime, attempt solicitation or conspiracy to commit a crime in another state, territory, commonwealth, or other jurisdiction of the United States, including tribal and military courts, that is substantially equivalent to the offenses above and was required to register as a sex offender in any other state or jurisdiction when he established permanent residency in Idaho.</li> <li>• A non-resident, who is regularly employed or working in Idaho or is a student in the state of Idaho and was convicted, found guilty or pleaded guilty to one of the crimes above and was required to register in his state of residence.</li> </ul>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 60

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Idaho)</i></p>	<p><b>YES.</b></p> <p>009 Idaho Laws Ch. 116 (S.B. 1003) § 18-6110 (West 2008). <u>Sexual contact with a prisoner</u></p> <p>(1) It is a felony for any employee of the Idaho department of correction, Idaho department of juvenile corrections or any officer, employee or agent of a state, local or private correctional facility, as those terms are defined in section 18-101A, Idaho Code, to have sexual contact with a prisoner or juvenile offender, not their spouse, whether an in-state or out-of-state prisoner or juvenile offender, as those terms are defined in section 18-101A, Idaho Code.</p> <p>(2) It is a felony for any supervising officer, as that term is defined in section 18-101A, Idaho Code, to knowingly have sexual contact with any parolee or probationer, as those terms are defined in section 18-101A, Idaho Code, who is not the person's spouse.</p> <p>(3) For the purposes of this section "sexual contact" means sexual intercourse, genital-genital contact, manual-anal contact, manual-genital contact, oral-genital contact, anal-genital contact or oral-anal contact, between persons of the same or opposite sex.</p> <p>(4) Any person found guilty of sexual contact with a prisoner or juvenile offender is punishable by imprisonment in the state prison for a term not to exceed life.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Idaho)</i></p>	<p>I.C. § 18-8307 (West 2008)</p> <p>(1) Registration shall consist of a form provided by the department and approved by the attorney general, which shall be signed by the offender and shall require the following information about the offender: <input type="checkbox"/></p> <p style="padding-left: 40px;">(a) Name and all aliases which the person has used or under which the person has been known;</p> <p style="padding-left: 40px;">(b) A complete description of the person including the date of birth and social security number;</p> <p style="padding-left: 40px;">(c) Name of each offense enumerated in section 18-8304, Idaho Code, of which the person was convicted, where each offense was committed, where the person was convicted of each offense, and the name under</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 61

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Idaho)</i></p>	<p>which the person was convicted of each offense;</p> <p>(d) The name and location of each hospital, jail or penal institution to which the person was committed for each offense covered under this chapter;</p> <p>(e) School or college enrollment; and</p> <p>(f) Address or physical description of current residence and place of employment.</p>
<p><b>Community Notification and Websites</b>  <i>(Idaho)</i></p>	<p>I.C. § 18-8323 (West 2008)</p> <p>(1):</p> <ul style="list-style-type: none"> <li>• The department or sheriff shall provide public access to information contained in the central sexual offender registry.</li> <li>• The department shall promulgate rules defining the processes for providing information to the public and the requirements for retention of inquiry records by the department and sheriff.</li> <li>• The department may provide public access to the sex offender registry by means of the internet.</li> </ul> <p>(2): The department and sheriff will respond to requests for sexual offender registry information within ten (10) working days of receipt of the written request.</p> <p>(a):</p> <ul style="list-style-type: none"> <li>• Any person may inquire about a named individual by submitting an information request form obtained from the department or sheriff.</li> <li>• The department shall promulgate rules outlining the methods and means of submitting requests.</li> <li>• Information required for inquiry shall include the individual's full name and address, or full name and date of birth.</li> <li>• The requester shall provide his full name, street address and driver's license or social security number.</li> </ul> <p>(b):</p> <ul style="list-style-type: none"> <li>• Any person may request a list of registered sexual offenders by geographic area, such as by county or by zip code area, as determined by rule, by submitting an information request form obtained from the department or sheriff.</li> <li>• The requester shall provide his full name, street address and driver's license, social security number, or state</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 62

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Idaho)</i></p>	<p>identification number. (c) Schools, organizations working with youth, women or other vulnerable populations may request a statewide list or lists by geographic area within the state.</p>
<p><b>Limitations on Residency or Employment</b> <i>(Idaho)</i></p>	<p>I.C. § 18-8327 (West 2008)</p> <p>(1) Adult and juvenile sex offenders may not apply for or accept employment at a day care center, group day care facility or family day care home. Likewise, adult criminal sex offenders may not remain on the premises of these facilities other than to pick up their minor children.</p> <p>I.C. § 18-8328 (West 2008)</p> <p>An offender may petition for relief from this requirement if 10 years have passed since the person's last conviction.</p> <p>I.C. § 18-8414 (West 2008)</p> <p>(1): Except as provided in section 18-8328, it is a felony for any person to: apply for or to accept employment at a day care center, group day care facility or family day care home; or to be upon the premises of a day care center, group day care facility or family day care home while children are present, other than to drop off or pick up the person's child or children if the person is currently registered or is required to register under the juvenile sex offender registration act.</p> <p>(2): The owner or operator of any day care center, group day care facility or family day care home who knowingly employs a person or who knowingly accepts volunteer services from a person, which person is currently registered or is required to register under the juvenile sex offender registration act, to work in the day care center, group day care facility or family day care home is guilty of a misdemeanor unless judicial relief has been granted pursuant to section 18-8328.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> <i>(Idaho)</i></p>	<p>I.C. § 18-8302 (West 2008)</p> <p>Adult sex offenders must register for life.</p> <p>I.C. § 18-810 (West 2008)</p> <p>(1) An adult sex offender who is not a repeat sex offender, aggravated sex offender or sexually violent predator may petition for exemption from registration after 10 years.</p>
<p><b>ILLINOIS**</b></p>	
<p><b>Registrable Offenses</b> <i>(Illinois)</i></p>	<ul style="list-style-type: none"> <li>• Child pornography - 720 ILL. COMP. STAT. ANN. 5/11-20.1 (West 2008).</li> <li>• Indecent solicitation of a child - 720 ILL. COMP. STAT. ANN. 5/11-6 (West 2008).</li> <li>• Sexual exploitation of a child - 720 ILL. COMP. STAT. ANN. 5/11-9.1 (West 2008).</li> <li>• Custodial sexual misconduct - 720 ILL. COMP. STAT. ANN. 5/11-9.2 (West 2008).</li> <li>• Soliciting for a Juvenile Prostitute - 720 ILL. COMP. STAT. ANN. 5/11-15.1 (West 2008).</li> <li>• Patronizing a juvenile prostitute - 720 ILL. COMP. STAT. ANN. 5/11-18.1 (West 2008).</li> <li>• Keeping a place of juvenile prostitution - 720 ILL. COMP. STAT. ANN. 5/11-17.1 (West 2008).</li> <li>• Juvenile Pimping - 720 ILL. COMP. STAT. ANN. 5/11-19.1 (West 2008).</li> <li>• Exploitation of a child - 720 ILL. COMP. STAT. ANN. 5/11-19.2 (West 2008).</li> <li>• Criminal sexual assault - 720 ILL. COMP. STAT. ANN. 5/12-13 (West 2008).</li> <li>• Aggravated Criminal Sexual Assault - 720 ILL. COMP. STAT. ANN. 5/12-14 (West 2008).</li> <li>• Predatory criminal sexual assault of a child - 720 ILL. COMP. STAT. ANN. 5/12-14.1 (West 2008).</li> <li>• Criminal sexual abuse - 720 ILL. COMP. STAT. ANN. 5/12-15 (West 2008).</li> <li>• Aggravated criminal sexual abuse - 720 ILL. COMP. STAT. ANN. 5/12-16 (West 2008).</li> <li>• Ritualized abuse of a child -720 ILL. COMP. STAT. ANN. § 18-1506A (West 2008).</li> <li>• The attempt to commit any of the crimes listed above.</li> <li>• Kidnapping (of person under the age of 18) - 720 ILL. COMP. STAT. ANN. 5/10-1 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Illinois)</i></p>	<ul style="list-style-type: none"> <li>• Aggravated kidnapping (of person under the age of 18) - 720 ILL. COMP. STAT. ANN. 5/10-2 (West 2008).</li> <li>• Unlawful restraining (of person under the age of 18) - 720 ILL. COMP. STAT. ANN. 5/10-3 (West 2008).</li> <li>• Aggravated unlawful restraint (of person under the age of 18) - 720 ILL. COMP. STAT. ANN. 5/10-3.1 (West 2008).</li> <li>• First degree murder (of person under the age of 18 by a defendant aged 17 or older) - 720 ILL. COMP. STAT. ANN. 5/9-1 (West 2008).</li> <li>• Sexual relations within families - 720 ILL. COMP. STAT. ANN. 5/11-11 (West 2008).</li> <li>• Child abduction (committed by luring or attempting to lure a child under the age of 16 without the consent of the parent of lawful custodian for unlawful purposes) - 720 ILL. COMP. STAT. ANN. 5/10-5(10)(b) (West 2008).</li> <li>• Forcible detention (of person under the age of 18) - 720 ILL. COMP. STAT. ANN. 5/10-4 (West 2008).</li> <li>• Indecent solicitation of an adult - 720 ILL. COMP. STAT. ANN. 5/11-6.5 (West 2008).</li> <li>• Soliciting for a prostitute (if the victim is under 18 years of age) - 720 ILL. COMP. STAT. ANN. 5/11-15 (West 2008).</li> <li>• Pandering (if the victim is under 18 years of age) - 720 ILL. COMP. STAT. ANN. 5/11-16 (West 2008).</li> <li>• Patronizing a prostitute (if the victim is under 18 years of age) - 720 ILL. COMP. STAT. ANN. 5/11-18 (West 2008).</li> <li>• Pimping ((if the victim is under 18 years of age) -720 ILL. COMP. STAT. ANN. 5/11-19 (West 2008).</li> <li>• Public indecency (3rd or subsequent conviction) - 720 ILL. COMP. STAT. ANN. 5/11-9 (West 2008).</li> <li>• Permitting sexual abuse - 720 ILL. COMP. STAT. ANN. 150/5.1 (West 2008).</li> <li>• Or the attempt to commit any of the above crimes.</li> <li>• A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed above.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Illinois)</i></p>	<p><b>YES.</b></p> <p>720 I.L.C.S. 5/11-9.2 (WEST 2008) <u>Custodial Sexual Misconduct.</u></p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Illinois)</i></p>	<p>(a) A person commits the offense of custodial sexual misconduct when: (1) he or she is an employee of a penal system and engages in sexual conduct or sexual penetration with a person who is in the custody of that penal system or (2) he or she is an employee of a treatment and detention facility and engages in sexual conduct or sexual penetration with a person who is in the custody of that treatment and detention facility.</p> <p>(b) A probation or supervising officer or surveillance agent commits the offense of custodial sexual misconduct when the probation or supervising officer or surveillance agent engages in sexual conduct or sexual penetration with a probationer, parolee, or releasee or person serving a term of conditional release who is under the supervisory, disciplinary, or custodial authority of the officer or agent so engaging in the sexual conduct or sexual penetration.</p> <p>(c) Custodial sexual misconduct is a Class 3 felony.</p> <p>(d) Any person convicted of violating this Section immediately shall forfeit his or her employment with a penal system, treatment and detention facility, or conditional release program.</p> <p>(e) For purposes of this Section, the consent of the probationer, parolee, releasee, or inmate in custody of the penal system or person detained or civilly committed under the Sexually Violent Persons Commitment Act shall not be a defense to a prosecution under this Section. A person is deemed incapable of consent, for purposes of this Section, when he or she is a probationer, parolee, releasee, or inmate in custody of a penal system or person detained or civilly committed under the Sexually Violent Persons Commitment Act.</p> <p>(f) This Section does not apply to:</p> <ul style="list-style-type: none"><li>(1) Any employee, probation or supervising officer, or surveillance agent who is lawfully married to a person in custody if the marriage occurred before the date of custody.</li><li>(2) Any employee, probation or supervising officer, or surveillance agent who has no knowledge, and would have no reason to believe, that the person with whom he or she engaged in custodial sexual misconduct was a person in custody.</li></ul>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <i>(Illinois)</i></p>	<p>730 I.L.C.S. 150/3 (West 2008) <u>Duty to register.</u></p> <p>(a)</p> <ul style="list-style-type: none"> <li>• name</li> <li>• current photograph</li> <li>• current address</li> <li>• current place of employment and employer’s telephone number</li> <li>• school attended</li> </ul>
<p><b>Community Notification and Websites</b> <i>(Illinois)</i></p>	<p>730 I.L.C.S. 154/95 (West 2008)</p> <p>(a): The sheriff of the county, except Cook County, shall disclose to the following the:</p> <ul style="list-style-type: none"> <li>• name</li> <li>• address</li> <li>• date of birth</li> <li>• place of employment</li> <li>• school attended and</li> <li>• offense or adjudication of all sex offenders required to register under the Sex Offender Registration Act:             <ul style="list-style-type: none"> <li>○ the boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county where the sex offender is required to register, resides, is employed, or is attending an institution of higher education; and</li> <li>○ school boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; and</li> <li>○ child care facilities located in the county where the sex offender is required to register or is employed.</li> </ul> </li> </ul> <p>(a-2): The sheriff of Cook County shall disclose to the following the</p> <ul style="list-style-type: none"> <li>• name,</li> <li>• address,</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Illinois)</i></p>	<ul style="list-style-type: none"><li>• date of birth,</li><li>• place of employment,</li><li>• school attended, and</li><li>• offense or adjudication of all sex offenders required to register under the Sex Offender Registration Act:<ul style="list-style-type: none"><li>○ school boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and</li><li>○ child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and</li><li>○ the boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education.</li></ul></li></ul> <p>(a-3): The Chicago Police Department shall disclose to the following:</p> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• date of birth,</li><li>• place of employment,</li><li>• school attended, and</li><li>• offense or adjudication of all sex offenders required to register under the Sex Offender Registration Act:<ul style="list-style-type: none"><li>○ school boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and</li><li>○ child care facilities located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and</li><li>○ the boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago.</li></ul></li></ul>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Illinois)</i></p>	<p>(a-4): The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.</p> <p>(b): The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender, or sexual predator</p> <p>(c): The name, address, date of birth, offense or adjudication, the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section:</p> <ul style="list-style-type: none"><li>• Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act.</li><li>• The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county.</li><li>• Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request.</li><li>• The request must be made in person, in writing, or by telephone.</li><li>• Availability must include giving the inquirer access to a facility where the information may be copied.</li><li>• A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information.</li><li>• An inquirer must be allowed to copy this information in his or her own handwriting.</li><li>• A department or sheriff must allow access to the information during normal public working hours.</li><li>• The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television.</li><li>• The law enforcement agency may make available the information on all sex offenders residing within any</li></ul>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Illinois)</i></p>	<p>county.</p> <p>(d): The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.</p> <p>730 ILL. COMP. STAT. ANN. 150/115 (West 2008).</p> <p>(b):</p> <ul style="list-style-type: none"> <li>• The Department of State Police must make the information contained in the Statewide Sex Offender Database accessible on the Internet by means of a hyperlink labeled "Sex Offender Information" on the Department's World Wide Web home page.</li> <li>• The Department must make the information contained in the Statewide Sex Offender Database searchable via a mapping system which identifies registered sex offenders living within 5 miles of an identified address.</li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(Illinois)</i></p>	<p>720 I.L.C.S. 5/11-9.3 (West 2008)</p> <p>(a): Unless they are the parent or guardian of a minor on the premises, child sex offenders may not knowingly be present:</p> <ul style="list-style-type: none"> <li>• in any school building</li> <li>• on real property comprising any school in any conveyance owned, leased, or contracted by a school to transport students to or from school.</li> </ul> <p>(b): A child sex offender may not knowingly loiter within 500 feet of a school building while persons under the age of 18 are present in the building unless they are the parent or guardian of a student attending the school.</p> <p>730 ILL. COMP. STAT. ANN. 150/8 (West 2008).</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment Cont'd</b> <i>(Illinois)</i>	A child sex offender may not reside within 500 feet of a school, park, or playground. The offender may also not reside within 500 feet of a facility providing services directed exclusively toward persons under 18 years of age unless the sex offender meets specified statutory exemptions.
<b>Duration of Registration</b> <i>(Illinois)</i>	730 I.L.C.S. 150/7 (West 2008)  Life for persons determined to be a sexually violent person or sexual predator.  All other sex offenders must register for 10 years.
<b>INDIANA</b>	
<b>Registrable Offenses</b> <i>(Indiana)</i>	<ul style="list-style-type: none"> <li>• Rape - IND. CODE ANN. § 35-42-4-1 (West 2008).</li> <li>• Criminal deviate conduct - IND. CODE ANN. § 35-42-4-2 (West 2008).</li> <li>• Child molesting - IND. CODE ANN. § 35-42-4-3 (West 2008).</li> <li>• Child exploitation - IND. CODE ANN. § 35-42-4-4(b) (West 2008).</li> <li>• Vicarious sexual gratification - IND. CODE ANN. § 35-42-4-5 (West 2008).</li> <li>• Child solicitation - IND. CODE ANN. § 35-42-4-6 (West 2008).</li> <li>• Child seduction - IND. CODE ANN. § 35-42-4-7 (West 2008).</li> <li>• Sexual misconduct with a minor as a Class A, Class B, or Class C felony - IND. CODE ANN. § 35-42-4-9 (West 2008).</li> <li>• Incest - IND. CODE ANN. § 35-46-1-3 (West 2008).</li> <li>• Sexual battery - IND. CODE ANN. § 35-42-4-8 (West 2008).</li> <li>• Kidnapping (if the victim is less than 18 years of age) - IND. CODE ANN. § 35-42-3-2 (West 2008).</li> <li>• Criminal confinement (if the victim is less than 18 years of age) - IND. CODE ANN. § 35-42-3-3 (West 2008).</li> <li>• Possession of child pornography (if the person has a prior unrelated conviction for possession of child pornography)</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 71

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(Indiana)</i>	<ul style="list-style-type: none"> <li>• IND. CODE ANN. § 35-42-4-4 (West 2008).</li> <li>• Attempt or conspiracy to commit a crime listed above.</li> </ul> <p>A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed.</p>
<b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Indiana)</i>	<p><b>NO</b></p>
<b>Information Maintained in Sex Offender Registry</b> <i>(Indiana)</i>	<p>IC § 11-8-8-8 (West 2008)</p> <p>Sec. 8. (a) The registration required under this chapter must include the following information:</p> <p>(1) The sex or violent offender's full name, alias, any name by which the sex or violent offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and vehicle plate number for any vehicle the sex or violent offender owns or operates on a regular basis, principal residence address, other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex or violent offender's principal residence address.</p> <p>(2) A description of the offense for which the sex or violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.</p> <p>(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex or violent offender's employers in Indiana, the name and address of each campus or location where the sex or violent offender is enrolled in school in Indiana, and the address where the sex or violent offender stays or intends to stay while in Indiana.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Indiana)</i></p>	<p>(4) A recent photograph of the sex or violent offender.</p> <p>(5) If the sex or violent offender is a sexually violent predator, that the sex or violent offender is a sexually violent predator.</p> <p>(6) If the sex or violent offender is required to register for life, that the sex or violent offender is required to register for life.</p> <p>(7) Any electronic mail address, instant messaging username, electronic chat room username, or social networking web site username that the sex or violent offender uses or intends to use.</p> <p>(8) Any other information required by the department.</p>
<p><b>Community Notification and Websites</b>  <i>(Indiana)</i></p>	<p>IC § 11-8-8-7 (West 2008)</p> <p>(i):</p> <ul style="list-style-type: none"> <li>• The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sex offender registry web site.</li> <li>• The local law enforcement authority shall make a photograph of the sex offender at least once per year.</li> </ul>
<p><b>Limitations on Residency or Employment</b>  <i>(Indiana)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b>  <i>(Indiana)</i></p>	<p>IC § 11-8-8-19 (West 2008)</p> <p>(a): 10 years for sex offenders not subject to lifetime registration.</p> <p>(b): Life for sexually violent predators.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> Cont'd <i>(Indiana)</i></p>	<p>(c): Life for persons over the age of 18 who committed a sex offense against a victim less than 12 years of age.</p> <p>(d): Life for sex offenders who caused serious bodily injury or death, used force or threat of force or rendered the victim unconscious or otherwise unable to give voluntary consent.</p> <p>(e): Life for offenders convicted of 2 or more unrelated sex offenses.</p>
<p><b>IOWA**</b></p>	
<p><b>Registrable Offenses</b> <i>(Iowa)</i></p>	<ul style="list-style-type: none"> <li>• Sexual abuse (1st degree) - IOWA CODE § 709.2 (West 2008).</li> <li>• Sexual abuse (2nd degree) - IOWA CODE § 709.3 (West 2008).</li> <li>• Sexual abuse (3rd degree) - IOWA CODE § 709.4(1) (West 2008).</li> <li>• Lascivious acts with a child - IOWA CODE § 709.8(1) (West 2008).</li> <li>• Assault with intent to commit sexual abuse - IOWA CODE § 709.11 (West 2008).</li> <li>• Burglary (1st degree) - IOWA CODE § 713.3(1)(d) (West 2008).</li> <li>• Kidnapping (if 1st degree sexual abuse committed during the offense) - IOWA CODE § 710.2 (West 2008).</li> <li>• Murder (if 1st degree sexual abuse committed during the offense) - IOWA CODE §§ 707.2, 707.3 (West 2008).</li> <li>• Criminal transmission of HIV - IOWA CODE § 709C.1(1)(a) (West 2008).</li> <li>• Kidnapping of a minor (except in the 3rd degree when committed by a parent) - IOWA CODE §§ 710.2-710.4 (West 2008).</li> <li>• False imprisonment of a minor (except by a parent) - IOWA CODE § 710.7 (West 2008).</li> <li>• Any indictable offense involving sexual conduct directed toward a minor -</li> <li>• Solicitation of a minor to engage in an illegal sex act -</li> <li>• Use of a minor in sexual performance -</li> <li>• Solicitation of a minor to practice prostitution -</li> <li>• Any indictable offense against a minor involving sexual contact with the minor -</li> <li>• Incest committed against a minor - IOWA CODE § 726.2 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Iowa)</i></p>	<ul style="list-style-type: none"> <li>• Dissemination and exhibition of obscene material to minors - IOWA CODE § 728.2 (West 2008).</li> <li>• Admitting minors to premises where obscene material is exhibited - IOWA CODE § 728.3 (West 2008).</li> <li>• Stalking, if sexually motivated - IOWA CODE § 708.11(3)(b)(3) (West 2008).</li> <li>• Sexual exploitation of a minor - IOWA CODE § 728.12 (West 2008).</li> <li>• Enticing away a minor - IOWA CODE § 710.10(1) (West 2008).</li> <li>• Telephone dissemination of obscene materials - IOWA CODE § 728.15 (West 2008).</li> <li>• Rental or sale of hard-core pornography - IOWA CODE § 728.4 (West 2008).</li> <li>• Indecent exposure - IOWA CODE § 709.9 (West 2008).</li> <li>• Incest committed against a dependent adult (as defined in 235B.2) - IOWA CODE § 726.2 (West 2008).</li> <li>• Sexual misconduct with offenders - IOWA CODE § 709.16 (West 2008).</li> <li>• Murder, attempted murder, kidnapping, burglary or manslaughter if the offense involves sexual abuse or attempted sexual abuse.</li> <li>• Sexual exploitation by counselor, therapist, or school employee - IOWA CODE § 709.15 (West 2008).</li> </ul> <p>Any attempt to commit one of the offenses listed above.</p>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Iowa)</i></p>	<p><b>YES.</b></p> <p>I.C.A. § 709.16 (West 2008)</p> <p>1. An officer, employee, contractor, vendor, volunteer, or agent of the department of corrections, or an officer, employee, or agent of a judicial district department of correctional services, who engages in a sex act with an individual committed to the custody of the department of corrections or a judicial district department of correctional services commits an aggravated misdemeanor.</p> <p>2. An officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such facility commits an aggravated misdemeanor.</p> <p>I.C.A. § 692A.2 (West 2008)</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Iowa)</i></p>	<p><u>Persons required to register</u></p> <p>1. A person who has been convicted of a criminal offense against a minor, an aggravated offense, sexual exploitation, an other relevant offense, or a sexually violent offense in this state or in another state, or in a federal, military, tribal, or foreign court, or a person required to register in another state under the state's sex offender registry, shall register as provided in this chapter.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Iowa)</i></p>	<p>I.C.A. § 692A.5 (West 2008)</p> <p>(1)(a)</p> <ul style="list-style-type: none"> <li>• name</li> <li>• social security number</li> <li>• date of birth</li> <li>• current address</li> <li>• telephone number</li> <li>• fingerprints</li> <li>• photograph</li> <li>• identifying factors (sexually violent predators only)</li> <li>• anticipated future places of residence (sexually violent predators only)</li> <li>• offense history (sexually violent predators only)</li> <li>• documentation of treatment received for mental abnormality or personality disorder (sexually violent predators only)</li> </ul>
<p><b>Community Notification and Websites</b> <i>(Iowa)</i></p>	<p>I.C.A. § 692A.13 (West 2008)</p> <p>1. The department may provide relevant information from the sex offender registry to the following:</p> <p style="padding-left: 20px;">a. A criminal or juvenile justice agency, an agency of the state, any sex offender registry of another state, or</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 76

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Iowa)</i></p>	<p>the federal government.</p> <p>b. The general public through the sex offender registry's web page</p> <p>c. The single contact repository.</p> <p>2. A criminal or juvenile justice agency may provide relevant information from the sex offender registry to the following:</p> <p>a. A criminal or juvenile justice agency, an agency of the state, or any sex offender registry of another state, or the federal government.</p> <p>b. The general public, including public and private agencies, organizations, public places, child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. Registry information may be distributed to the public through printed materials, visual or audio press releases, radio communications, or through a criminal or juvenile justice agency's web page.</p> <p>3. When a person required to register under this chapter moves into a school district or moves within a school district, the county sheriff of the county of the person's new residence shall provide relevant information from the sex offender registry to the administrative office of the school district in which the person required to register resides, and shall also provide relevant information to any private school near the person's residence.</p> <p>4. Any member of the public may contact a county sheriff's office or police department to request relevant information from the registry regarding a specific person required to register under this chapter.</p> <p>5. A county sheriff shall also provide to any person upon request access to a list of all registrants in that county.</p>
<p><b>Limitations on Residency or Employment</b> <i>(Iowa)</i></p>	<p>I.C.A. § 692A.2A (West 2008)</p> <p>1.5 Construction and application:</p> <p style="padding-left: 40px;">Any person who has committed a criminal offense against a minor, or aggravated offense, sexually violent offense, or other relevant offense that involves a minor may not reside within 2000 feet of an elementary or secondary school or child care facility.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment Cont'd</b> <i>(Iowa)</i>	A sex offender who resided within 2000 feet of a school prior to July 1, 2002 is not required to move or sell their residence.
<b>Duration of Registration</b> <i>(Iowa)</i>	I.C.A. § 692A.4A (West 2008)  Sex offenders are subject to registration for 10 years.  Persons that have committed a criminal offense against a minor, aggravated offense, sexually violent offense, or other relevant offense that involved a minor will be supervised for at least 5 years by an electronic tracking and monitoring system in addition to any other conditions of release.
<b>KANSAS**</b>	
<b>Registrable Offenses</b> <i>(Kansas)</i>	<ul style="list-style-type: none"> <li>• Adultery (if one of the parties involved is under 18) - KAN. STAT. ANN. § 21-3507 (West 2008).</li> <li>• Criminal sodomy (if one of the parties involved is under 18) - KAN. STAT. ANN. § 21-3505 (West 2008).</li> <li>• Promoting prostitution (if one of the parties involved is under 18) - KAN. STAT. ANN. § 21-3513 (West 2008).</li> <li>• Patronizing a prostitute (if one of the parties involved is under 18) - KAN. STAT. ANN. § 21-3515 (West 2008).</li> <li>• Lewd and lascivious behavior (if one of the parties involved is under 18) - KAN. STAT. ANN. § 21-3508 (West 2008).</li> <li>• Unlawful sexual relations - KAN. STAT. ANN. § 21-3520 (West 2008).</li> <li>• Enticing or soliciting a person the offender believes to be under the age of 16 to commit or submit to an unlawful sexual act. KAN. STAT. ANN. § 21-3523 (West 2008).</li> <li>• The attempt, conspiracy or criminal solicitation of an offense listed above.</li> <li>• Rape - KAN. STAT. ANN. § 21-3502 (West 2008).</li> <li>• Indecent liberties with a child - KAN. STAT. ANN. § 21-3503 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Kansas)</i></p>	<ul style="list-style-type: none"> <li>• Aggravated indecent liberties with a child - KAN. STAT. ANN. § 21-3504 (West 2008).</li> <li>• Criminal sodomy - KAN. STAT. ANN. § 21-3505 (West 2008).</li> <li>• Aggravated criminal sodomy - KAN. STAT. ANN. § 21-3506 (West 2008).</li> <li>• Indecent solicitation of a child - KAN. STAT. ANN. § 21-3510 (West 2008).</li> <li>• Aggravated indecent solicitation of a child - KAN. STAT. ANN. § 21-3511 (West 2008).</li> <li>• Sexual exploitation of a child - KAN. STAT. ANN. § 21-3516 (West 2008).</li> <li>• Sexual battery - KAN. STAT. ANN. § 21-3517 (West 2008).</li> <li>• Aggravated sexual battery - KAN. STAT. ANN. § 21-3518 (West 2008).</li> <li>• Aggravated incest - KAN. STAT. ANN. § 21-3603 (West 2008).</li> <li>• The attempt, conspiracy or criminal solicitation of an offense listed above.</li> <li>• Any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.</li> <li>• Any person determined to be a "sexually violent predator" will serve as grounds for registration- KAN. STAT. ANN. § 59-29a01 to - 29a21 (West 2008).</li> <li>• Any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section.</li> <li>• Any person who has been required to register under any federal, military or other state's law or is otherwise required to be registered.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Kansas)</i></p>	<p><b>YES</b>, but only if the victim is less than 18 years of age.</p> <p>K.S.A. § 21-3520 (West 2008)</p> <p>(a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Kansas)</i></p>	<p>(1) The offender is an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services for a correctional institution, and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate; or</p> <p>(2) the offender is a parole officer, volunteer for the department of corrections or the employee or volunteer of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole or conditional release or postrelease supervision under the direct supervision and control of the offender; or</p> <p>(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such jail; or</p> <p>(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such facility or sanctions house; or</p> <p>(5) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such facility; or</p> <p>(6) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide direct supervision and offender control services to the juvenile justice authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is 16</p>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 80



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Kansas)</i></p>	<p>years of age or older and (A) released on conditional release from a juvenile correctional facility under the supervision and control of the juvenile justice authority or juvenile community supervision agency or (B) placed in the custody of the juvenile justice authority under the supervision and control of the juvenile justice authority or juvenile community supervision agency and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;</p> <p>(7) the offender is an employee of the department of social and rehabilitation services or the employee of a contractor who is under contract to provide services in a social and rehabilitation services institution and the person with whom the offender is engaging in consensual sexual intercourse, not otherwise subject to subsection (a)(1)(C) of K.S.A. 21-3502, and amendments thereto, lewd fondling or touching, or sodomy, not otherwise subject to subsection (a)(3)(C) of K.S.A. 21-3506, and amendments thereto, is a person 16 years of age or older who is a patient in such institution;</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Kansas)</i></p>	<p>K.S.A. § 22-4907 (WEST 2008)</p> <p>(a) Registration as required by this act shall consist of a form prepared by the Kansas bureau of investigation, which shall include a statement that the requirements provided in this section have been explained to the person, and shall be signed by the person. Such registration form shall include the following:</p> <ol style="list-style-type: none"> <li>(1) Name;</li> <li>(2) date and place of birth;</li> <li>(3) offense or offenses committed, date of conviction or convictions obtained;</li> <li>(4) city or county of conviction or convictions obtained;</li> <li>(5) sex and age of victim;</li> <li>(6) current address;</li> <li>(7) social security number;</li> <li>(8) identifying characteristics such as race, skin tone, sex, age, hair and eye color, scars, tattoos and blood type;</li> <li>(9) occupation, name of employer and place of employment;</li> <li>(10) drivers license and vehicle information, including the registration number of each license plate assigned to</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 81

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Kansas)</i></p>	<p>any motor vehicle normally operated by the offender;</p> <p>(11) documentation of any treatment received for a mental abnormality or personality disorder of the offender; for purposes of documenting the treatment received, sheriffs, prison officials and courts may rely on information that is readily available to them from existing records and the offender.</p> <p>(12) anticipated future residence</p> <p>(13) a photograph;</p> <p>(14) fingerprints;</p> <p>(15) school; and</p> <p>(16) any and all e-mail addresses and online identities used by the offender on the internet.</p> <p>(b)(1) The offender shall also provide to the registering law enforcement agency DNA exemplars, unless already on file.</p>
<p><b>Community Notification and Websites</b>  <i>(Kansas)</i></p>	<p>K.S.A. § 22-4909 (West 2008)</p> <p>(a) The statements or any other information required by this act shall be open to inspection by the:</p> <ul style="list-style-type: none"> <li>• Public at the sheriff's office,</li> <li>• At the headquarters of the Kansas bureau of investigation and</li> <li>• On any internet website sponsored or created by a sheriff's department or the Kansas bureau of investigation that contains such statements or information.</li> </ul> <p>(b) Any information posted on an internet website sponsored or created by a sheriff's office or the Kansas bureau of investigation shall identify, in a prominent manner, whether an offender is or is not a sex offender.</p> <p>(c) The state department of education shall annually notify any school upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12 of the Kansas bureau of investigation internet website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the school is located for the purposes of locating offenders who reside near such school.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 82

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Community Notification and Websites Cont'd</b> <i>(Kansas)</i>	(d) The secretary of health and environment shall annually notify any licensed child care facility of the Kansas bureau of investigation internet website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the facility is located for the purposes of locating offenders who reside near such facility. □□□
<b>Limitations on Residency or Employment</b> <i>(Kansas)</i>	None.
<b>Duration of Registration</b> <i>(Kansas)</i>	K.S.A. § 22-4906 (WEST 2008)  (a) 10 years for persons convicted of a registrable offense.  (b) Lifetime registration: <ul style="list-style-type: none"> <li>• Upon a second or subsequent conviction for a registrable offense;</li> <li>• For persons convicted of an aggravated offense</li> <li>• For sexually violent predators.</li> </ul>
<b>KENTUCKY<sup>2**</sup></b>	
<b>Registrable Offenses</b> <i>(Kentucky)</i>	<ul style="list-style-type: none"> <li>• Kidnapping (of a person under the age of 18), except by a parent - KY. REV. STAT. ANN. § 509.040 (West 2008).</li> <li>• Unlawful confinement (of a person under the age of 18), except by a parent - KY. REV. STAT. ANN. § 509.020 (West 2008).</li> <li>• Promoting a sexual performance of a minor - KY. REV. STAT. ANN. § 531.320 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 83

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Kentucky)</i></p>	<ul style="list-style-type: none"> <li>• Human trafficking involving commercial sexual activity- KY. REV. STAT. ANN. § 531.100 (West 2008).</li> <li>• Promoting prostitution, when the defendant advances or profits from the prostitution of a person under the age of 18 (1st, 2nd, 3rd degrees) - KY. REV. STAT. ANN. §§ 529.030-529.050 (West 2008).</li> <li>• Use of a minor in a sexual performance - KY. REV. STAT. ANN. § 531.310 (West 2008).</li> <li>• Sexual abuse (2nd and 3rd degrees) - KY. REV. STAT. ANN. §§ 510.120-510.130 (West 2008).</li> <li>• NOTE: Any attempt or solicitation to commit one of the offense listed above.</li> <li>• Rape (1st, 2nd, 3rd degrees) - KY. REV. STAT. ANN. §§ 510.040 to .060 (West 2008).</li> <li>• Sodomy (1st, 2nd, 3rd degrees) - KY. REV. STAT. ANN. §§ 510.070 to .090 (West 2008).</li> <li>• Sexual abuse (1st, 2nd, 3rd degrees) - KY. REV. STAT. ANN. §§ 510.110 to .130 (West 2008).</li> <li>• Sexual misconduct - KY. REV. STAT. ANN. § 510.140 (West 2008).</li> <li>• 3rd and subsequent offenses of Indecent exposure (1st degree) - KY. REV. STAT. ANN. § 510.148 (West 2008).</li> <li>• Incest - KY. REV. STAT. ANN. § 530.020 (West 2008).</li> <li>• Unlawful transaction with a minor in the first degree - KY. REV. STAT. ANN. § 530.064 (West 2008).</li> <li>• Any felony attempt to commit one of the sex crimes listed above.</li> <li>• A federal felony offense, a felony offense subject to a court-martial of the United States Armed Forces, or a felony offense from another state or a territory where the felony offense is similar to a felony offense specified.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Kentucky)</i></p>	<p><b>YES.</b></p> <p>K.R.S. § 510.120 (West 2008)</p> <p>(1) A person is guilty of sexual abuse in the second degree when:</p> <p>(c) Being an employee, contractor, vendor, or volunteer of the Department of Corrections, or a detention facility as defined in KRS 520.010, or of an entity under contract with either the department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects an offender who is incarcerated, supervised, evaluated, or treated by the Department of Corrections, the detention facility, or the contracting entity,</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 84

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Kentucky)</i></p>	<p>to sexual contact. In any prosecution under this paragraph, the defendant may prove in exculpation that, at the time he or she engaged in the conduct constituting the offense, he or she and the offender were married to each other.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Kentucky)</i></p>	<p>KY. REV. STAT. ANN. § 17.500 (West 2008) (6):</p> <ul style="list-style-type: none"> <li>• name</li> <li>• social security number</li> <li>• age</li> <li>• race</li> <li>• sex</li> <li>• date of birth</li> <li>• height</li> <li>• weight</li> <li>• hair and eye color</li> <li>• fingerprints</li> <li>• photograph</li> <li>• aliases used</li> <li>• residence</li> <li>• brief description of the crime(s) committed</li> <li>• other information deemed useful in the identification of registrants</li> </ul> <p>2009 Kentucky Laws Ch. 105 (HB 321) (West 2008)</p> <p>2) <i>The following persons shall have a DNA sample collected by authorized personnel:</i> (a) Any person convicted on or after <i>the effective date of this Act</i> <del>July 1, 2008</del>, of a felony offense under under the Kentucky Revised Statutes; or</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Kentucky)</i></p>	<p><i>(b) Any juvenile who was at least fourteen (14) years of age at the time of the commission of the offense and who stands adjudicated delinquent of being a public offender by a court of competent jurisdiction, of: 1. Any felony offense in KRS Chapter 510; 2. Incest as defined in KRS 530.020; 3. Criminal attempt or criminal conspiracy to commit an offense identified in subparagraph 1. or 2. of this paragraph; or 4. Being a juvenile sexual offender under KRS 635.510, being thirteen (13) years of age or older at the time of the commission of the offense, adjudicated as a public offender for an offense identified in KRS 439.3401(1) or 530.020 on or after July 1, 2008, or who is in the custody of the Department of Corrections, the Department of Juvenile Justice, or a local or county jail on or after July 1, 2008, based upon a conviction or adjudication of an offense identified in this subsection, shall have a DNA sample collected by authorized personnel.</i></p>
<p><b>Community Notification and Websites</b>  <i>(Kentucky)</i></p>	<p>K.R.S. § 17.580</p> <p>(1) The Kentucky State Police shall establish a Web site available to the public.</p> <p>(6) In addition to the Web site, a local law enforcement agency may provide personal notification regarding the registrants located in its jurisdiction.</p>
<p><b>Limitations on Residency or Employment</b>  <i>(Kentucky)</i></p>	<p>2006 Kentucky House Bill No. 3, Kentucky 2006 Regular Session (West 2008)</p> <p>KRS 17.500 to 17.580, and amended to read as follows:</p> <p>(1) No registrant, as defined in KRS 17.500, <del>who is placed on probation, parole, or any form of supervised release,</del> shall reside within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility. The measurement shall be taken in a straight line from the nearest property line <del>wall</del> of the school to the nearest property line <del>wall</del> of the registrant's place of residence.</p> <p>(2) For purposes of this section:(a) The registrant shall have the duty to ascertain whether any property listed in subsection (1) of this section is within one thousand (1,000) feet of the registrant's residence; and (b) If a new facility opens, the registrant shall be presumed to know and, within ninety (90) days, shall comply with this section.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Limitations on Residency or Employment Cont'd</b> <i>(Kentucky)</i></p>	<p>(3) Any person who violates subsection (1) of this section shall be guilty of: (a) A Class A misdemeanor for a first offense; and (b) A Class D felony for the second and each subsequent offense.</p> <p>(4) Any registrant residing within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility on the effective date of this Act shall move and comply with this section within ninety (90) days of the effective date of this Act, and thereafter, shall be subject to the penalties set forth under subsection (3) of this section.</p> <p>KY. REV. STAT. ANN. § 17.165 (West 2008)</p> <p>(4) No child-care center as defined in KRS 199.894 shall employ, in a position, which involves supervisory or disciplinary power over a minor, or direct contact with a minor, any person who is a violent offender or has been convicted of a sex crime. Each child-care center shall request all conviction information for any applicant for employment from the Justice and Public Safety Cabinet or the Administrative Office of the Courts prior to employing the applicant.</p>
<p><b>Duration of Registration</b> <i>(Kentucky)</i></p>	<p>K.R.S. § 17.520 (WEST 2008)</p> <p>(2) (a) Lifetime registration is required for:</p> <ol style="list-style-type: none"> <li>1. Any person who has been convicted of kidnapping, as set forth in KRS 509.040, when the victim is under the age of eighteen (18) at the time of the commission of the offense, except when the offense is committed by a parent;</li> <li>2. Any person who has been convicted of unlawful confinement, as set forth in KRS 509.020, when the victim is under the age of eighteen (18) at the time of the commission of the offense, except when the offense is committed by a parent;</li> <li>3. Any person convicted of a sex crime:</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> <b>Cont'd</b> <i>(Kentucky)</i></p>	<p>a. Who has one (1) or more prior convictions of a felony criminal offense against a victim who is a minor; or b. Who has one (1) or more prior sex crime convictions;</p> <p>4. Any person who has been convicted of two (2) or more felony criminal offenses against a victim who is a minor;</p> <p>5. Any person who has been convicted of: a. Rape in the first degree under KRS 510.040; or b. Sodomy in the first degree under KRS 510.070; and</p> <p>6. Any sexually violent predator.</p> <p>(3) 20 years for all registrants not subject to lifetime registration.</p>
<h3>LOUISIANA</h3>	
<p><b>Registrable Offenses</b> <i>(Louisiana)</i></p>	<p>LSA-R.S. § 15:541 (WEST 2008)</p> <p>TIER 1: Registration for a period of 15 years:</p> <p>Offenses: deferred adjudication, adjudication withheld, conviction for the perpetration, perpetration or conspiracy to commit any of the following offenses:</p> <p>14:41            Rape 14:43(A)(3)    Simple Rape 14:43.1        Sexual Battery—when the victim is 18 years or over 14:43.5        Intentional exposure of AIDS Virus 14:78           Incest</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 88



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(Louisiana)</i>	<p>14:78.1 Aggravated Incest</p> <p>14:80 Felony Carnal Knowledge of a Juvenile</p> <p>14:81 Indecent Behavior with Juveniles</p> <p>14:81.4 Prohibited Sexual Conduct Between an Educator and a Student</p> <p>14:89 Crime Against Nature</p> <p>14.89.1 Aggravated Crime Against Nature</p> <p>14:92(A)(7) Contributing to the Delinquency of Juveniles (to perform any sexually immoral act)</p> <p>14:106(A)(5) Obscenity by Solicitation (of a person under the age of 17)</p> <p>14:283 Video Voyeurism</p> <p>14:283.1 Video Voyeurism Second or Subsequent Offense</p> <p>Note: Deferred adjudication, adjudication withheld, or the conviction for the perpetration, attempted perpetration, or conspiracy to commit one of the offenses above shall be considered a sex offense.</p> <p>LSA § 15:541 Criminal Offense Against a Victim Who is a Minor</p> <p>(g) Conviction for the perpetration or attempted perpetration or conspiracy to commit any of the following offenses:</p> <p>14:45.1 Interference with the Custody of a Child</p> <p>14:46 False Imprisonment of a Child</p> <p>14:46.1 False Imprisonment: Offender Armed with a Dangerous Weapon</p> <p>Registration of any defendant under the age of 18</p> <p>23:25(A)(4) Minors under 16, prohibits employment for exhibition use</p> <p>LSA § 14:2 TIER II: Registration for a period of 25 years</p> <p>14:43.1 Sexual Battery- when the victim is under the age of 18, except under 14:43.1 (C)(2)</p> <p>14:43.3 Oral Sexual Battery</p> <p>14:46(B)(2) Human Trafficking</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 89

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Louisiana)</i></p>	<p>14:78.1 Aggravated Incest- under the circumstances not listed as an “aggravated offense”</p> <p>14:81.1 Pornography Involving Juveniles</p> <p>14:81.2 Molestation of a Juvenile</p> <p>14:82.1 Prostitution; Persons under Seventeen</p> <p>14:84(1)(3)(5)(6) Pandering</p> <p>14:86 Enticing minors into Prostitution</p> <p>14:89.1 Aggravated Crime Against Nature</p> <p> </p> <p>TIER III: Lifetime Registration</p> <p> </p> <p>LSA 15:541(1)(a-m)-a conviction for the perpetration or attempted perpetration of, or conspiracy to commit, any of the following:</p> <p> </p> <p>14:42 Aggravated Rape</p> <p>14:42.1 Forcible Rape</p> <p>14:43 Simple Rape – under the provisions of (A)(1) and (2)</p> <p>14:43.1(C)(2) Sexual Battery when prosecuted under this provision</p> <p>14:43.2 Second Degree Sexual Battery when prosecuted under this provision</p> <p>14:44 Aggravated Kidnapping of a child who has not attained the age of eighteen years.</p> <p>14:44.2 Aggravated Kidnapping of a child</p> <p>14:45 Simple Kidnapping of a child who has not attained the age of eighteen years.</p> <p>14:78.1 Aggravated Incest involving sexual intercourse, second degree sexual battery, oral sexual battery or when prosecuted under the provisions of 14:78.1 (D)(2)</p> <p>14:81.2(E)(1) Molestation of a Juvenile when prosecuted under this provision</p> <p>14:89.1 Aggravated Crime Against Nature</p> <p>14:93.5 Sexual Battery of the Infirm</p> <p> </p> <p>NOTE: Lifetime Registration also applies for any person with a prior conviction or adjudication for an enumerated registration offense, regardless of whether or not the prior offense required registration at the time of commission or conviction and who is subsequently convicted of or adjudicated for an offense which requires registration.</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 90

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Louisiana)</i></p>	<p>NOTE: A conviction for any offense provided in the above lists includes a conviction for an equivalent offense under the laws of another state, military, territorial, tribal, or federal law.</p> <p>NOTE: A conviction for the perpetration, attempted perpetration, or conspiracy to commit all of the offenses outlined above shall be considered as a child predator for all circumstances.</p>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Louisiana)</i></p>	<p><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Louisiana)</i></p>	<p>LSA-R.S. § 15:542 (WEST 2008)</p> <p>C. (1) The offender shall register and provide all of the following information to the appropriate law enforcement agencies listed in Subsection B of this Section in accordance with the time period provided for in Paragraph (2) of this Subsection:</p> <ul style="list-style-type: none"> <li>(a) Name and any aliases used by the offender.</li> <li>(b) Physical address or addresses of residence.</li> <li>(c) Name and physical address of place of employment. If the offender does not have a fixed place of employment, the offender shall provide information with as much specificity as possible regarding the places where he works, including but not limited to travel routes used by the offender.</li> <li>(d) Name and physical address of the school in which he is a student.</li> <li>(e) Two forms of proof of residence for each residential address provided, including but not limited to a driver's license, bill for utility service, and bill for telephone service. If those forms of proof of residence are not available, the offender may provide an affidavit of an adult resident living at the same address. The affidavit shall certify that the affiant understands his obligation to provide written notice pursuant to R.S. 15:542.1.4 to the appropriate law enforcement agency with whom the offender last registered when the offender no longer resides at the residence provided in the affidavit.</li> <li>(f) The crime for which he was convicted and the date and place of such conviction, and if known by the</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 91

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Louisiana)</i></p>	<p>offender, the court in which the conviction was obtained, the docket number of the case, the specific statute under which he was convicted, and the sentence imposed.</p> <ul style="list-style-type: none"> <li>(g) A current photograph.</li> <li>(h) Fingerprints, palm prints, and a DNA sample.</li> <li>(i) Telephone numbers, including fixed location phone and mobile phone numbers assigned to the offender or associated with any residence address of the offender.</li> <li>(j) A description of every vehicle registered to or operated by the offender, including license plate number and a copy of the offender's driver's license or identification card.</li> <li>(k) Social security number and date of birth.</li> <li>(l) A description of the physical characteristics of the offender, including but not limited to sex, race, hair color, eye color, height, age, weight, scars, tattoos, or other identifying marks on the body of the offender.</li> <li>(m) Every e-mail address, online screen name, or other online identifiers used by the offender to communicate on the Internet. Required notice must be given before any online identifier is used to communicate on the Internet.</li> <li>(n) Temporary lodging information regarding any place where the offender plans to stay for seven or more days.</li> <li>(o) Travel and immigration documents, including but not limited to passports and documents establishing immigration status.</li> </ul>
<p><b>Community Notification and Websites</b>  <i>(Louisiana)</i></p>	<p>LSA-R.S. § 15:546 (West 2008)</p> <p>(A): Criminal justice agencies shall release relevant and necessary information regarding sex offenders, child predators, and sexually violent predators to the public when the release of the information is necessary for public protection.</p>
<p><b>Limitations on Residency or Employment</b>  <i>(Louisiana)</i></p>	<p>LSA-R.S. § 14:91.2 (West 2008)</p> <p>A. The following acts when committed by a person convicted of a sex offense as defined in R.S. 15:541 when the victim is under the age of thirteen years shall constitute the crime of unlawful residence or presence of a sex offender:</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 92

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Limitations on Residency or Employment Cont'd</b> <i>(Louisiana)</i></p>	<p>(1) The physical presence of the offender in, on, or within one thousand feet of the school property of any public or private elementary or secondary school or the physical presence in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of eighteen years are present on the school property or in a school vehicle.</p> <p>(2) The offender establishing a residence within one thousand feet of any public or private elementary or secondary school.</p> <p>(3) The physical presence of the offender in, on, or within one thousand feet of a public park or recreational facility.</p> <p>(4) The offender establishing a residence within one thousand feet of any public park or recreational facility.</p> <p>B. (1) It shall not be a violation of the provisions of this Section if the offender has permission to be present on school premises from the superintendent of the school board in the case of a public school or the principal or headmaster in the case of a private school.</p> <p>(2) If permission is granted to an offender to be present on public school property by the superintendent for that public school pursuant to this Subsection, then the superintendent shall notify the principal at least twenty-four hours in advance of the visit by the offender. This notification shall include the nature of the visit and the date and time in which the sex offender will be present in the school. The offender shall notify the office of the principal upon arrival on the school property and upon departing from the school. If the offender is to be present in the vicinity of children, the offender shall remain under the direct supervision of a school official.</p> <p>(3) Any superintendent, principal, or school master who acts in good faith in compliance with this Subsection shall be immune from civil or criminal liability for his actions in connection with any injury or claim arising from an offender being present on school property pursuant to permission granted by that superintendent, principal, or school master.</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 93

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Limitations on Residency or Employment Cont'd</b> <i>(Louisiana)</i></p>	<p>C. For purposes of this Section: (1) “School property” means any property used for school purposes, including but not limited to school buildings, playgrounds, and parking lots.</p> <p>(2) “Public park or recreational facility” means any building or area owned by the state or by a political subdivision which is open to the public and used or operated as a park or recreational facility and shall include all parks and recreational areas administered by the office of state parks in the Department of Culture, Recreation and Tourism.</p> <p>D. Whoever violates the provisions of this Section shall be fined not more than one thousand dollars, imprisoned with or without hard labor for not more one year, or both.</p> <p>LSA-R.S. § 14:91.1 (West 2008)</p> <p>A sexually violent predator may not be physically present on the property of any public or private school or in any vehicle used to transport students to and from school when persons under the age of 18 are present unless the offender has permission to be present from the school superintendent or headmaster.</p> <p>Sexually violent predators may not physically reside within 1000 feet of any public or private school, day care facility, playground, youth center, public swimming pool or free-standing video arcade facility.</p> <p>EFFECTIVE SEPTEMBER 1<sup>st</sup> 2009</p> <p>LSA § 14:91.1 Unlawful Presence of a Sexually Violent Predator</p> <p>A. Unlawful Presence of a Sexually Violent Predator is:</p> <p>(2) The physical residing of a sexually violent predator within one thousand feet of any public or private elementary or secondary school [deleted text] center, group home, residential home, or child care facility, family child day care home, playground, public or private youth center, public swimming pool, or free standing video arcade facility.</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> <i>(Louisiana)</i></p>	<p>LSA-R.S. § 15:544 (West 2008)</p> <p>A. Except as provided for in Subsection B of this Section, a person required to register and provide notification pursuant to the provisions of this Chapter shall comply with the requirement for a period of fifteen years from the date of the initial registration, or the duration of the lifetime of the offender as provided in Subsection E of this Section. The requirement to register shall apply to an offender who is pardoned.</p> <p>B. (1) A person required to register pursuant to this Chapter who was convicted of a sexual offense against a victim who is a minor as defined in R.S. 15:541 shall register and maintain his registration and provide community notification pursuant to the provisions of this Chapter for a period of twenty-five years from the date of initial registration, or the duration of the lifetime of the offender as provided in Subsection E of this Section, unless the underlying conviction is reversed, set aside, or vacated. The requirement to register shall apply to an offender who is pardoned.</p> <p>E. (1) Notwithstanding the provisions of Subsection A or Paragraph (B)(1) of this Section, the court, upon motion of the district attorney, and after a contradictory hearing, shall have the authority to order a person required to register and provide notification pursuant to the provisions of this Chapter to register and notify for the duration of the lifetime of the offender upon a showing by a preponderance of the evidence that the offender poses a substantial risk of committing another offense requiring registration pursuant to this Chapter.</p>
<p><b>MAINE**</b></p>	
<p><b>Registrable Offenses</b> <i>(Maine)</i></p>	<p>A conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses if the victim was less than 18 years of age at the time of the criminal conduct:</p> <ul style="list-style-type: none"> <li>• Unlawful sexual contact - ME. REV. STAT. ANN. tit. 17, § 255-A(1)(A), (B), (C), (G), (I), (J), (K), (L), (M), (N), (Q), (R), (S) or (T) (West 2008).</li> <li>• Visual sexual aggression against child - ME. REV. STAT. ANN. tit. 17-A, § 256 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 95

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses</b> <i>(Maine)</i></p>	<ul style="list-style-type: none"> <li>• Sexual misconduct with a child under 14 years of age - ME. REV. STAT. ANN. tit. 17-A, § 258 (West 2008).</li> <li>• Sexual exploitation of minor - ME. REV. STAT. ANN. tit. 17-A, § 282 (West 2008).</li> <li>• Dissemination of sexually explicit material - ME. REV. STAT. ANN. tit. 17-A, § 283 (West 2008).</li> <li>• Possession of sexually explicit material - ME. REV. STAT. ANN. tit. 17-A, § 284 (West 2008).</li> <li>• Kidnapping (unless actor is a parent of the victim) - ME. REV. STAT. ANN. tit. 17-A, § 301 (West 2008).</li> <li>• Criminal restraint (unless actor is a parent of the victim) - ME. REV. STAT. ANN. tit. 17-A, § 302 (West 2008).</li> <li>• Violation of privacy - ME. REV. STAT. ANN. tit. 17-A, § 511(1)(D) (West 2008).</li> <li>• Incest - ME. REV. STAT. ANN. tit. 17-A, § 556 (West 2008).</li> <li>• Aggravated promotion of prostitution - ME. REV. STAT. ANN. tit. 17-A, § 852(1)(B) (West 2008).</li> <li>• Patronizing prostitution of a minor - ME. REV. STAT. ANN. tit. 17-A, § 855 (West 2008).</li> <li>• Sexual abuse of minors - ME. REV. STAT. ANN. tit. 17-A, § 254 (West 2008).</li> <li>• Gross sexual assault - ME. REV. STAT. ANN. tit. 17-A, § 253(2)(E), (F), (G), (H), (I) or (J) (West 2008).</li> <li>• Gross sexual assault - ME. REV. STAT. ANN. tit. 17-A, §§ 253(1), 253(2)(A), (B), (C), or (D) (West 2008).</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Maine)</i></p>	<p><b>YES</b></p> <p>17-A M.R.S.A. § 253 (West 2008) <u>Gross Sexual Assault.</u></p> <p>2. A person is guilty of gross sexual assault if that person engages in a sexual act with another person and:</p> <p style="padding-left: 40px;">A. The actor has substantially impaired the other person's power to appraise or control the other person's sexual acts by furnishing, as defined in section 1101, subsection 18, paragraph A, administering or employing drugs, intoxicants or other similar means. Violation of this paragraph is a Class B crime;</p> <p style="padding-left: 40px;">B. The actor compels or induces the other person to engage in the sexual act by any threat. Violation of this</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Maine)</i></p>	<p>paragraph is a Class B crime;</p> <p>C. The other person suffers from mental disability that is reasonably apparent or known to the actor, and which in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the person has the right to deny or withdraw consent. Violation of this paragraph is a Class B crime;</p> <p>D. The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual act. Violation of this paragraph is a Class B crime;</p> <p>E. The other person, not the actor's spouse, is under official supervision as a probationer, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution, and the actor has supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class B crime;</p> <p>F. The other person, not the actor's spouse, has not in fact attained the age of 18 years and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class C crime;</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Maine)</i></p>	<p>34-A M.R.S.A. § 11221 (Wet 2008)</p> <p>1. Maintenance of registry. The bureau shall establish and maintain a registry of persons required to register pursuant to this subchapter. The registry must include the following information on each registrant:</p> <ul style="list-style-type: none"> <li>A. The registrant's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and physical location of expected domicile and residence;</li> <li>B. Place of employment and college or school being attended, if applicable, and the corresponding address and location;</li> <li>C. Offense history;</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Maine)</i></p>	<p>D. Notation of any treatment received for a mental abnormality or personality disorder;  E. A photograph and set of fingerprints;  F. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; and  G. Any other information the bureau determines important.</p>
<p><b>Community Notification and Websites</b>  <i>(Maine)</i></p>	<p>34-A M.R.S.A. § 11221 (West 2008)</p> <p>9. PUBLIC ACCESS TO INFORMATION. A. The bureau shall post on the Internet for public inspection information concerning a registrant.</p> <p>12. LAW ENFORCEMENT AGENCY WEBSITE. A law enforcement agency may maintain its own sex offender website and may make that information available for use by the public.</p> <p>34-A M.R.S.A. § 11255 (West 2008)</p> <p>1. DEPARTMENT. Upon the conditional release or discharge of a registrant from a state correctional institution, the department shall give notice to members of the public the department determines appropriate to ensure public safety.</p> <p>2. LAW ENFORCEMENT AGENCIES. Upon receipt of the information concerning the conditional release or discharge of a registrant, a law enforcement agency shall notify members of a municipality that the law enforcement agency determines appropriate to ensure public safety.</p>
<p><b>Limitations on Residency or Employment</b>  <i>(Maine)</i></p>	<p>None</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <i>(Maine)</i>	<p>34-A M.R.S.A. §§ 11225-A (West 2008)</p> <p style="padding-left: 40px;">10 years for sex offenders not subject to lifetime registration.</p> <p>34-A M.R.S.A. § 11203 (West 2008)</p> <p style="padding-left: 40px;">Life for persons convicted of sexually violent offenses or for registrants with prior sex offense convictions.</p>
<b>MARYLAND</b>	
<b>Registrable Offenses</b> <i>(Maryland)</i>	<ul style="list-style-type: none"> <li>• Child kidnapping - MD. CODE ANN., CRIM. LAW § 3-503 (West 2008).</li> <li>• Kidnapping (of person under the age of 18) - MD. CODE ANN., CRIM. LAW § 3-502 (West 2008).</li> <li>• Sexual offense (4th degree) of child under the age of 18 - MD. CODE ANN., CRIM. LAW § 3-308 (West 2008).</li> <li>• Common law crime of false imprisonment, if the victim is under the age of 18 years and the person is not the victim's parent.</li> <li>• Any crime that involves soliciting a person under the age of 18 years to engage in sexual conduct.</li> <li>• Child pornography - MD. CODE ANN., CRIM. LAW § 11-207 (West 2008).</li> <li>• Pandering (if the victim or intended prostitute is under 18 years of age) - MD. CODE ANN., CRIM. LAW § 11-303 (West 2008).</li> <li>• Receiving earnings of prostitute (if the victim or intended prostitute is under 18 years of age) - MD. CODE ANN., CRIM. LAW § 11-304 (West 2008).</li> <li>• House of prostitution (if victim or intended prostitute is under the age of 18) - MD. CODE ANN., CRIM. LAW § 11-306 (West 2008).</li> <li>• Abduction of child under 16 - MD. CODE ANN., CRIM. LAW § 11-305 (West 2008).</li> <li>• Any crime that involves conduct that by its nature is a sexual offense against a person under the age of 18 years.</li> <li>• Any attempt to commit one of the offense listed immediately above.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 99

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Maryland)</i></p>	<ul style="list-style-type: none"> <li>• Crimes resulting in conviction in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute one of the crimes listed (including attempt).</li> </ul> <p>The following offenses require registration as a Sexually Violent Offender:</p> <ul style="list-style-type: none"> <li>• Rape (1st degree) - MD. CODE ANN., CRIM. LAW § 3-303 (West 2008).</li> <li>• Rape (2nd degree) - MD. CODE ANN., CRIM. LAW § 3-304 (West 2008).</li> <li>• Sexual offense (1st degree) - MD. CODE ANN., CRIM. LAW § 3-305 (West 2008).</li> <li>• Sexual offense (2nd degree) - MD. CODE ANN., CRIM. LAW § 3-306 (West 2008).</li> <li>• Sexual offense (3rd degree) - MD. CODE ANN., CRIM. LAW § 3-307 (West 2008).</li> <li>• Attempted rape (1st degree) - MD. CODE ANN., CRIM. LAW § 3-309 (West 2008).</li> <li>• Attempted rape (2nd degree) - MD. CODE ANN., CRIM. LAW § 3-310 (West 2008).</li> <li>• Attempted sexual offense (1st degree) - MD. CODE ANN., CRIM. LAW § 3-311 (West 2008).</li> <li>• Attempted sexual offense (2nd degree) - MD. CODE ANN., CRIM. LAW § 3-312 (West 2008).</li> <li>• Crimes resulting in conviction in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute one of the crimes listed.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Maryland)</i></p>	<p><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Maryland)</i></p>	<p>MD. CRIM. PROC. § 11-706 (WEST 2008)</p> <p>(a) A registration statement shall include:</p> <ol style="list-style-type: none"> <li>(1) the registrant's full name, including any suffix, and address;</li> <li>(2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle or who is on work release, the registrant's place of employment; or (ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the registrant's place of</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 100

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Maryland)</i></p>	<p>educational institution or school enrollment;</p> <p>(3) (i) for a registrant enrolled, or expecting to enroll, in an institution of higher education in the State as a full-time or part-time student, the name and address of the institution of higher education; or (ii) for a registrant who carries on employment, or expects to carry on employment, at an institution of higher education in the State, the name and address of the institution of higher education;</p> <p>(4) a description of the crime for which the registrant was convicted</p> <p>(5) the date that the registrant was convicted;</p> <p>(6) the jurisdiction in which the registrant was convicted;</p> <p>(7) a list of any aliases, former names, electronic mail addresses, computer log-in or screen names or identities, instant-messaging identities, and electronic chat room identities that the registrant has used;</p> <p>(8) the registrant's Social Security number;</p> <p>(9) any other name by which the registrant has been legally known;</p> <p>(10) a copy of the registrant's valid driver's license or identification card;</p> <p>(11) the license plate number and description of any vehicle owned or regularly operated by the registrant; and</p> <p>(12) the registrant's signature and date signed.</p> <p>(b) If the registrant is a sexually violent predator, the registration statement shall also include: <input type="checkbox"/></p> <p>(1) identifying factors, including a physical description;</p> <p>(2) anticipated future residence, if known at the time of registration;</p> <p>(3) offense history; and</p> <p>(4) documentation of treatment received for a mental abnormality or personality disorder.</p>
<p><b>Community Notification and Websites</b>  <i>(Maryland)</i></p>	<p>MD. CRIM. PROC. § § 11-717 (WEST 2008)</p> <p>(a) Department to make available registration statements; excluded information. --</p> <p>(1) The Department shall make available to the public registration statements or information about registration statements.</p> <p>(2) Information about registration statements shall include, in plain language that can be understood without special knowledge of the criminal laws of the State, a description of the crime of the offender that is the basis for the registration, excluding details that would identify the victim.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 101

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Maryland)</i></p>	<p>(b) Posting on Internet. -- The Department may post on the Internet a current listing of each registrant's name, crime, and other identifying information.</p> <p>MD. CRIM. PROC. § § 11-709 (West 2008)</p> <p>(f) A local law enforcement unit may notify the following entities that are located within the community in which a child sexual offender is to reside or where a child sexual offender who is not a resident of the State will work or attend school of the filing of a registration statement or notice of change of address by the child sexual offender:</p> <ul style="list-style-type: none"> <li>(1) family day care homes or child care centers registered or licensed under Title 5, Subtitle 5 of the Family Law Article;</li> <li>(2) child recreation facilities;</li> <li>(3) faith institutions; and</li> <li>(4) other organizations that serve children and other individuals vulnerable to child sexual offenders.</li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(Maryland)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b> <i>(Maryland)</i></p>	<p>MD. CRIM. PROC. § 11-707 (WEST 2008)</p> <p>(4) The term of registration is:</p> <ul style="list-style-type: none"> <li>(i) 10 years; or</li> <li>(ii) life, if: <ul style="list-style-type: none"> <li>(1) the registrant is a sexually violent predator;</li> <li>(2) the registrant has been convicted of a sexually violent offense;</li> <li>(3) the registrant has been convicted of a violation of § 3-602 of the Criminal Law Article for commission of a sexual act involving penetration of a child under the age of 12 years; or</li> <li>(4) the registrant has been convicted of a prior crime as a child sexual offender, an offender, or a sexually violent offender.</li> </ul> </li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 102

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

### MASSACHUSETTS

#### Registrable Offenses

*(Massachusetts)*

- Indecent assault and battery on a child under 14 - MASS. ANN. LAWS ch. 265, § 13B (West 2008).
- Indecent assault and battery on a mentally retarded person - MASS. ANN. LAWS ch. 265, § 13F (West 2008).
- Indecent assault and battery on a person age 14 or over - MASS. ANN. LAWS ch. 265, § 13H (West 2008).
- Rape - MASS. ANN. LAWS ch. 265, § 22 (West 2008).
- Rape of a child under 16 with force - MASS. ANN. LAWS ch. 265, § 22A (West 2008).
- Rape and abuse of a child - MASS. ANN. LAWS ch. 265, § 23 (West 2008).
- Assault with intent to commit rape - MASS. ANN. LAWS ch. 265, § 24 (West 2008).
- Assault of a child under 16 with intent to commit rape - MASS. ANN. LAWS ch. 265, § 24B (West 2008).
- Kidnapping of a child under 16 - MASS. ANN. LAWS ch. 265, § 26 (West 2008).
- Enticing a child under the age of 16 for the purposes of committing a crime - MASS. ANN. LAWS ch. 265, § 26C (West 2008).
- Enticing away a person for prostitution or sexual intercourse - MASS. ANN. LAWS ch. 272, § 2 (West 2008).
- Drugging persons for sexual intercourse - MASS. ANN. LAWS ch. 272, § 3 (West 2008).
- Inducing a minor into prostitution - MASS. ANN. LAWS ch. 272, § 4A (West 2008).
- Living off or sharing earnings of a minor prostitute - MASS. ANN. LAWS ch. 272, § 4B (West 2008).
- Second and subsequent adjudication or conviction for open and gross lewdness and lascivious behavior (but excluding a first or single adjudication as a delinquent juvenile) - MASS. ANN. LAWS ch. 272, § 16 (West 2008).
- Incestuous marriage or intercourse - MASS. ANN. LAWS ch. 272, § 17 (West 2008).
- Disseminating to a minor matter harmful to a minor - MASS. ANN. LAWS ch. 272, § 28 (West 2008).
- Posing or exhibiting a child in a state of nudity - MASS. ANN. LAWS ch. 272, § 29A (West 2008).
- Dissemination of visual material of a child in a state of nudity or sexual conduct - MASS. ANN. LAWS ch. 272, § 29B (West 2008).
- Possession of child pornography - MASS. ANN. LAWS ch. 272, § 29C (West 2008).

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 103

This publication is developed by the NIC/WCL Project on Addressing Prison Rape under NIC Cooperative Agreement 06S20GJJ1.

This is not to be posted or reproduced without permission from the authors.

American University, Washington College of Law

Current as of August 2009

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Massachusetts)</i></p>	<ul style="list-style-type: none"> <li>• Unnatural and lascivious acts with a child under 16 - MASS. ANN. LAWS ch. 272, § 35A (West 2008).</li> <li>• Aggravated rape - MASS. ANN. LAWS ch. 277, § 39 (West 2008).</li> <li>• Any attempt to commit a violation of any of the aforementioned sections.</li> <li>• A like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Massachusetts)</i></p>	<p><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Massachusetts)</i></p>	<p>M.G.L.A. 6 § 178D (West 2008)</p> <ul style="list-style-type: none"> <li>(a) the sex offender's name, aliases used, date and place of birth, sex, race, height, weight, eye and hair color, social security number, home address, any secondary addresses and work address and, if the sex offender works at or attends an institution of higher learning, the name and address of the institution;</li> <li>(b) a photograph and set of fingerprints;</li> <li>(c) a description of the offense for which the sex offender was convicted or adjudicated, the city or town where the offense occurred, the date of conviction or adjudication and the sentence imposed;</li> <li>(d) any other information which may be useful in assessing the risk of the sex offender to reoffend; and</li> <li>(e) any other information which may be useful in identifying the sex offender.</li> </ul>
<p><b>Community Notification and Websites</b> <i>(Massachusetts)</i></p>	<p>M.G.L.A. 6 § 178F 1/2 (West 2008)</p> <ul style="list-style-type: none"> <li>• Any person who is 18 years of age or older and who states that he is requesting sex offender registry information for his own protection or for the protection of a child under the age of 18 or another person for whom the requesting person has responsibility, care or custody shall receive at no cost from the board a report which indicates whether an individual identified by name, date of birth or sufficient personal identifying characteristics is a sex offender with an obligation to register, the offenses for which he was convicted or adjudicated and the dates of such convictions or adjudications.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 104



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> (Massachusetts)</p>	<ul style="list-style-type: none"> <li>• Information about an offender shall be made available pursuant to this section only if the offender is a sex offender who has been finally classified by the board as a <i>level 2</i> or <i>level 3</i> sex offender.</li> </ul> <p>M.G.L.A. 6 § 178D (West 2008)</p> <ul style="list-style-type: none"> <li>• The board shall make the sex offender information contained in the sex offender registry, available for inspection by the general public in the form of a comprehensive database published on the internet, known as the "sex offender internet database";</li> <li>• Provided, however, that no registration data relating to a sex offender given a <i>level 1</i> or <i>level 2</i> designation by the board shall be published in the sex offender internet database but may be disseminated by the board as otherwise permitted.</li> </ul>
<p><b>Limitations on Residency or Employment</b> (Massachusetts)</p>	<p>None.</p>
<p><b>Duration of Registration</b> (Massachusetts)</p>	<p>M.G.L.A. 6 § 178G (West 2008)</p> <p>20 years for registrants not subject to lifetime registration.</p> <p>Life for registrants:</p> <ul style="list-style-type: none"> <li>• With 2 or more sex offense convictions;</li> <li>• Convicted of a sexually violent offense;</li> <li>• That have been determined to be sexually violent predators; or</li> <li>• That the Sex Offender Registry Board has deemed a lifetime registrant.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 105

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>MICHIGAN</b>	
<b>Registrable Offenses</b> <i>(Michigan)</i>	<ul style="list-style-type: none"> <li>• Accosting, enticing or soliciting child for immoral purpose - MICH. COMP. LAWS SERV. § 750.145a (West 2008).</li> <li>• Accosting, enticing or soliciting child for immoral purpose; prior conviction - MICH. COMP. LAWS SERV. § 750.145b (West 2008).</li> <li>• Child sexually abusive activity or material; possession of child sexually abusive material - MICH. COMP. LAWS SERV. § 750.145c</li> <li>• Crime against nature or sodomy (if the victim is under 18) - MICH. COMP. LAWS SERV. § 750.158 (West 2008).</li> <li>• Indecent exposure (if that individual was previously convicted of indecent exposure) - MICH. COMP. LAWS SERV. § 750.335a(2)(b) (West 2008).</li> <li>• A third or subsequent violation of any combination of the following:               <ul style="list-style-type: none"> <li>○ Indecent or obscene conduct in a public place - MICH. COMP. LAWS SERV. § 750.167(1)(f) (West 2008).</li> <li>○ Indecent exposure - MICH. COMP. LAWS SERV. § 750.335a(2)(a) (West 2008).</li> <li>○ A local ordinance of a municipality substantially corresponding to a section described above.</li> </ul> </li> <li>• Gross indecency; between male persons (where the victim is under 18, except for a juvenile disposition or adjudication) - MICH. COMP. LAWS SERV. § 750.338 (West 2008).</li> <li>• Gross indecency; female persons (where the victim is under 18, except for a juvenile disposition or adjudication) - MICH. COMP. LAWS SERV. § 750.338a (West 2008).</li> <li>• Gross indecency; between male and female persons (where the victim is under 18, except for a juvenile disposition or adjudication) - MICH. COMP. LAWS SERV. § 750.338b (West 2008).</li> <li>• Kidnapping (if the victim is less than 18 years of age) - MICH. COMP. LAWS SERV. § 750.349 (West 2008).</li> <li>• Leading, taking, carrying away, decoying, or enticing away child under 14 - MICH. COMP. LAWS SERV. § 750.350 (West 2008).</li> <li>• Soliciting, accosting, or inviting to commit prostitution or immoral act (if the victim is less than 18 years of</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 106

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Michigan)</i></p>	<p>age) - MICH. COMP. LAWS SERV. § 750.448 (West 2008).</p> <ul style="list-style-type: none"> <li>• Pandering - MICH. COMP. LAWS SERV. § 750.455 (West 2008).</li> <li>• Criminal sexual conduct in the first degree - MICH. COMP. LAWS SERV. § 750.520b (West 2008).</li> <li>• Criminal sexual conduct in the second degree - MICH. COMP. LAWS SERV. § 750.520c (West 2008).</li> <li>• Criminal sexual conduct in the third degree - MICH. COMP. LAWS SERV. § 750.520d (West 2008).</li> <li>• Criminal sexual conduct in the fourth degree - MICH. COMP. LAWS SERV. § 750.520e (West 2008).</li> <li>• Assault with intent to commit criminal sexual conduct - MICH. COMP. LAWS SERV. § 750.520g (West 2008).</li> <li>• Any other violation of a law of this state or a local ordinance of a municipality that by its nature constitutes a sexual offense against an individual who is less than 18 years of age.</li> <li>• An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in section 10a of the Michigan penal code.</li> <li>• An attempt or conspiracy to commit an offense described.</li> <li>• An offense substantially similar to an offense listed above under a law of the United States, any state, or any country or under tribal or military law.</li> <li>• An individual from another state who is required to register or otherwise be identified as a sex or child offender or predator under a comparable statute of that state.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Michigan)</i></p>	<p><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Michigan)</i></p>	<p>M.C.L.A. § 28.727 (West 2008)</p> <p>§7(1)(a) The individual's name, social security number, date of birth, and address or expected address. An individual who is in a witness protection and relocation program is only required to use the name and identifying information reflecting his or her new identity in a registration under this act. The registration and compilation databases shall not contain any information identifying the individual's prior identity or locale. The department shall</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 107

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Michigan)</i></p>	<p>request each individual to provide his or her date of birth if it is not included in the registration, and that individual shall comply with the request within 10 days.</p> <p>(b) A brief summary of the individual's convictions for listed offenses regardless of when the conviction occurred, including where the offense occurred and the original charge if the conviction was for a lesser offense.</p> <p>(c) A complete physical description of the individual.</p> <p>(d) The photograph required under section 5.</p> <p>(e) The individual's fingerprints if not already on file with the department.</p>
<p><b>Community Notification and Websites</b>  <i>(Michigan)</i></p>	<p>M.C.L.A. § 28.730 (West 2008)</p> <p>(2): A department post, local law enforcement agency, or sheriff's department shall make information for the zip code areas located in whole or in part within the post's, agency's, or sheriff's department's jurisdiction available for public inspection during regular business hours.</p> <p>(3):</p> <ul style="list-style-type: none"> <li>• The department may make information available to the public through electronic, computerized, or other accessible means.</li> <li>• The department shall provide for notification by electronic or computerized means to any member of the public who has subscribed in a manner required by the department when an individual initially registers under this act, or changes his or her registration under this act, to a location that is in a zip code area designated by the subscribing member of the public.</li> </ul> <p>M.C.L.A. § 28.728 (West 2008)</p> <p>(2) The department shall maintain a computerized database that consists of a compilation of individuals registered under this act.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 108

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Michigan)</i></p>	<p>(6):</p> <ul style="list-style-type: none"> <li>• The department shall make the compilation or information from the compilation available to a department post, local law enforcement agency, sheriff's department, and the public by electronic, computerized, or other similar means accessible to the post, agency, or sheriff's department.</li> <li>• The electronic, computerized, or other similar means shall provide for both a search by name and by zip code.</li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(Michigan)</i></p>	<p>M.C.L.A. §§ 28.733 &amp; 27.734(West 2008)</p> <p>Sex offenders may not work or loiter within a student safety zone.</p>
<p><b>Duration of Registration</b> <i>(Michigan)</i></p>	<p>M.C.L.A. § 28.725 (West 2008)</p> <p>§ 5</p> <p>(7) 25 years from the date of initially registering or 10 years after release from incarceration, whichever is longer, for registrants not subject to lifetime registration.</p> <p>(8) Life for registrants convicted of:</p> <ul style="list-style-type: none"> <li>• First degree criminal sexual conduct;</li> <li>• Second degree criminal sexual conduct with person under 13;</li> <li>• Kidnapping a minor;</li> <li>• Enticing a child under 14;</li> <li>• Persuading, inducing, enticing, coercing, causing, or knowingly allowing a child to engage in a child sexually abusive activity for the purpose of producing any child sexually abusive material; or</li> <li>• A second or subsequent registrable offense.</li> </ul>
<p><b>MINNESOTA**</b></p>	

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 109

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses</b> <i>(Minnesota)</i></p>	<p>Minn. Stat. 243.166 Subd. 1 (West 2008)</p> <p>(a) The person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.</p> <p>609.185, Clause 2      First Degree Murder          609.25                      Kidnapping          609.342                    Criminal Sexual Conduct in the First Degree          609.343                    Criminal Sexual Conduct in the Third Degree          609.345                    Criminal Sexual Conduct in the Fourth Degree          609.3451, subd 3      Criminal Sexual Conduct in the Fifth Degree          609.3453                   Criminal Sexual Predatory Conduct          617.23 subd 3          Indecent Exposure</p> <p>(b) The person was charged with or petitioned for a violation of, or attempt to violate or aiding, abetting, or conspiracy to commit, any of the following and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:</p> <p>609.255, subd 2      False Imprisonment          609.322 or 609.324   Soliciting a minor to engage in sexual conduct          617.246                    Using a minor in a sexual performance          617.247                    Possession of pictorial representations of minors</p> <p>609.3455 subd 3a      The person was sentenced as a patterned sex offender.</p>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Minnesota)</i></p>	<p><b>YES.</b></p> <p>A Staff Member in a “position of authority” who engages in sexual contact with a juvenile in custody and is convicted of third or fourth degree criminal sexual conduct is required to register as a sex offender.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 110

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Minnesota)</i></p>	<p>Staff members in charge of juvenile wards are defined as being in a “position of authority” under criminal sexual conduct. See, State v. Mogler, App.2006, 719 N.W.2d 201. Constitutional Law 4509(23), defining “position of authority” as including police officers.</p> <p><u>2007 MN H.F. 829 (NS) (West 2008)</u></p> <p>Subdivision 1. Crime defined. A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:</p> <p>(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense;</p> <p>(d) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</p> <p>(i) the intentional touching by the actor of the complainant's intimate parts, or (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a position of authority, or by coercion, or by inducement if the complainant is under 13 years of age or mentally impaired, or (iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a position of authority, or (iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts.</p> <p>Sec. 4. Minnesota Statutes 2006, section 609.344, subdivision 1, is amended to read:</p>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 111

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> (Minnesota)</p>	<p>Subdivision 1. Crime defined. A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:</p> <p style="padding-left: 40px;">(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</p>
<p><b>Information Maintained in Sex Offender Registry</b> (Minnesota)</p>	<p>M.S.A. § 243.166 (Subd. 4a) (West 2008)</p> <ul style="list-style-type: none"> <li>• name</li> <li>• primary address</li> <li>• all secondary addresses in Minnesota including all addresses used or residential or recreational purposes</li> <li>• fingerprints</li> <li>• photograph</li> <li>• all address of Minnesota property owned, leased or rented by the person</li> <li>• addresses of all places of employment</li> <li>• addresses of all school where the person is enrolled</li> <li>• year, model, make, license plate number and color of all vehicles owned or regularly driven</li> <li>• offense history and documentation of treatment received (if person has been deemed a sexually dangerous person or has a sexual psychopathic personality)</li> </ul>
<p><b>Community Notification and Websites</b> (Minnesota)</p>	<p>M.S.A. § 244.052 (West 2008)</p> <p>(b) The law enforcement agency shall employ the following guidelines in determining the scope of disclosure made under this subdivision:</p> <p style="padding-left: 40px;">(1) If the offender is assigned to <i>risk level I</i>, the agency may maintain information regarding the offender</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 112



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> (Minnesota)</p>	<p>within the agency and may disclose it to other law enforcement agencies. Additionally, the agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency shall disclose the information to victims of the offense committed by the offender who have requested disclosure and to adult members of the offender's immediate household;</p> <p>(2) If the offender is assigned to <i>risk level II</i>, the agency also may disclose the information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. The agency also may disclose the information to individuals the agency believes are likely to be victimized by the offender;</p> <p>(3) If the offender is assigned to <i>risk level III</i>, the agency shall disclose the information to the persons and entities described in clauses (1) and (2) and to other members of the community whom the offender is likely to encounter.</p> <p>(c) "likely to encounter" means that:</p> <p>(1) The organizations or community members are in a location or in close proximity to a location where the offender lives or is employed, or which the offender visits or is likely to visit on a regular basis, other than the location of the offender's outpatient treatment program; and</p> <p>(2) The types of interaction which ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably certain.</p> <p>Subd. 4b. The commissioner of corrections shall create and maintain an Internet Web site and post on the site the information about offenders assigned to <i>risk level III</i> forwarded by law enforcement.</p>
<p><b>Limitations on Residency or Employment</b> (Minnesota)</p>	<p>None.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 113

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> <i>(Minnesota)</i></p>	<p>M.S.A. § 243.166 (West 2008)</p> <p>Subd. 6. 10 years for sex offenders not subject to lifetime registration.</p> <p>Subd. 1.b. Life for persons:</p> <ul style="list-style-type: none"> <li>• With prior convictions or adjudications for sex offenses;</li> <li>• Found to have caused the death of a human while committing First or Second degree criminal sexual conduct;</li> <li>• Convicted for engaging in sexual penetration or sexual contact with a person under 13 if the offender:             <ul style="list-style-type: none"> <li>○ was more than 36 months older than the victim</li> <li>○ was armed with a dangerous weapon;</li> <li>○ causes personal injury to the victim by using force or by knowing that the victim is mentally impaired, mentally incapacitated or physically helpless</li> <li>○ aided or abetted 1 or more accomplices;</li> <li>○ was under 16 at the time of the offense, had a significant relationship to the victim and used force or coercion, the victim suffered personal injury, or the abuse was committed over an extended period of time.</li> </ul> </li> </ul>
<p><b>MISSISSIPPI</b></p>	
<p><b>Registrable Offenses</b> <i>(Mississippi)</i></p>	<ul style="list-style-type: none"> <li>• Kidnapping (if the victim was below the age of 18) - MISS. CODE ANN. § 97-3-53 (West 2008).</li> <li>• Statutory rape (except conviction or adjudication under MISS. CODE ANN. 97-3-65(1)(a) (West 2008), when the offender was 18 years of age or younger at the time of the alleged offense, is not be a registrable sex offense) - MISS. CODE ANN. § 97-3-53 (West 2008).</li> <li>• Rape; assault with intent to ravish - MISS. CODE ANN. § 97-3-71 (West 2008).</li> <li>• Sexual battery (except, conviction or adjudication under Section 97-3-95(1) (c), when the offender was 18 years of age or younger at the time of the alleged offense, is not be a registrable sex offense) - MISS. CODE ANN. § 97-3-95 (West 2008).</li> <li>• Enticing child for concealment, prostitution or marriage - MISS. CODE ANN. § 97-5-5 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 114

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Mississippi)</i></p>	<ul style="list-style-type: none"> <li>• Touching, handling, etc., child, mentally defective or incapacitated person or physically helpless person - MISS. CODE ANN. § 97-5-23 (West 2008).</li> <li>• Dissemination of sexually oriented material to persons under eighteen years of age; use of computer for purpose of luring or inducing persons under eighteen years of age to engage in sexual contact - MISS. CODE ANN. § 97-5-27 (West 2008).</li> <li>• Exploitation of children - Miss. Code Ann. § 97-5-33 (West 2008).</li> <li>• Carnal knowledge of step or adopted child; carnal knowledge of child by cohabitating partner - MISS. CODE ANN. § 97-5-41 (West 2008).</li> <li>• Unnatural intercourse - MISS. CODE ANN. § 97-29-59 (West 2008).</li> <li>• Attempt to commit any of the above-referenced offenses.</li> <li>• Adultery or fornication between teacher and pupil - MISS. CODE ANN. § 97-29-3 (West 2008).</li> <li>• Any other offense resulting in a conviction in another jurisdiction, whether state, federal or military, which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere.</li> <li>• Any offense resulting in a conviction in another jurisdiction, whether state, federal or military, for which registration is required in the jurisdiction where the conviction was had</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Mississippi)</i></p>	<p style="text-align: center;"><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. § 45-33-25 (West 2008)</p> <p>(2) Any person required to register under this chapter shall submit the following information at the time of registration:</p> <ul style="list-style-type: none"> <li>(a) Name, including a former name which has been legally changed;</li> <li>(b) Street address of all current permanent and temporary residences within state or out of state</li> <li>(c) Date, place and address of employment;</li> <li>(d) Crime for which convicted;</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 115

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Mississippi)</i></p>	<ul style="list-style-type: none"> <li>(e) Date and place of conviction, adjudication or acquittal by reason of insanity;</li> <li>(f) Aliases used;</li> <li>(g) Social security number;</li> <li>(h) Date and place of birth;</li> <li>(i) Age, race, sex, height, weight, hair and eye colors, and any other physical description or identifying factors</li> <li>(j) A brief description of the offense or offenses for which the registration is required</li> <li>(k) Driver's license or state identification card number, which license or card may be electronically accessed by the Department of Public Safety;</li> <li>(l) Anticipated future residence;</li> <li>(m) If the registrant's residence is a motor vehicle, trailer, mobile home or manufactured home, the registrant shall also provide vehicle identification number, license tag number, registration number and a description, including color scheme, of the motor vehicle, trailer, mobile home or manufactured home: if the registrant's place of residence is a vessel or houseboat, the registrant shall also provide the hull identification number, manufacturer's serial number, name of the vessel or houseboat, registration number and a description, including color scheme, of the vessel or houseboat;</li> <li>(n) Vehicle make, model, color and license tag number;</li> <li>(o) Offense history;</li> <li>(p) Photograph;</li> <li>(q) Fingerprints and palm prints;</li> <li>(r) Documentation of any treatment received for any mental abnormality or personality disorder of the person;</li> <li>(s) Biological sample;</li> <li>(t) Name of any public or private educational institution, including any secondary school, trade or professional institution or institution of higher education at which the offender is employed, carries on a vocation (with or without compensation) or is enrolled as a student, and the registrant's status;</li> <li>(u) Copy of conviction or sentencing order for the sex offense for which registration is required;</li> <li>(v) The offender's parole, probation or supervised release status and the existence of any outstanding arrest warrants;</li> <li>(w) Every online identity, screen name or username used, registered or created by a registrant; and</li> <li>(x) Any other information deemed necessary.</li> </ul>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 116

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. § 45-33-49 (West 2008)</p> <p>(1) Records maintained pursuant to this chapter shall be open to law enforcement agencies which shall be authorized to release relevant and necessary information regarding sex offenders to the public.</p> <p>(4) Upon written request, the department may also provide to any person the:</p> <ul style="list-style-type: none"> <li>• name,</li> <li>• address, photograph, if available,</li> <li>• date of photograph,</li> <li>• place of employment,</li> <li>• crime for which convicted,</li> <li>• date and place of conviction of any registrant,</li> <li>• hair, eye color,</li> <li>• height,</li> <li>• race,</li> <li>• sex and</li> <li>• date of birth of</li> <li>• any registrant, and any other information deemed necessary for the protection of the public.</li> </ul> <p>Additionally, the department may utilize an internet web site or other electronic means to release the information.</p>
<p><b>Limitations on Residency or Employment</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. §§ 43-15-305 &amp; 43-15-307 (West 2008)</p> <p>Registered sex offenders are prohibited from owning, operating, working for, or volunteering at a child care service.</p> <p>MISS. CODE ANN. § 45-33-25(4) (West 2008).</p> <p>As of July 1, West 2008, sex offenders may not establish residence within 1500 feet of a public or nonpublic</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 117

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment Cont'd</b> <i>(Mississippi)</i>	elementary or secondary school or childcare facility. However, this restriction does not apply to persons living within 1500 of a school or child care facility prior to July 1, West 2008 or to minors or wards.
<b>Duration of Registration</b> <i>(Mississippi)</i>	<p>MISS. CODE ANN. § 45-33-47 (West 2008)</p> <p>(2)(a) 10 years for sex offenders not subject to lifetime registration.</p> <p>(2)(b) Life for offenders convicted of:</p> <ul style="list-style-type: none"> <li>• Rape;</li> <li>• Rape and assault with intent to ravish;</li> <li>• Sexual battery;</li> <li>• Sexual exploitation of children; or</li> <li>• Carnal knowledge of a stepchild, adopted child or child of cohabiting partner.</li> </ul> <p>(2)(d) Life for:</p> <ul style="list-style-type: none"> <li>• Offenders with two separate convictions for registrable offenses;</li> <li>• Offenders deemed sexual predators or sexually violent predators; or</li> <li>• Offenders twice adjudicated delinquent for rape or sexual battery.</li> </ul>
<b>MISSOURI**</b>	
<b>Registrable Offenses</b> <i>(Missouri)</i>	<ul style="list-style-type: none"> <li>• Any offense of chapter 566, where the victim is under 18</li> <li>• Forcible rape - MO. REV. STAT. § 566.030 (West 2008).</li> <li>• Statutory rape (1st degree) - MO. REV. STAT. § 566.032 (West 2008).</li> <li>• Statutory rape (2nd degree) - MO. REV. STAT. § 566.034 (West 2008).</li> <li>• Sexual assault - MO. REV. STAT. § 566.040 (West 2008).</li> <li>• Forcible sodomy - MO. REV. STAT. § 566.060 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 118

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(Missouri)</i>	<ul style="list-style-type: none"> <li>• Statutory sodomy (1st degree) - MO. REV. STAT. § 566.062 (West 2008).</li> <li>• Statutory sodomy (2nd degree) - MO. REV. STAT. § 566.064 (West 2008).</li> <li>• Child molestation (1st degree) - MO. REV. STAT. § 566.067 (West 2008).</li> <li>• Child molestation (2nd degree), if the actor has previously been convicted of a sexual offense or in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony - MO. REV. STAT. § 566.068 (West 2008).</li> <li>• Deviate sexual assault - MO. REV. STAT. § 566.070 (West 2008).</li> <li>• Sexual misconduct involving a child - MO. REV. STAT. § 566.083 (West 2008).</li> <li>• Sexual contact with a student while on public school property - MO. REV. STAT. § 566.086 (West 2008).</li> <li>• Sexual misconduct (1st degree), if the actor has previously been convicted of sexual offense or if in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony- MO. REV. STAT. § 566.090 (West 2008).</li> <li>• Sexual misconduct (2nd degree), if the victim is under 18 - MO. REV. STAT. § 566.093 (West 2008).</li> <li>• Sexual misconduct (3rd degree), if the victim is under 18 - MO. REV. STAT. § 566.095 (West 2008).</li> <li>• Sexual abuse - MO. REV. STAT. § 566.100 (West 2008).</li> <li>• Unlawful sex with an animal, if the defendant has previously been convicted of a sex offense - MO. REV. STAT. § 566.111 (West 2008).</li> <li>• Sexual contact with an inmate - MO. REV. STAT. § 566.145 (West 2008).</li> <li>• Enticement of a child - MO. REV. STAT. § 566.151 (West 2008).</li> <li>• A person commits the crime of age misrepresentation with the internet to solicit a minor when he or she knowingly misrepresents his or her age with the intent to use the internet to engage in criminal sexual conduct involving a minor MO. REV. STAT. § 566.153 (2008).</li> <li>• Abusing an individual through forced labor - MO. REV. STAT. § 566.203 (West 2008).</li> <li>• Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor - MO. REV. STAT. § 566.206 (West 2008).</li> <li>• Trafficking for the purpose of sexual exploitation - MO. REV. STAT. § 566.209 (West 2008).</li> <li>• Sexual trafficking of a child - MO. REV. STAT. § 566.212 (West 2008).</li> <li>• Contributing to human trafficking - MO. REV. STAT. § 566.215 (West 2008).</li> </ul>
---	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 119

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Missouri)</i></p>	<ul style="list-style-type: none"> <li>• Kidnapping - MO. REV. STAT. § 565.110 (West 2008).</li> <li>• Felonious restraint - MO. REV. STAT. § 565.120 (West 2008).</li> <li>• Promoting prostitution in the first degree - MO. REV. STAT. § 567.050 (West 2008).</li> <li>• Promoting prostitution in the second degree - MO. REV. STAT. § 567.060 (West 2008).</li> <li>• Promoting prostitution in the third degree - MO. REV. STAT. § 567.070 (West 2008).</li> <li>• Sexual exploitation of a minor - MO. REV. STAT. § 573.023 (West 2008).</li> <li>• Promoting child pornography in the first degree - MO. REV. STAT. § 573.025 (West 2008).</li> <li>• Promoting child pornography in the second degree - MO. REV. STAT. § 573.035 (West 2008).</li> <li>• Possession of child pornography - MO. REV. STAT. § 573.037 (West 2008).</li> <li>• Furnishing pornographic material to minors - MO. REV. STAT. § 573.040 (West 2008).</li> <li>• Public display of explicit sexual material - MO. REV. STAT. § 573.060 (West 2008).</li> <li>• Coercing acceptance of obscene material - MO. REV. STAT. § 573.065 (West 2008).</li> <li>• Promoting obscenity in the first degree - MO. REV. STAT. § 573.020 (West 2008).</li> <li>• Incest - MO. REV. STAT. § 568.020 (West 2008).</li> <li>• Abuse of a child - MO. REV. STAT. § 568.060 (West 2008).</li> <li>• Use of a child in a sexual performance - MO. REV. STAT. § 568.080 (West 2008).</li> <li>• Promoting sexual performance by a child - MO. REV. STAT. § 568.090 (West 2008).</li> <li>• Person required to register in another state or has been or is required to register under federal or military law.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Missouri)</i></p>	<p><b>YES</b></p> <p>V.A.M.S. § 566.145 (West 2008)</p> <p>1. A person commits the crime of sexual contact with a prisoner or offender if:</p> <p style="padding-left: 40px;">(1) Such person is an employee of, or assigned to work in, any jail, prison or correctional facility and such person has sexual intercourse or deviate sexual intercourse with a prisoner or offender; or</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 120



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Missouri)</i></p>	<p>(2) Such person is a probation and parole officer and has sexual intercourse or deviate sexual intercourse with an offender who is under the direct supervision of the officer.</p> <p>2. Sexual contact with an inmate is a class D felony.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Missouri)</i></p>	<p>V.A.M.S. § 589.407</p> <p>(1) A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, RSMo, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable; (2) The fingerprints, palm prints, and a photograph of the person; and (3) A DNA sample, if a sample has not already been obtained. 2. The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following: (1) A photocopy of a valid driver's license or nondriver's identification card; (2) A document verifying proof of the offender's residency; and (3) A photocopy of the vehicle registration for each of the offender's vehicles.</p>
<p><b>Community Notification and Websites</b> <i>(Missouri)</i></p>	<p>V.A.M.S. § 589.402</p> <p>1. The chief law enforcement officer of the county may maintain a web page on the Internet, which shall be open to the public and shall include a registered sexual offender search capability.</p> <p>V.A.M.S. § 589.403</p> <p>When a person lists an address where he or she expects to reside that is not in this state, the initial registration shall</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 121

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Missouri)</i></p>	<p>be forwarded to the Missouri state highway patrol.</p> <p>V.A.M.S. § 589.415</p> <p>Any probation officer or parole officer assigned to a sexual offender who is required to register shall notify the appropriate law enforcement officials whenever the officer has reason to believe that the offender will be changing his or her residence.</p>
<p><b>Limitations on Residency or Employment</b> <i>(Missouri)</i></p>	<p>V.A.M.S. § 566.147 (WEST 2008)</p> <p>Any person who, since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors; or for an offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in this state, would be a violation listed in this section shall not reside within one thousand feet of any public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth grade, or child-care facility as defined in section 210.201, RSMo, which is in existence at the time the individual begins to reside at the location.</p> <p>2. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child-care facility, notify the county sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child-care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 122

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Limitations on Residency or Employment Cont'd</b> <i>(Missouri)</i></p>	<p>V.A.M.S. § 566.149 (West 2008)</p> <p>1. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography; or section 573.040, RSMo, furnishing pornographic material to minors; or for an offense in any other state or foreign country, or under tribal, federal, or military jurisdiction which, if committed in this state, would be a violation listed in this section shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2 of this section.</p> <p>2. No parent, legal guardian, or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or in the case of a private school from the principal for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted.</p>
<p><b>Duration of Registration</b> <i>(Missouri)</i></p>	<p>V.A.M.S. § 589.400</p> <p>(3) Registration is a lifetime requirement unless the offender has been pardoned or the conviction has been</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 123

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <b>Cont'd</b> <i>(Missouri)</i>	reversed, vacated or set aside.
<b>MONTANA**</b>	
<b>Registrable Offenses</b> <i>(Montana)</i>	<ul style="list-style-type: none"> <li>• Unlawful restraint (if the victim is under 18 and the offender is not a parent of the victim) - MONT. CODE ANN. § 45-5-301 (West 2008).</li> <li>• Kidnapping - MONT. CODE ANN. § 45-5-302 (West 2008).</li> <li>• Aggravated kidnapping - MONT. CODE ANN. § 45-5-303 (West 2008).</li> <li>• Sexual assault - Mont. Code Ann. § 45-5-502(3)</li> <li>• Sexual intercourse without consent - MONT. CODE ANN. § 45-5-503 (West 2008).</li> <li>• Indecent exposure (if the victim is under 18 and the offender is 18 years of age or older) - MONT. CODE ANN. § 45-5-504(1) (West 2008).</li> <li>• Indecent exposure - MONT. CODE ANN. § 45-5-504(2)(c) (West 2008).</li> <li>• Incest (if the victim is under 18 and the offender is more than 3 years older than the victim) - MONT. CODE ANN. § 45-5-507 (West 2008).</li> <li>• Aggravated promotion of prostitution - MONT. CODE ANN. § 45-5-603(1)(b) (West 2008).</li> <li>• Sexual abuse of children - MONT. CODE ANN. § 45-5-625 (West 2008).</li> <li>• Any attempt, solicitation, or conspiracy to commit one of the offenses listed above.</li> <li>• Any violation of a law of another state or the federal government that is reasonably equivalent to a violation listed above or for which the offender was required to register as a sex offender after conviction.</li> </ul> <p style="margin-left: 20px;">Violent Offenses:</p> <ul style="list-style-type: none"> <li>• Deliberate homicide - MONT. CODE ANN. § 45-5-102 (West 2008).</li> <li>• Mitigated deliberate homicide - MONT. CODE ANN. § 45-5-103 (West 2008).</li> <li>• Aggravated assault - MONT. CODE ANN. § 45-5-202 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 124

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Montana)</i></p>	<ul style="list-style-type: none"> <li>• Partner or family member assault (third or subsequent offense) - MONT. CODE ANN. § 45-5-206 (West 2008).</li> <li>• Assault on peace officer or judicial officer - MONT. CODE ANN. § 45-5-210(1)(b)-(d) (West 2008).</li> <li>• Assault on minor - MONT. CODE ANN. § 45-5-212 (West 2008).</li> <li>• Assault with weapon - MONT. CODE ANN. § 45-5-213 (West 2008).</li> <li>• Robbery - MONT. CODE ANN. § 45-5-401 (West 2008).</li> <li>• Arson - MONT. CODE ANN. § 45-6-103 (West 2008).</li> <li>• Operation of unlawful clandestine laboratory - MONT. CODE ANN. § 45-9-132 (West 2008).</li> <li>• Any attempt, solicitation, or conspiracy to commit one of the offenses listed above.</li> <li>• Any violation of a law of another state or the federal government reasonably equivalent to a violent offense listed above.</li> <li>• Montana's registration law is for both sex offenders and violent offenders.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Montana)</i></p>	<p><b>YES</b></p> <p>MONT. CODE ANN. § 45-5-502 (West 2008). <u>Sexual assault.</u></p> <p>(1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.</p> <p>(2) A person convicted of sexual assault shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.</p> <p>(3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years and may be fined not more than \$50,000.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 125

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Montana)</i></p>	<p>(4) An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission.</p> <p>(5) (a) Subject to subsections (5)(b) and (5)(c), consent is ineffective under this section if the victim is:</p> <ul style="list-style-type: none"><li>(i) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;</li><li>(ii) less than 14 years old and the offender is 3 or more years older than the victim;</li><li>(iii) receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:<ul style="list-style-type: none"><li>(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and</li><li>(B) is an employee, contractor, or volunteer of the youth care facility; or</li></ul></li><li>(iv) admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator:<ul style="list-style-type: none"><li>(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and</li><li>(B) is an employee, contractor, or volunteer of the facility or community-based service.</li></ul></li></ul> <p>MONT. CODE ANN. § 45-5-503 (West 2008). <u>Sexual intercourse without consent.</u></p> <p>(1) A person who knowingly has sexual intercourse without consent with another person commits the offense of sexual intercourse without consent. A person may not be convicted under this section based on the age of the person's spouse, as provided in 45-5-501(1)(a)(ii)(D).</p> <p>(2) A person convicted of sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 2 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219, 46-18-222, and subsections (3) and (4) of this section.</p>
---	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 126

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> (Montana)</p>	<p>(3) (a) If the victim is less than 16 years old and the offender is 4 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual intercourse without consent, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.</p>
<p><b>Information Maintained in Sex Offender Registry</b> (Montana)</p>	<p>M.C.A. § 46-23-503 (WEST 2008)</p> <p>(1) A sexual or violent offender who is released from the custody of the department of corrections must be informed in writing not less than 10 days prior to release of the duty to register under this part by the official in charge of the place of confinement.</p> <p>(2) Prior to the offender's release from custody, the official shall obtain and give to the department of justice and to the sheriff of the county in which the offender intends to reside or, if the offender intends to reside in a municipality, to the chief of police of the municipality:</p> <p>(a) the address at which the offender intends to reside upon release from the department's custody;</p> <p>(b) the offender's fingerprints and photo, unless they are already in the possession of the department of justice, sheriff, or chief of police; and</p> <p>(c) a form signed by and read to or by the offender stating that the offender's duty to register under this part has been explained to the offender.</p>
<p><b>Community Notification and Websites</b> (Montana)</p>	<p>M.C.A. § 46-23-508 (WEST 2008)</p> <p>(b) A law enforcement agency shall release any offender registration information relevant to the public if the agency determines that a registered offender is a risk to the safety of the community and that disclosure of the registration information may protect the public and, at a minimum:</p> <p>(i) If an offender was given a <i>level 1</i> designation the agency with which the offender is registered shall notify the agency in whose jurisdiction the offense occurred of the registration;</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 127

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> (Montana)</p>	<p>(ii) If an offender was given a <i>level 2</i> designation, the agency with which the offender is registered may disseminate the offender's name to the public with the notation that the offender is a sexual or violent offender and may notify a victim of the offense and any agency, organization, or group serving persons who have characteristics similar to those of a previous victim</p> <p>(iii) If an offender was given a <i>level 3</i> designation, the agency shall give the victim and the public notification.</p> <ul style="list-style-type: none"> <li>• The agency shall also include the date of the offender's release from confinement or if not confined, the date the offender was sentenced, with a notation that the offender was not confined, and shall include the community in which the offense occurred.</li> </ul> <p>(3) A state or local law enforcement agency may use the internet to disseminate the information allowed by this section to the public.</p>
<p><b>Limitations on Residency or Employment</b> (Montana)</p>	<p>M.C.A. § 46-18-255 (WEST 2008)</p> <p>(1) The sentencing judge may impose reasonable employment restrictions upon sexual or violent offenders to protect persons likely to be victims of further offenses by the offender.</p> <p>(2) Persons convicted of sexual offenses involving a minor who have been designated as a <i>level 3</i> offender are restricted from living in the proximity of a preschool, elementary or high school, licensed day-care center, church or park maintained by a city, town, or county.</p>
<p><b>Duration of Registration</b> (Montana)</p>	<p>M.C.A. § 46-23-506 (WEST 2008)</p> <p>(2)(a) 10 years for violent offenders.</p> <p>(2)(b) Life for:</p> <ul style="list-style-type: none"> <li>• Sexual offenders</li> <li>• Violent offenders that have been convicted of failing to keep registration current during the 10-year registration period.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 128



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

### NEBRASKA

**Registrable Offenses**

*(Nebraska)*

- Kidnapping of a minor (except when the offender is the parent of the minor and was not convicted of any other registrable offenses) - NEB. REV. STAT. ANN. § 28-313 (West 2008).
- False imprisonment of a minor (1st degree) - NEB. REV. STAT. ANN. § 28-314 (West 2008).
- False imprisonment of a minor (2nd degree) - NEB. REV. STAT. ANN. § 28-315 (West 2008).
- Sexual assault (1st degree) - NEB. REV. STAT. ANN. § 28-319 (West 2008).
- Sexual assault (2nd or 3rd degree) - NEB. REV. STAT. ANN. § 28-320 (West 2008).
- Sexual assault of a child - NEB. REV. STAT. ANN. § 28-320.01 (West 2008).
- Sexual assault of a vulnerable adult - NEB. REV. STAT. ANN. § 28-386(1)(c) (West 2008).
- Incest of a minor - NEB. REV. STAT. ANN. § 28-703 (West 2008).
- Pandering of a minor - NEB. REV. STAT. ANN. § 28-802 (West 2008).
- Visual depiction of sexually explicit conduct of a child - NEB. REV. STAT. ANN. § 28-1463.03 (West 2008).
- Visual depiction of sexually explicit conduct of a child related to possession - NEB. REV. STAT. ANN. § 28-1463.05 (West 2008).
- Knowingly possessing any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers - NEB. REV. STAT. ANN. § 28-813.01 (West 2008).
- Child enticement - NEB. REV. STAT. ANN. § 28-311 (West 2008).
- Child enticement by means of a computer - NEB. REV. STAT. ANN. § 28-320.02 (West 2008).
- Debauching a minor pursuant to section 28-805.
- The attempt, solicitation, or conspiracy to commit any of the listed offenses.
- Person who enters the state and has pleaded guilty to or has been found guilty of any offense that is substantially equivalent to a registrable offense of this section by any state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, or by court-martial or other military tribunal.

The sentencing court may exempt offenders convicted of child enticement, false imprisonment of a minor, or

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 129

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(Nebraska)</i>	kidnapping.
<b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Nebraska)</i>	<b>NO</b>
<b>Information Maintained in Sex Offender Registry</b> <i>(Nebraska)</i>	<p>NEB. REV. ST. § 29-4006 (WEST 2008)</p> <p>(1)</p> <ul style="list-style-type: none"> <li>(a) The legal name and all aliases which the person has used or under which the person has been known;</li> <li>(b) A complete description of the person, including date of birth, social security number, photographs, and fingerprints;</li> <li>(c) A listing of each registrable offense under section 29-4003 to which the person pleaded guilty or was found guilty, the jurisdiction where each offense was committed, the court in which the person pleaded guilty or was found guilty of each offense, and the name under which the person pleaded guilty or was found guilty of each offense;</li> <li>(d) The name and location of each jail, penal or correctional facility, or public or private institution to which the person was incarcerated for each offense and the actual time served or confined; and</li> <li>(e) The address of the person's current residence and place of employment or vocation and any school he or she is attending.</li> </ul>
<b>Community Notification and Websites</b> <i>(Nebraska)</i>	<p>NEB. REV. ST. § 29-4013 (WEST 2008)</p> <p>(c) The procedures for release of information established by the Nebraska State Patrol shall provide for three levels</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 130

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> (Nebraska)</p>	<p>of notification by the law enforcement agency in whose jurisdiction the sex offender is to be released depending on the risk of recidivism by the sex offender as follows:</p> <ul style="list-style-type: none"> <li>(i) If the risk of recidivism is <i>low</i>, other law enforcement agencies shall be notified;</li> <li>(ii) If the risk of recidivism is <i>moderate</i>, in addition to the notice required by subdivision (i) of this subdivision, schools, day care centers, health care facilities providing services to children or vulnerable adults, and religious and youth organizations shall be notified; and</li> <li>(iii) If the risk of recidivism is <i>high</i>, in addition to the notice required by subdivisions (i) and (ii) of this subdivision, the public shall be notified through means designed to reach members of the public, which are limited to             <ul style="list-style-type: none"> <li>○ direct contact,</li> <li>○ news releases,</li> <li>○ a method utilizing a telephone system, or</li> <li>○ the Internet.</li> </ul> </li> </ul> <ul style="list-style-type: none"> <li>• The Nebraska State Patrol shall provide notice of sex offenders with a <i>high</i> risk of recidivism to at least one legal newspaper published in and of general circulation in the county where the offender is registered or, if NO is published in the county, in a legal newspaper of general circulation in such county.</li> <li>• If any means of notification proposes a fee for usage, then nonprofit organizations holding a certificate of exemption under section 501(c) of the Internal Revenue Code shall not be charged.</li> </ul>
<p><b>Limitations on Residency or Employment</b> (Nebraska)</p>	<p>None</p>
<p><b>Duration of Registration</b> (Nebraska)</p>	<p>NEB. REV. ST. § 29-4005 (WEST 2008).</p> <p>10 years for persons not subject to lifetime registration.</p> <p>Life for persons:</p> <ul style="list-style-type: none"> <li>• Convicted of an aggravated sex offense;</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 131

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> Cont'd <i>(Nebraska)</i></p>	<ul style="list-style-type: none"> <li>• With prior convictions for a registrable offense; or</li> <li>• Deemed sexually violent predators</li> </ul>
<h3>NEVADA</h3>	
<p><b>Registrable Offenses</b> <i>(Nevada)</i></p>	<ul style="list-style-type: none"> <li>• Sexual assault - NEV. REV. STAT. ANN. § 200.366 (West 2008).</li> <li>• Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age - NEV. REV. STAT. ANN. § 200.030(b)(1) (West 2008).</li> <li>• Statutory sexual seduction - NEV. REV. STAT. ANN. § 200.368 (West 2008).</li> <li>• Battery with intent to commit sexual assault - NEV. REV. STAT. ANN. § 200.400 (West 2008).</li> <li>• Offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony listed in this section - NEV. REV. STAT. ANN. § 200.405 (West 2008).</li> <li>• An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this section - NEV. REV. STAT. ANN. § 200.408 (West 2008).</li> <li>• Abuse of a child, if the abuse involved sexual abuse or sexual exploitation - NEV. REV. STAT. ANN. § 200.508 (West 2008).</li> <li>• Use of a minor in producing pornography or as subject of sexual portrayal in performance - NEV. REV. STAT. ANN. § 200.710 (West 2008).</li> <li>• Promotion of sexual performance of minor - NEV. REV. STAT. ANN. § 200.720 (West 2008).</li> <li>• Preparing, advertising or distributing materials depicting pornography involving minor unlawful - NEV. REV. STAT. ANN. § 200.725 (West 2008).</li> <li>• Possession of visual presentation depicting sexual conduct of person under 16 years of age - NEV. REV. STAT. ANN. § 200.730 (West 2008).</li> <li>• Incest - NEV. REV. STAT. ANN. § 201.180. (West 2008).</li> <li>• Solicitation of a minor to engage in acts constituting the infamous crime against nature - NEV. REV.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 132

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Nevada)</i></p>	<p>STAT. ANN. § 201.195 (West 2008).</p> <ul style="list-style-type: none"> <li>• Open or gross lewdness - NEV. REV. STAT. ANN. § 201.210 (West 2008).</li> <li>• Indecent or obscene exposure - NEV. REV. STAT. ANN. § 201.220 (West 2008).</li> <li>• Lewdness with a child - NEV. REV. STAT. ANN. § 201.230 (West 2008).</li> <li>• Sexual penetration of a dead human body - NEV. REV. STAT. ANN. § 201.450 (West 2008).</li> <li>• Luring a child or mentally ill person (if punished as a felony) - NEV. REV. STAT. ANN. § 201.560 (West 2008).</li> <li>• An attempt or conspiracy to commit an offense listed above.</li> <li>• An offense that is determined to be sexually motivated - NEV. REV. STAT. ANN. § 175.547 (West 2008).</li> <li>• An offense committed in another jurisdiction that, if committed in this state, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:             <ul style="list-style-type: none"> <li>○ A tribal court.</li> <li>○ A court of the United States or the Armed Forces of the United States.</li> </ul> </li> <li>• An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:             <ul style="list-style-type: none"> <li>○ A tribal court.</li> <li>○ A court of the United States or the Armed Forces of the United States.</li> <li>○ A court having jurisdiction over juveniles.</li> </ul> </li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Nevada)</i></p>	<p><b>NO</b></p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 133

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> (Nevada)</p>	<p>N.R.S. § 179D.460 (West 2008)</p> <ul style="list-style-type: none"> <li>• name</li> <li>• all aliases</li> <li>• complete physical description</li> <li>• photograph</li> <li>• fingerprints</li> <li>• date of birth</li> <li>• social security number</li> <li>• ID number from driver’s license or state-issued ID card</li> <li>• address</li> <li>• length of time at current address</li> <li>• address of any other place where offender expects to reside in the future</li> <li>• length of time offender expects to remain in the county where he/she resides</li> <li>• name, address and type of business of all current and expected future employers</li> <li>• name, address and type of activity associated with any volunteer work of the offender</li> <li>• name, address and type of educational institution or school that the offenders attends or is employed by.</li> <li>• license number and description of all vehicles registered to or frequently driven by the offender</li> <li>• level of community notification assigned</li> <li>• court in which convicted</li> <li>• name under which convicted</li> <li>• name and location of each penal institution, school, hospital or mental facility to which he was committed</li> <li>• location where offense was committed</li> <li>• age, gender, race and description of the victim</li> <li>• method of operation used to commit the offense, including method of obtaining access to the victim, injuries inflicted, instruments or weapons used, property taken or other distinctive characteristics.</li> </ul> <p>N.R.S. § 176.0913 (West 2008)</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 134

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry Cont'd</b> (Nevada)</p>	<p>1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that: <input type="checkbox"/> (a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and <input type="checkbox"/> (b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.</p>
<p><b>Community Notification and Websites</b> (Nevada)</p>	<p>N.R.S. § 179D.730 (West 2008)</p> <p>1. Except as otherwise provided in this section, the guidelines and procedures for community notification established by the attorney general must provide for the following levels of notification, depending upon the risk of recidivism of the sex offender:</p> <p>(a) If the risk of recidivism is <i>low</i>, the sex offender must be assigned a <i>Tier 1</i> level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall notify other law enforcement agencies that are likely to encounter the sex offender.</p> <p>(b) If the risk of recidivism is <i>moderate</i>, the sex offender must be assigned a <i>Tier 2</i> level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide notification pursuant to paragraph (a) and shall notify schools and religious and youth organizations that are likely to encounter the sex offender.</p> <p>(c) If the risk of recidivism is <i>high</i>, the sex offender must be assigned a <i>Tier 3</i> level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide notification pursuant to paragraphs (a) and (b) and shall notify the public through means designed to reach members of the public who are likely to encounter the sex offender.</p> <p>2. If the sex offender is assigned a <i>Tier 2</i> or <i>Tier 3</i> level of notification and the <i>sex offender has committed a sexual offense against a person less than 18 years of age</i>, the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide the appropriate notification for <i>Tier 2</i> or <i>Tier 3</i> and, in addition, shall notify:</p> <p>(a) Motion picture theaters, other than adult motion picture theaters, which are likely to encounter the sex offender; and</p> <p>(b) Businesses which are likely to encounter the sex offender and which primarily have children as customers</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 135

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> (Nevada)</p>	<p>or conduct events that primarily children attend. Notification pursuant to this subsection must include a copy of a photograph of the sex offender.</p> <p>3. If the sex offender has been declared to be a <i>sexually violent predator</i>, the sex offender must be assigned a <i>Tier 3</i> level of notification.</p>
<p><b>Limitations on Residency or Employment</b> (Nevada)</p>	<p>None.</p>
<p><b>Duration of Registration</b> (Nevada)</p>	<p>N.R.S. § 179D.270 (West 2008)</p> <p>Sex offenders must register for as long as he/she resides, works or attends school in Nevada.</p> <p>Offenders may petition to terminate registration if 15 consecutive years have elapsed without a subsequent conviction and the offender has been in compliance with his/her registration requirements.</p> <p>Offenders may not petition for termination of the registration requirements if they:</p> <ul style="list-style-type: none"> <li>• Are subject to community notification or lifetime supervisions pursuant to Nevada Revised Statute § 176.0931 (West 2008);</li> <li>• Have been declared a sexually violent predator;</li> <li>• Have been convicted of:             <ul style="list-style-type: none"> <li>○ 1 or more sexually violent offenses;</li> <li>○ 2 or more sexual offenses;</li> <li>○ 2 or more crimes against a child; or</li> <li>○ 1 or more sexual offenses and 1 or more crimes against a child.</li> </ul> </li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 136



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

### NEW HAMPSHIRE<sup>3\*\*</sup>

#### Registrable Offenses

*(New Hampshire)*

- Aggravated Felonious Sexual Assault - N.H. REV. STAT. ANN. § 632-A:2 (West 2008).
- Felonious Sexual Assault - N.H. REV. STAT. ANN. § 632-A:3 (West 2008).
- Sexual Assault - N.H. REV. STAT. ANN. § 632-A:4(I)(a) (West 2008).
- Sexual Assault - N.H. REV. STAT. ANN. § 632-A:4(I)(b) (West 2008), if the actor was 21 years old at the time of the offense
- 645:1, II
- Indecent Exposure and Lewdness - N.H. REV. STAT. ANN. § 645:1(II), (III) (West 2008).
- A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph.

Any of the following offenses, where the victim was under the age of 18 at the time of the offense:

- Kidnapping - N.H. REV. STAT. ANN. § 633:1 (West 2008).
- Criminal Restraint - N.H. REV. STAT. ANN. § 633:2 (West 2008).
- False Imprisonment - N.H. REV. STAT. ANN. § 633:3 (West 2008).
- Incest - N.H. REV. STAT. ANN. § 639:2 (West 2008).
- Prostitution and Related Offenses - N.H. REV. STAT. ANN. § 645:2 (West 2008).
- Intentional Contribution to Delinquency - N.H. REV. STAT. ANN. § 169-B:41(II) (West 2008).
- Endangering Welfare of Child or Incompetent - N.H. REV. STAT. ANN. § 639:3(III) (West 2008).

Child Pornography Offenses: - N.H. REV. STAT. ANN. § 649-A:3 (West 2008).

- Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any visual representation of a child engaging in sexual activity.
- Presents or directs a visual representation of a child engaging in sexual activity, or participates in that portion of such visual representation which consists of a child engaging in sexual activity.
- Publishes, exhibits or otherwise makes available any visual representation of a child engaging in sexual activity.

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 137

This publication is developed by the NIC/WCL Project on Addressing Prison Rape under NIC Cooperative Agreement 06S20GJJ1.

This is not to be posted or reproduced without permission from the authors.

American University, Washington College of Law

Current as of August 2009

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(New Hampshire)</i></p>	<ul style="list-style-type: none"> <li>• Possesses any visual representation of a child engaging in sexual activity for purposes of sale or other commercial dissemination.</li> <li>• Knowingly buys, procures, possesses, or controls any visual representation of a child engaging in sexual activity.</li> <li>• Knowingly brings or causes to be brought into this state any visual representation of a child engaging in sexual activity.</li> <li>• Computer Pornography - N.H. REV. STAT. ANN. § 649-B:3 (West 2008).</li> <li>• Certain Uses of Computer Services Prohibited - N.H. REV. STAT. ANN. § 649-B:4 (West 2008).</li> <li>• Obscenity involving children - N.H. REV. STAT. ANN. § 650:2(II) (West 2008).</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(New Hampshire)</i></p>	<p><b>YES.</b></p> <p>N.H. REV. STAT. § 632-A:2 (West 2008) <u>Aggravated Felonious Sexual Assault.</u></p> <p>I. A person is guilty of the felony of aggravated felonious sexual assault if such person engages in sexual penetration with another person under any of the following circumstances:</p> <p style="padding-left: 40px;">(n) When the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit under any of the following circumstances:</p> <p style="padding-left: 80px;">(1) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or</p> <p style="padding-left: 80px;">(2) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.</p> <p>Consent of the victim under any of the circumstances set forth in subparagraph (n) shall not be considered a</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 138

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(New Hampshire)</i></p>	<p>defense.</p> <p>N.H. REV. STAT. § 632-A:3 (West 2008) <u>Felonious Sexual Assault.</u></p> <p>A person is guilty of a class B felony if such person:</p> <p>I. Subjects a person to sexual contact and causes serious personal injury to the victim under any of the circumstances named in RSA 632-A:2; or</p> <p>IV. Engages in sexual contact with the person when the actor is in a position of authority over the person and uses that authority to coerce the victim to submit under any of the following circumstances:</p> <p style="padding-left: 40px;">(a) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or</p> <p style="padding-left: 40px;">(b) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.</p> <p>Consent of the victim under any of the circumstances set forth in paragraph IV shall not be considered a defense.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(New Hampshire)</i></p>	<p>N.H. REV. STAT. § 651-B:4</p> <p>I.</p> <ul style="list-style-type: none"> <li>• name</li> <li>• aliases</li> <li>• current mailing address</li> <li>• place of residence</li> <li>• place of employment or schooling</li> <li>• photograph</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 139

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites</b> <i>(New Hampshire)</i></p>	<p>N.H. REV. STAT. § 651-B:7</p> <p>I.</p> <ul style="list-style-type: none"> <li>• Except as provided in this section, the records established and information collected pursuant to the provisions of this chapter shall not be considered "public records" subject to inspection.</li> <li>• However, nothing in this chapter shall be construed to limit any law enforcement agency from making any use or disclosure of any such information as may be necessary to the performance of a valid law enforcement function.</li> <li>• Nothing in this chapter shall be construed to limit an individual's ability to obtain access to the individual's own records, or to limit access to a person's criminal record including address information obtained under the provisions of this chapter.</li> </ul> <p>IV. (a)</p> <ul style="list-style-type: none"> <li>• The division shall provide a copy of the list described in this section to each local law enforcement agency at periodic intervals, through written, electronic, computerized, or other accessible means, but in no event less frequently than once each month.</li> <li>• The list shall be made available to interested members of the public upon request to a local law enforcement agency.</li> <li>• The department of safety may make the list available to interested members of the public through the use of the department's official public Internet access site.</li> <li>• The department shall adopt rules, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public.</li> <li>• These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in the state.</li> <li>• The rules may also include provisions for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.</li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(New Hampshire)</i></p>	<p>None.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 140

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <i>(New Hampshire)</i>	<p>N.H. REV. STAT. § 651-B:6</p> <p>I. 10 years for offenders not subject to lifetime registration.</p> <p>Life for persons convicted of:</p> <ul style="list-style-type: none"> <li>• Aggravated sexual assault;</li> <li>• Felonious sexual assault;</li> <li>• Indecent exposure and lewdness</li> <li>• Intentional contribution to delinquency;</li> <li>• Kidnapping;</li> <li>• Criminal restraint;</li> <li>• Incest;</li> <li>• Prostitution and related offenses:</li> <li>• Child pornography;</li> <li>• Computer pornography; or</li> <li>• Obscenity involving children.</li> </ul> <p>Life for persons with 2 or more convictions for a registrable offense.</p>
<h3 style="margin: 0;">NEW JERSEY**</h3>	
<b>Registrable Offenses</b> <i>(New Jersey)</i>	<ul style="list-style-type: none"> <li>• Aggravated sexual assault - N.J. STAT. ANN. § 2C:14-2 (West 2008).</li> <li>• Sexual assault - N.J. STAT. ANN. § 2C:14-2 (West 2008).</li> <li>• Aggravated criminal sexual contact - N.J. STAT. ANN. § 2C:14-3 (West 2008).</li> <li>• Kidnapping - N.J. STAT. ANN. § 2C:13-1(c)(2) (West 2008).</li> <li>• An attempt to commit any of these crimes if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, regardless of the date of the commission of the offense or</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 141

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(New Jersey)</i></p>	<p>the date of conviction.</p> <ul style="list-style-type: none"> <li>• A conviction, adjudication of delinquency or acquittal by reason of insanity on the basis of criteria similar to the criteria set forth above.</li> <li>• Endangering welfare of a child by engaging in sexual contact - N.J. STAT. ANN. § 2C:24-4(a) (West 2008).</li> <li>• Endangering welfare of a child by engaging in sexual contact - N.J. STAT. ANN. § 2C:24-4(b)(3), (4), or (5)(a) (West 2008).</li> <li>• Luring or enticing - N.J. STAT. ANN. § 2C:13-6 (West 2008).</li> <li>• Criminal sexual contact, if the victim is a minor - N.J. STAT. ANN. § 2C:14-3 (West 2008).</li> <li>• Kidnapping (if the victim is a minor and the offender is not a parent of the victim) - N.J. STAT. ANN. § 2C:13-1 (West 2008).</li> <li>• Criminal restraint (if the victim is a minor and the offender is not a parent of the victim) - N.J. STAT. ANN. § 2C:13-2 (West 2008).</li> <li>• False imprisonment if the victim is a minor and the offender is not a parent of the victim) - N.J. STAT. ANN. § 2C:13-3 (West 2008).</li> <li>• Knowingly promoting prostitution - N.J. STAT. ANN. § 2C:34-1 (West 2008).</li> <li>• An attempt to commit any of these enumerated offenses.</li> <li>• A conviction, adjudication of delinquency or acquittal by reason of insanity for an offense similar to any offense enumerated above entered or imposed under the laws of the United States, this State or another state.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(New Jersey)</i></p>	<p><b>YES.</b></p> <p>N.J.S.A. § 2C:14-2 (West 2008)</p> <p><u>Sexual Assault</u></p> <p>c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:</p> <p style="padding-left: 40px;">(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 142

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(New Jersey)</i></p>	<p>has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;</p> <p>OR</p> <p>(3) The victim is at least 16 but less than 18 years old and: (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(New Jersey)</i></p>	<p>N.J.S.A. § 2C:7-4 (West 2008)</p> <p>b. The form of registration required by this act shall include:</p> <p>(1) A statement in writing signed by the person required to register acknowledging that the person has been advised of the duty to register and reregister imposed by this act and including the person's name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, address of legal residence, address of any current temporary residence, date and place of employment; and any anticipated or current school enrollment, including but not limited to enrollment at or employment by any institution of higher education;</p> <p>(2) Date and place of each conviction, adjudication or acquittal by reason of insanity, indictment number, fingerprints, and a brief description of the crime or crimes for which registration is required; and</p> <p>(3) Any other information that the Attorney General deems necessary to assess risk of future commission of a crime, including criminal and corrections records, nonprivileged personnel, treatment, and abuse registry records, and evidentiary genetic markers when available.</p>
<p><b>Community Notification and Websites</b> <i>(New Jersey)</i></p>	<p>N.J.S.A. 2C:7-6 (West 2008)</p> <ul style="list-style-type: none"> <li>• Within 45 days after receiving notification that an inmate convicted of or adjudicated delinquent for a sex</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 143

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(New Jersey)</i></p>	<p>offense is to be released from incarceration and after receipt of registration as required therein, the chief law enforcement officer of the municipality where the inmate intends to reside shall provide notification of that inmate's release to the community.</p> <ul style="list-style-type: none"> <li>• If the municipality does not have a police force, the Superintendent of State Police shall provide notification.</li> </ul> <p>N.J.S.A. 2C:7-13 (West 2008)</p> <p style="padding-left: 40px;">a. Pursuant to the provisions of this section, the Superintendent of State Police shall develop and maintain a system for making certain information in the central registry publicly available by means of electronic Internet technology.</p>
<p><b>Limitations on Residency or Employment</b> <i>(New Jersey)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b> <i>(New Jersey)</i></p>	<p>N.J.S.A. 2C:7-2 (WEST 2008)</p> <p>(f) Sex offenders may petition for termination of the obligation to register upon proof that they have not committed an offense within 15 years following release from incarceration.</p> <p>Offenders convicted or adjudicated delinquent for more than one sex offense or an aggravated sexual assault are not eligible for termination of the obligation to register and, therefore, must register for life.</p>
<p><b>NEW MEXICO**</b></p>	
<p><b>Registrable Offenses</b> <i>(New Mexico)</i></p>	<ul style="list-style-type: none"> <li>• Criminal sexual penetration (1st, 2nd, 3rd, 4th degree) - N.M. STAT. ANN. § 30-9-11 (West 2008).</li> <li>• Criminal sexual contact (4th degree) - N.M. STAT. ANN. § 30-9-12 (West 2008).</li> <li>• Criminal sexual contact of a minor (2nd, 3rd, 4th degree) - N.M. STAT. ANN. § 30-9-13 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 144



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses</b> <i>(New Mexico)</i></p>	<ul style="list-style-type: none"> <li>• Sexual exploitation of children - N.M. STAT. ANN. § 30-6A-3 (West 2008).</li> <li>• Sexual exploitation of children by prostitution - N.M. STAT. ANN. § 30-6A-4 (West 2008).</li> <li>• Kidnapping (if the victim is less than 18 and the offender is not a parent of the victim) - N.M. STAT. ANN. § 30-4-1 (West 2008).</li> <li>• False imprisonment (if the victim is less than 18 and the offender is not a parent of the victim) - N.M. STAT. ANN. § 30-4-3 (West 2008).</li> <li>• Aggravated indecent exposure - N.M. STAT. ANN. § 30-9-14.3 (West 2008).</li> <li>• Enticement of child - N.M. STAT. ANN. § 30-9-1 (West 2008).</li> <li>• Incest (when the victim is less than 18 years of age) - N.M. STAT. ANN. § 30-10-3 (West 2008).</li> <li>• Solicitation to commit criminal sexual contact of a minor (2nd, 3rd, 4th degree) - N.M. STAT. ANN. § 30-9-13 (West 2008).</li> <li>• Attempt to commit any of the sex offenses listed above.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(New Mexico)</i></p>	<p><b>YES.</b></p> <p>N.M.S.A. 1978, § 30-9-11 (West 2008) <u>Second Degree Criminal Sexual Penetration.</u></p> <p>D. Criminal sexual penetration in the first degree consists of all criminal sexual penetration perpetrated:</p> <p style="padding-left: 40px;">(2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(New Mexico)</i></p>	<p>N.M.S.A. 1978, § 29-11A-4 (West 2008).</p> <p>B. When a sex offender registers with the county sheriff, he shall provide the following registration information:</p> <ol style="list-style-type: none"> <li>(1) his legal name and any other names or aliases that he is using or has used;</li> <li>(2) his date of birth;</li> <li>(3) his social security number;</li> <li>(4) his current address;</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 145

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(New Mexico)</i></p>	<p>(5) his place of employment;  (6) the sex offense for which he was convicted; and  (7) the date and place of his sex offense conviction.</p>
<p><b>Community Notification and Websites</b>  <i>(New Mexico)</i></p>	<p>N.M.S.A. 1978, § 29-11A-5.1 (West 2008).</p> <p>A. If a sex offender is convicted of one of the sex offenses, the county sheriff shall forward registration information obtained from the sex offender to the district attorney for the judicial district in which the sex offender resides and, if the sex offender is a resident of a municipality, the chief law enforcement officer for the municipality in which the sex offender resides:</p> <p>B. A person who wants to obtain registration information regarding sex offenders described in Subsection A of this section may request that information from the:</p> <ol style="list-style-type: none"> <li>(1) sheriff for the county in which the sex offenders reside;</li> <li>(2) chief law enforcement officer for the municipality in which the sex offenders reside;</li> <li>(3) district attorney for the judicial district in which the sex offenders reside; or</li> <li>(4) secretary of public safety.</li> </ol> <p>E.</p> <ul style="list-style-type: none"> <li>• The department of public safety shall establish and manage an internet web site that provides the public with registration information regarding sex offenders described in Subsection A of this section, except that the department of public safety shall not provide registration information on the internet web site regarding a sex offender who was less than eighteen years of age when he committed the sex offense for which he was convicted as a youthful offender, unless at the time of sentencing, the court made a finding that the sex offender is not amenable to treatment and is a danger to the community.</li> <li>• The registration information provided to the public pursuant to this subsection shall not include a sex offender's social security number or DNA information or a sex offender's place of employment, unless the sex offender's employment requires him to have direct contact with children.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 146

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment</b> <i>(New Mexico)</i>	None.
<b>Duration of Registration</b> <i>(New Mexico)</i>	N.M.S.A. 1978, § 29-11A-5  (E) 10 years for persons not subject to lifetime registration.  (D) Life for persons convicted of: <ul style="list-style-type: none"> <li>• First, Second, or Third degree criminal sexual penetration;</li> <li>• Second, Third, Fourth degree criminal sexual contact of a minor;</li> <li>• Sexual exploitation of children;</li> <li>• Non-parental kidnapping of a minor; or</li> <li>• Fourth degree criminal sexual contact.</li> </ul> Life for persons convicted a second or subsequent time for a sex offense.
<b>NEW YORK**</b>	
<b>Registrable Offenses</b> <i>(New York)</i>	The following list contains the New York State Penal Law statutes for which registration as a sex offender is required. Individuals are required to register as a sex offender upon a conviction of a Registrable offense or a conviction for an attempt to commit a Registrable offense or a conviction of or a conviction for an attempt to commit a Registrable offense as a hate crime or a crime of terrorism.  Sexual Offenses: <ul style="list-style-type: none"> <li>• Sexual misconduct - NY PENAL LAW § 130.20 (West 2008).</li> <li>• Rape (3rd degree) - NY PENAL LAW § 130.25 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 147

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(New York)</i></p>	<ul style="list-style-type: none"> <li>• Rape (2nd degree) - NY PENAL LAW § 130.30 (West 2008).</li> <li>• Criminal sexual act (3rd degree) - NY PENAL LAW § 130.40 (West 2008).</li> <li>• Criminal sexual act (2nd degree) - NY PENAL LAW § 130.45 (West 2008).</li> <li>• Sexual abuse (2nd degree) - NY PENAL LAW § 130.60 (West 2008).</li> <li>• Unlawful surveillance (1st degree) - NY PENAL LAW § 250.50 (West 2008).</li> <li>• Incest - NY PENAL LAW § 255.25 (West 2008).</li> <li>• Use of a child in a sexual performance - NY PENAL LAW § 263.05 (West 2008).</li> <li>• Promoting an obscene sexual performance by a child - NY PENAL LAW § 263.10 (West 2008).</li> <li>• Possessing an obscene sexual performance by a child - NY PENAL LAW § 263.11 (West 2008).</li> <li>• Promoting a sexual performance by a child - NY PENAL LAW § 263.15 (West 2008).</li> <li>• Possessing a sexual performance of a child - NY PENAL LAW § 263.16 (West 2008).</li> <li>• Unlawful imprisonment (2nd degree), provided the victim of such kidnapping or related offense is less than 17 years old and the offender is not the parent of the victim - NY PENAL LAW § 135.05 (West 2008).</li> <li>• Unlawful imprisonment (1st degree), provided the victim of such kidnapping or related offense is less than 17 years old and the offender is not the parent of the victim - NY PENAL LAW § 135.10 (West 2008).</li> <li>• Kidnapping (2nd degree) - provided the victim of such kidnapping or related offense is less than 17 years old and the offender is not the parent of the victim - NY PENAL LAW § 135.20 (West 2008).</li> <li>• Kidnapping (1st degree) - provided the victim of such kidnapping or related offense is less than 17 years old and the offender is not the parent of the victim - NY PENAL LAW § 135.25 (West 2008).</li> <li>• Patronizing a prostitute (3rd degree), where the person patronized is in fact less than seventeen years of age - NY PENAL LAW § 230.04 (West 2008).</li> <li>• Patronizing a prostitute (2nd degree) - NY PENAL LAW § 230.05 (West 2008).</li> <li>• Patronizing a prostitute (1st degree) - NY PENAL LAW § 230.06 (West 2008).</li> <li>• Promoting prostitution (2nd degree), where the victim is under 16 years old - NY PENAL LAW § 230.30(2) (West 2008).</li> <li>• Promoting prostitution (1st degree) - NY PENAL LAW § 230.32 (West 2008).</li> <li>• Compelling prostitution - NY PENAL LAW § 230.33 (West 2008).</li> <li>• Disseminating indecent material to minors (1st degree) - NY PENAL LAW § 235.22 (West 2008).</li> <li>• A conviction of or a conviction for an attempt to commit any provisions of the foregoing sections</li> </ul>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 148

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(New York)</i></p>	<p>committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law.</p> <ul style="list-style-type: none"> <li>• Forcible touching, provided the victim is less than 18 years of age - NY PENAL LAW § 130.52 (West 2008).</li> <li>• Sexual abuse (3rd degree), provided the victim is less than 18 years of age - NY PENAL LAW § 130.55 (West 2008).</li> <li>• Forcible touching of a victim of any age if the offender has previously been convicted of any sex offense or sexually violent offense - NY PENAL LAW § 130.55 (West 2008).</li> <li>• Sexual abuse (3rd degree), of a victim regardless of age if the offender has previously been convicted of any sex offense of sexually violent offense - NY PENAL LAW § 130.55 (West 2008).</li> <li>• Conviction of (i) an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for above or (ii) a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred or, (iii) any of the provisions of 18 U.S.C. 2251, 18 U.S.C. 2251A, 18 U.S.C. 2252, 18 U.S.C. 2252A, or 18 U.S.C. 2260, provided that the elements of such crime of conviction are substantially the same as those which are a part of such offense as of the date on which this subparagraph takes effect.</li> <li>• Unlawful surveillance (2nd degree), unless upon motion by the defendant, the trial court is of the opinion that registration would be unduly harsh and inappropriate - NY PENAL LAW § 250.45(2), (3) or (4) (West 2008).</li> </ul> <p>Sexually violent offenses:</p> <ul style="list-style-type: none"> <li>• Rape (1st degree) - NY PENAL LAW § 130.35 (West 2008).</li> <li>• Criminal sexual contact (1st degree) - NY PENAL LAW § 130.50 (West 2008).</li> <li>• Sexual abuse (1st degree) - NY PENAL LAW § 130.65 (West 2008).</li> <li>• Aggravated sexual abuse (4th degree) - NY PENAL LAW § 130.65-a (West 2008).</li> <li>• Aggravated sexual abuse (3rd degree) - NY PENAL LAW § 130.66 (West 2008).</li> <li>• Aggravated sexual abuse (2nd degree) - NY PENAL LAW § 130.67 (West 2008).</li> <li>• Aggravated sexual abuse (1st degree) - NY PENAL LAW § 130.70 (West 2008).</li> <li>• Course of sexual conduct against a child (1st degree) - NY PENAL LAW § 130.75 (West 2008).</li> </ul>
---	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 149

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(New York)</i></p>	<ul style="list-style-type: none"><li>• Course of sexual conduct against a child (2nd degree) - NY PENAL LAW § 130.80 (West 2008).</li><li>• Persistent sexual abuse - NY PENAL LAW § 130.53 (West 2008).</li><li>• Facilitating a sex offense with a controlled substance - NY PENAL LAW § 130.90 (West 2008).</li><li>• Conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law; or</li><li>• Conviction of an offense in any other jurisdiction which includes all of the essential elements of any such felony provided for above or conviction of a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred.</li></ul> <p>N.Y. PENAL LAW §130.91 (West 2008).</p> <p>1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.</p> <p>2. A “specified offense” is a felony offense defined by any of the following provisions of this chapter:</p> <ul style="list-style-type: none"><li>• assault in the second degree,</li><li>• assault in the first degree,</li><li>• gang assault in the second degree,</li><li>• gang assault in the first degree,</li><li>• stalking in the first degree,</li><li>• manslaughter in the second degree,</li><li>• manslaughter in the first degree,</li><li>• murder in the second degree,</li><li>• aggravated murder,</li><li>• murder in the first degree,</li><li>• kidnapping in the second degree,</li><li>• kidnapping in the first degree,</li></ul>
---	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 150

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(New York)</i></p>	<ul style="list-style-type: none"> <li>• burglary in the third degree,</li> <li>• burglary in the second degree,</li> <li>• burglary in the first degree,</li> <li>• arson in the second degree,</li> <li>• arson in the first degree,</li> <li>• robbery in the third degree,</li> <li>• robbery in the second degree,</li> <li>• robbery in the first degree,</li> <li>• promoting prostitution in the second degree,</li> <li>• promoting prostitution in the first degree,</li> <li>• compelling prostitution,</li> <li>• disseminating indecent material to minors in the first degree,</li> <li>• use of a child in a sexual performance,</li> <li>• promoting an obscene sexual performance by a child,</li> <li>• promoting a sexual performance by a child,</li> <li>• or any felony attempt or conspiracy to commit any of the foregoing offenses.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(New York)</i></p>	<p><b>YES</b></p> <p>N.Y. PENAL LAW §130.20 (West 2008). <u>Sexual misconduct.</u></p> <p>A person is guilty of sexual misconduct when:</p> <ol style="list-style-type: none"> <li>1. He or she engages in sexual intercourse with another person without such person's consent; or</li> <li>2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 151

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(New York)</i></p>	<p>3. He or she engages in sexual conduct with an animal or a dead human body.</p> <p>Sexual misconduct is a class A misdemeanor.</p> <p>N.Y. PENAL LAW § 130.25 (West 2008). <u>Rape in the third degree.</u></p> <p>A person is guilty of rape in the third degree when:</p> <ol style="list-style-type: none"><li>1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;</li><li>2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or</li><li>3. He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.</li></ol> <p>Rape in the third degree is a class E felony.</p> <p>N.Y. PENAL LAW § 130.40 (West 2008). <u>Criminal sexual act in the third degree.</u></p> <p>A person is guilty of criminal sexual act in the third degree when:</p> <ol style="list-style-type: none"><li>1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;</li><li>2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or</li></ol>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 152



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(New York)</i></p>	<p>3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.</p> <p>Criminal sexual act in the third degree is a class E felony.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(New York)</i></p>	<p>NY CORRECT § 168-b (West 2008)</p> <p>1. The division shall establish and maintain a file of individuals required to register pursuant to the provisions of this article which shall include the following information of each registrant:</p> <p>(a) The sex offender's name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, home address and/or expected place of domicile, any internet accounts with internet access providers belonging to such offender and internet identifiers that such offender uses.</p> <p>(b) A photograph and set of fingerprints. For a sex offender given a level three designation, the division shall, during the period of registration, update such photograph once each year. For a sex offender given a level one or level two designation, the division shall, during the period of registration, update such photograph once every three years. The division shall notify the sex offender by mail of the duty to appear and be photographed at the specified law enforcement agency having jurisdiction. Such notification shall be mailed at least thirty days and not more than sixty days before the photograph is required to be taken pursuant to subdivision two of section one hundred sixty-eight-f of this article.</p> <p>(c) A description of the offense for which the sex offender was convicted, the date of conviction and the sentence imposed.</p> <p>(d) The name and address of any institution of higher education at which the sex offender is or expects to be enrolled, attending or employed, whether for compensation or not, and whether such offender resides in or will reside in a facility owned or operated by such institution.</p> <p>(e) If the sex offender has been given a level three designation, such offender's employment address and/or</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 153

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(New York)</i></p>	<p>expected place of employment.</p> <p>(f) Any other information deemed pertinent by the division.</p>
<p><b>Community Notification and Websites</b>  <i>(New York)</i></p>	<p>NY CORRECT § 168-b (WEST 2008)</p> <p>1. The division shall establish and maintain a file of individuals required to register pursuant to the provisions of this article which shall include the following information of each registrant:</p> <p>(a) The sex offender's name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, home address and/or expected place of domicile, any internet accounts with internet access providers belonging to such offender and internet identifiers that such offender uses.</p> <p>(b) A photograph and set of fingerprints. For a sex offender given a level three designation, the division shall, during the period of registration, update such photograph once each year. For a sex offender given a level one or level two designation, the division shall, during the period of registration, update such photograph once every three years. The division shall notify the sex offender by mail of the duty to appear and be photographed at the specified law enforcement agency having jurisdiction. Such notification shall be mailed at least thirty days and not more than sixty days before the photograph is required to be taken pursuant to subdivision two of section one hundred sixty-eight of this article.</p> <p>(c) A description of the offense for which the sex offender was convicted, the date of conviction and the sentence imposed.</p> <p>(d) The name and address of any institution of higher education at which the sex offender is or expects to be enrolled, attending or employed, whether for compensation or not, and whether such offender resides in or will reside in a facility owned or operated by such institution.</p> <p>(e) If the sex offender has been given a level three designation, such offender's employment address and/or expected</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 154

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(New York)</i></p>	<p>place of employment.</p> <p>(f) Any other information deemed pertinent by the division.</p> <p>2. a. The division is authorized to make the registry available to any regional or national registry of sex offenders for the purpose of sharing information. The division shall accept files from any regional or national registry of sex offenders and shall make such files available when requested pursuant to the provisions of this article.</p> <p>b. The division shall also make registry information available to: (i) the department of health, to enable such department to identify persons ineligible to receive reimbursement or coverage for drugs, procedures or supplies pursuant to subdivision seven of section twenty-five hundred ten of the public health law, paragraph (e) of subdivision four of section three hundred sixty-five-a of the social services law, paragraph (e-1) of subdivision one of section three hundred sixty-nine-ee of the social services law, and subdivision one of section two hundred forty-one of the elder law; (ii) the department of insurance to enable such department to identify persons ineligible to receive reimbursement or coverage for drugs, procedures or supplies pursuant to subsection (b-1) of section four thousand three hundred twenty-two and subsection (d-1) of section four thousand three hundred twenty-six of the insurance law; and (iii) a court, to enable the court to promptly comply with the provisions of paragraph (a-1) of subdivision one of section two hundred forty of the domestic relations law and subdivision (e) of section six hundred fifty-one of the family court act.</p> <p>c. The department of health and the department of insurance may disclose to plans providing coverage for drugs, procedures or supplies for the treatment of erectile dysfunction pursuant to section three hundred sixty-nine-ee of the social services law or sections four thousand three hundred twenty-one, four thousand three hundred twenty-two or four thousand three hundred twenty-six of the insurance law registry information that is limited to the names, dates of birth, and social security numbers of persons who are ineligible by law to receive payment or reimbursement for specified drugs, procedures and supplies pursuant to such provisions of law. Every such plan shall identify to the department of health or the department of insurance, in advance of disclosure, each person in its employ who is authorized to receive such information provided, however, that such information may be disclosed by such authorized employee or employees to other personnel who are directly involved in approving or disapproving reimbursement or coverage for such drugs, procedures and supplies for such plan members, and</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 155

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(New York)</i></p>	<p>provided further that no person receiving registry information shall redisclose such information except to other personnel who are directly involved in approving or disapproving reimbursement or coverage for such drugs, procedures and supplies.</p> <p>NY CORRECT § 168-1 (WEST 2008)</p> <p>(a) If the risk of repeat offense is low, a level one designation shall be given to such sex offender. In such case the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction shall be notified and may disseminate relevant information which may include a photograph and description of the offender and which may include the name of the sex offender, approximate address based on sex offender's zip code, background information including the offender's crime of conviction, modus of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion.</p> <p>(b) If the risk of repeat offense is moderate, a level two designation shall be given to such sex offender. In such case the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction shall be notified and may disseminate relevant information which shall include a photograph and description of the offender and which may include the exact name and any aliases used by the sex offender, approximate address based on sex offender's zip code, background information including the offender's crime of conviction, mode of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion. In addition, in such case, the information described herein shall also be provided in the subdirectory established in this article and notwithstanding any other provision of law, such information shall, upon request, be made available to the public.</p>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 156

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(New York)</i></p>	<p>Such law enforcement agencies shall compile, maintain and update a listing of vulnerable organizational entities within its jurisdiction. Such listing shall be utilized for notification of such organizations in disseminating such information on level two sex offenders pursuant to this paragraph. Such listing shall include and not be limited to: superintendents of schools or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, pre-schools, neighborhood watch groups, community centers, civic associations, nursing homes, victim's advocacy groups and places of worship.</p> <p>(c) If the risk of repeat offense is high and there exists a threat to the public safety a level three designation shall be given to such sex offender. In such case, the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction shall be notified and may disseminate relevant information which shall include a photograph and description of the offender and which may include the sex offender's exact name and any aliases used by the offender, exact address, address of the offender's place of employment, background information including the offender's crime of conviction, mode of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion. In addition, in such case, the information described herein shall also be provided in the subdirectory established in this article and notwithstanding any other provision of law, such information shall, upon request, be made available to the public.</p> <p>Such law enforcement agencies shall compile, maintain and update a listing of vulnerable organizational entities within its jurisdiction. Such listing shall be utilized for notification of such organizations in disseminating such information on level three sex offenders pursuant to this paragraph. Such listing shall include and not be limited to: superintendents of schools or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, pre-schools, neighborhood watch groups, community centers, civic associations, nursing homes, victim's advocacy groups and places of worship.</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 157

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> (New York)</p>	<p>NY CORRECT § 168-p (WEST 2008)</p> <p>Pursuant to section one hundred sixty-eight-b of this article, the division shall also operate a telephone number that members of the public may call free of charge and inquire whether a named individual required to register pursuant to this article is listed. The division shall ascertain whether a named person reasonably appears to be a person so listed and provide the caller with the relevant information according to risk as described in subdivision six of section one hundred sixty-eight of this article. The division shall decide whether the named person reasonably appears to be a person listed, based upon information from the caller providing information that shall include (a) an exact street address, including apartment number, driver's license number or birth date, along with additional information that may include social security number, hair color, eye color, height, weight, distinctive markings, ethnicity; or (b) any combination of the above listed characteristics if an exact birth date or address is not available. If three of the characteristics provided include ethnicity, hair color, and eye color, other identifying characteristics shall be provided. Any information identifying the victim by name, birth date, address or relation to the person listed by the division shall be excluded by the division.</p> <p>NY CORRECT § 168-q (WEST 2008)</p> <p>1.</p> <ul style="list-style-type: none"> <li>• The division shall maintain a subdirectory of <i>level 2</i> and <i>3</i> sex offenders.</li> <li>• The subdirectory shall have sex offender listings categorized by county and zip code.</li> <li>• A copy of the subdirectory shall annually be distributed to the offices of local village, town, city, county or state law enforcement agencies for purposes of public access.</li> <li>• The subdirectory provided for herein shall be updated monthly to maintain its efficiency and usefulness and shall be computer accessible.</li> <li>• Such subdirectory shall be made available at all times on the internet via the division homepage.</li> </ul>
<p><b>Limitations on Residency or Employment</b> (New York)</p>	<p>NY CORRECT §168-v (WEST 2008)</p> <p>No registrant may operate, be employed on or dispense goods for sale at retail on a motor vehicle engaged in retail sales of frozen desserts (i.e., ice cream trucks).</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 158

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <i>(New York)</i>	<p>NY CORRECT § 168-h (WEST 2008)</p> <p>20 years for offenders who have not been designated a sexual predator, sexually violent offender or predicate sex offender and who are classified a <i>level 1</i> offender.</p> <p>Life for sexual predators, sexually violent offenders, or predicate sex offenders or offenders who are classified a <i>level 2</i> or <i>3</i> offender.</p> <p>NY CORRECT § 168-o (WEST 2008)</p> <p>Sex offenders who are classified at <i>level 2</i>, but who have not been designated a sexual predator, sexually violent offender or predicate sex offender may petition for termination of the registration obligation after 30 years.</p>
<h3 style="margin: 0;">NORTH CAROLINA**</h3>	
<b>Registrable Offenses</b> <i>(North Carolina)</i>	<ul style="list-style-type: none"> <li>• First degree rape - N.C. GEN. STAT. § 14-27.2 (West 2008).</li> <li>• Second degree rape - N.C. GEN. STAT. § 14-27.3 (West 2008).</li> <li>• First degree sexual offense - N.C. GEN. STAT. § 14-27.4 (West 2008).</li> <li>• Second degree sexual offense - N.C. GEN. STAT. § 14-27.5 (West 2008).</li> <li>• Sexual battery - N.C. GEN. STAT. § 14-27.5A (West 2008).</li> <li>• Intercourse and sexual offense with certain victims - N.C. GEN. STAT. § 14-27.7 (West 2008).</li> <li>• Incest between near relatives - N.C. GEN. STAT. § 14-178 (West 2008).</li> <li>• Employing or permitting minor to assist in offenses against public morality and decency - N.C. GEN. STAT. § 14-190.6 (West 2008).</li> <li>• Felonious indecent exposure - N.C. GEN. STAT. § 14-190.9 (West 2008).</li> <li>• First degree sexual exploitation of a minor - N.C. GEN. STAT. § 14-190.16 (West 2008).</li> <li>• Second degree sexual exploitation of a minor - N.C. GEN. STAT. § 14-190.17 (West 2008).</li> <li>• Third degree sexual exploitation of a minor - N.C. GEN. STAT. § 14-190.17A (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 159

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(North Carolina)</i>	<ul style="list-style-type: none"><li>• Promoting prostitution of a minor - N.C. GEN. STAT. § 14-190.18 (West 2008).</li><li>• Participating in the prostitution of a minor - N.C. GEN. STAT. § 14-190.19 (West 2008).</li><li>• Taking indecent liberties with children - N.C. GEN. STAT. § 14-202.1 (West 2008).</li><li>• Solicitation of child by computer to commit an unlawful sex act - N.C. GEN. STAT. § 14-202.3 (West 2008).</li></ul> <p>The following offenses if the offense is committed against a minor and the offender is not a parent of the victim:</p> <ul style="list-style-type: none"><li>• Kidnapping - N.C. GEN. STAT. § 14-39 (West 2008).</li><li>• Abduction of children - N.C. GEN. STAT. § 14-41 (West 2008).</li><li>• Felonious restraint - N.C. GEN. STAT. § 14-43.3 (West 2008).</li><li>• Solicitation to commit any of these offenses.</li><li>• Aiding and abetting any of these offenses.</li></ul> <p>The law applies to any persons who have a "reportable conviction," including:</p> <ul style="list-style-type: none"><li>• A final conviction for an offense against a minor, a sexually violent offense, or an attempt to commit any of those offenses unless the conviction is for aiding and abetting.</li><li>• A final conviction for aiding and abetting is a reportable conviction only if the court sentencing the individual finds that the registration of that individual under this Article furthers the purposes of this Article.</li><li>• A final conviction in another state of an offense, which if committed in this State, is substantially similar to an offense against a minor or a sexually violent offense as defined by this section.</li><li>• A final conviction in a federal jurisdiction (including a court martial) of an offense, which is substantially similar to an offense against a minor or a sexually violent offense as defined by this section.</li><li>• A final conviction for 1) N.C. Gen. Stat. § 14-202(d), (e), (f), (g), or (h) (secretly peeping into room occupied by another person); 2) a second or subsequent violation of N.C. Gen. Stat. § 14-202(a), (a1), or (c), if the sentencing court issues an order requiring the individual to register.</li></ul>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 160



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(North Carolina)</i></p>	<p><b>YES.</b></p> <p>N.C.G.S.A. § 14-27.7 (West 2008)</p> <ul style="list-style-type: none"> <li>• If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, or if a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony. Consent is not a defense to a charge under this section.</li> </ul>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(North Carolina)</i></p>	<p>N.C.G.S.A. § 14-208.7 (West 2008)</p> <p>(b) The Division shall provide each sheriff with forms for registering persons as required by this Article. The registration form shall require:</p> <ol style="list-style-type: none"> <li>(1) The person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, drivers license number, and home address;</li> <li>(2) The type of offense for which the person was convicted, the date of conviction, and the sentence imposed;</li> <li>(3) A current photograph;</li> <li>(4) The person's fingerprints;</li> <li>(5) A statement indicating whether the person is a student or expects to enroll as a student within a year of registering. If the person is a student or expects to enroll as a student within a year of registration, then the registration form shall also require the name and address of the educational institution at which the person is a student or expects to enroll as a student; and</li> <li>(6) A statement indicating whether the person is employed or expects to be employed at an institution of higher education within a year of registering. If the person is employed or expects to be employed at an institution of higher education within a year of registration, then the registration form shall also require the name and address of the educational institution at which the person is or expects to be employed.</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 161

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites</b> <i>(North Carolina)</i></p>	<p>N.C.G.S.A. § 14-208.10 (West 2008)</p> <p>(a):</p> <ul style="list-style-type: none"> <li>• Information regarding a person required to register under this Article is public record and shall be available for public inspection.</li> <li>• The sheriff shall release any other relevant information that is necessary to protect the public concerning a specific person, but shall not release the identity of the victim of the offense that required registration under this Article.</li> </ul> <p>(b) Any person may obtain a copy of an individual's registration form, a part of the county registry, or all of the county registry, by submitting a written request for the information to the sheriff.</p> <p>N.C.G.S.A. § 14-208.15 (West 2008)</p> <p>(b):</p> <ul style="list-style-type: none"> <li>• The Division shall provide free public access to automated data from the statewide registry, including photographs provided by the registering sheriffs, via the Internet.</li> <li>• The public will be able to access the statewide registry to view an individual registration record, a part of the statewide registry, or all of the statewide registry.</li> <li>• The Division may also provide copies of registry information to the public upon written request and may charge a reasonable fee for duplicating costs and mailings costs.</li> </ul>
<p><b>Limitations on Residency or Employment</b> <i>(North Carolina)</i></p>	<p>None</p>
<p><b>Duration of Registration</b> <i>(North Carolina)</i></p>	<p>N.C.G.S.A. § 14-208.7 (West 2008)</p> <p>(a) 10 years for persons not subject to lifetime registration.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 162

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <b>Cont'd</b> <i>(North Carolina)</i>	<p>N.C. GEN. STAT. §14-208.23 (West 2008)</p> <p>Life for recidivists, persons convicted of an aggravated offense and those who are classified as a sexually violent predator.</p>
<h3 style="margin: 0;">NORTH DAKOTA**</h3>	
<b>Registrable Offenses</b> <i>(North Dakota)</i>	<p>Crime Against a Child - a violation of any of the following, or a comparable ordinance, in which the victim is a minor:</p> <ul style="list-style-type: none"> <li>• Murder - N.D. CENT. CODE § 12.1-16-01 (West 2008).</li> <li>• Assault, if the victim is under the age of 12 - N.D. CENT. CODE § 12.1-17-01.1 (West 2008).</li> <li>• Aggravated assault - N.D. CENT. CODE § 12.1-17-02 (West 2008).</li> <li>• Terrorizing - N.D. CENT. CODE § 12.1-17-04 (West 2008).</li> <li>• Stalking, if the offender has previously been convicted of simple assault, assault, aggravated assault, menacing, harassment, or a similar offense in another state, involving the victim of the stalking; or, the stalking violates a court order protecting the victim of the stalking, if the person had notice of the court order; or the person previously has been convicted of stalking. - N.D. CENT. CODE § 12.1-17-07.1 (West 2008).</li> <li>• Kidnapping - N.D. CENT. CODE § 12.1-18-01 (West 2008).</li> <li>• Felonious restraint - N.D. CENT. CODE § 12.1-18-02 (West 2008).</li> <li>• Removal of a child from North Dakota in violation of a custody decree - N.D. CENT. CODE § 12.1-18-05 (West 2008).</li> <li>• Promoting prostitution - N.D. CENT. CODE § 12.1-29-01 (West 2008).</li> <li>• Facilitating prostitution - N.D. CENT. CODE § 12.1-29-02 (West 2008).</li> <li>• Prostitution - N.D. CENT. CODE § 12.1-29-03 (West 2008).</li> <li>• Hiring an individual to engage in sexual activity - N.D. CENT. CODE § 12.1-29-06 (West 2008).</li> <li>• Abuse or neglect of a child - N.D. CENT. CODE § 14-09-22(1)(a), (2) (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 163

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(North Dakota)</i></p>	<p>Sexual Offender:</p> <ul style="list-style-type: none"> <li>• Gross sexual imposition - N.D. CENT. CODE § 12.1-20-03 (West 2008).</li> <li>• Continuous sexual abuse of a child - N.D. CENT. CODE § 12.1-20-03.1 (West 2008).</li> <li>• Sexual imposition - N.D. CENT. CODE § 12.1-20-04 (West 2008).</li> <li>• Corruption or solicitation of minors - N.D. CENT. CODE § 12.1-20-05 (West 2008).</li> <li>• Luring minors by computer - N.D. CENT. CODE § 12.1-20-05.1 (West 2008).</li> <li>• Sexual abuse of wards - N.D. CENT. CODE § 12.1-20-06 (West 2008).</li> <li>• Sexual assault (Class C felony and class A misdemeanor only) - N.D. CENT. CODE § 12.1-20-07 (West 2008).</li> <li>• Incest - N.D. CENT. CODE § 12.1-20-11 (West 2008).</li> <li>• Indecent exposure - N.D. CENT. CODE § 12.1-20-12.1 (West 2008).</li> <li>• Surreptitious intrusion - N.D. CENT. CODE § 12.1-20-12.2 (West 2008).</li> <li>• Use of a minor in a sexual performance - N.D. CENT. CODE § 12.1-27.2-02 (West 2008).</li> <li>• Promoting or directing an obscene sexual performance by a minor - N.D. CENT. CODE § 12.1-27.2-03 (West 2008).</li> <li>• Promoting a sexual performance by a minor - N.D. CENT. CODE § 12.1-27.2-04 (West 2008).</li> <li>• Possession of materials depicting sexual conduct by a minor - N.D. CENT. CODE § 12.1-27.2-04.1 (West 2008).</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(North Dakota)</i></p>	<p><b>YES</b></p> <p>N.D. CENT. CODE § 12.1-20-06 (West 2008). <u>Sexual abuse of wards.</u></p> <p>A person who engages in a sexual act with another person, or any person who causes another to engage in a sexual act is guilty of a class C felony if the other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over the other person.</p> <p>N.D.C.C. § 12.1-20-07 (West 2008)</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 164

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> (North Dakota)</p>	<p>1. A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:</p> <p>d. The other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person</p>
<p><b>Information Maintained in Sex Offender Registry</b> (North Dakota)</p>	<p>N.D.C.C. § 12.1-32-15 (West 2008).</p> <p>(7)</p> <ul style="list-style-type: none"> <li>• statement signed by offender</li> <li>• fingerprints</li> <li>• photograph</li> <li>• blood and fluid samples</li> <li>• place of residence, school and/or employment</li> </ul>
<p><b>Community Notification and Websites</b> (North Dakota)</p>	<p>N.D.C.C. § 12.1-32-15 (West 2008).</p> <p>13.</p> <ul style="list-style-type: none"> <li>• Relevant and necessary conviction and registration information must be disclosed to the public by a law enforcement agency if the individual is a <i>moderate</i> or <i>high risk</i> and the agency determines that disclosure of the conviction and registration information is necessary for public protection.</li> <li>• The attorney general shall develop guidelines for public disclosure of offender registration information.</li> <li>• Public disclosure may include internet access if the offender:             <ul style="list-style-type: none"> <li>○ is required to register for a lifetime under subsection 8;</li> <li>○ has been determined to be a high risk to the public by the department, the attorney general, or the courts, according to guidelines developed by those agencies; or</li> <li>○ has been determined to be a high risk to the public by an agency of another state or the federal government.</li> </ul> </li> <li>• If the offender has been determined to be a <i>moderate</i> risk, public disclosure must include, at a minimum,</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 165

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Community Notification and Websites</b> <i>(North Dakota)</i>	notification to the victim of the offense and to any agency, civic organization, or group of persons who have characteristics similar to those of a victim of the offender. <ul style="list-style-type: none"> <li>• Upon request, law enforcement agencies may release conviction and registration information regarding <i>low-risk</i>, <i>moderate-risk</i>, or <i>high-risk</i> offenders</li> </ul>
<b>Limitations on Residency or Employment</b> <i>(North Dakota)</i>	None.
<b>Duration of Registration</b> <i>(North Dakota)</i>	N.D.C.C. § 12.1-32-15 (West 2008).  (8) 10 years for offenders not subject to lifetime registration.  Life if the registrant: <ul style="list-style-type: none"> <li>• Has 2 or more convictions for a crime against a child or as a sexual offender;</li> <li>• Is an adult and has been found guilty of gross sexual imposition or continuous sexual abuse and the victim is a child under 12;</li> <li>• Is an adult and has been found guilty of non-parental kidnapping; or</li> <li>• Has been civilly committed as a sexually dangerous individual.</li> </ul>
<b>OHIO**</b>	
<b>Registrable Offenses</b> <i>(Ohio)</i>	Any of the following violations or offenses committed by a person eighteen years of age or older: <ul style="list-style-type: none"> <li>• Rape - OHIO REV. CODE ANN. § 2907.02 (West 2008).</li> <li>• Sexual battery - OHIO REV. CODE ANN. § 2907.03 (West 2008).</li> <li>• Gross sexual imposition - OHIO REV. CODE ANN. § 2907.05 (West 2008).</li> <li>• Importuning - OHIO REV. CODE ANN. § 2907.07 (West 2008).</li> <li>• Kidnapping (when the victim is less than 18 years of age) - OHIO REV. CODE ANN. § 2905.01(A)(4)</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 166

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(Ohio)</i>	<p>(West 2008).</p> <ul style="list-style-type: none"> <li>• Unlawful sexual conduct with minor (when the victim is less than 18 years of age) - OHIO REV. CODE ANN. § 2907.06 (West 2008).</li> <li>• Voyeurism (when the victim is less than 18 years of age) - OHIO REV. CODE ANN. § 2907.08 (West 2008).</li> <li>• Sexual imposition (when the victim is less than 18 years of age) - OHIO REV. CODE ANN. § 2907.06 (West 2008).</li> <li>• Compelling prostitution (when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under 18 years of age) - OHIO REV. CODE ANN. § 2907.21 (West 2008).</li> <li>• Pandering obscenity involving a minor - OHIO REV. CODE ANN. § 2907.321(A)(1) or (3) (West 2008).</li> <li>• Pandering sexually oriented matter involving a minor - OHIO REV. CODE ANN. § 2907.322 (West 2008).</li> <li>• Illegal use of minor in nudity-oriented material or performance - OHIO REV. CODE ANN. § 2907.323(A)(1) or (2) (West 2008).</li> <li>• Endangering children - OHIO REV. CODE ANN. § 2919.22(B)(5) (West 2008). (when the child who was involved was under 18 years of age)</li> </ul> <p>The following offenses when the victim is under the age of 18 and the crime is committed with a sexual motivation:</p> <ul style="list-style-type: none"> <li>• Kidnapping - OHIO REV. CODE ANN. § 2905.01(A)(1), (2), (3), or (5) (West 2008).</li> <li>• Abduction - OHIO REV. CODE ANN. § 2905.02 (West 2008).</li> <li>• Unlawful restraint - OHIO REV. CODE ANN. § 2905.03 (West 2008).</li> <li>• Menacing by stalking - OHIO REV. CODE ANN. § 2903.211 (West 2008).</li> <li>• Criminal child enticement - OHIO REV. CODE ANN. § 2905.05 (West 2008).</li> </ul> <p>Regardless of the age of the victim, one of the following offenses committed with a sexual motivation:</p> <ul style="list-style-type: none"> <li>• Aggravated murder - OHIO REV. CODE ANN. § 2903.01 (West 2008).</li> <li>• Murder - OHIO REV. CODE ANN. § 2903.02 (West 2008).</li> <li>• Felonious assault - OHIO REV. CODE ANN. § 2903.11 (West 2008).</li> <li>• Kidnapping - OHIO REV. CODE ANN. § 2905.01 (West 2008).</li> </ul>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 167

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Ohio)</i></p>	<ul style="list-style-type: none"> <li>• Involuntary manslaughter - OHIO REV. CODE ANN. § 2903.04(A) (West 2008).</li> </ul> <p>A violent sex offense, or a designated homicide, assault, or kidnapping offense if the offender also was convicted of or pleaded guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the designated homicide, assault, or kidnapping offense:</p> <ul style="list-style-type: none"> <li>• Violent sex offense - Rape, sexual battery or gross sexual imposition with a person less than 13 years of age. Also includes a felony violation of another state or the United States that is substantially equivalent to one of these crimes or the attempt or complicity to commit these crimes if it is a felony.</li> <li>• Designated homicide, assault or kidnapping offense - Aggravated murder, murder, felonious assault, kidnapping or involuntary manslaughter (unlawful termination of another's pregnancy as a proximate result of the offender's committing or attempting to commit a felony). Also, the attempt or complicity to commit these crimes if it is a felony.</li> </ul> <p>When the victim of the offense is 18 years of age or older:</p> <ul style="list-style-type: none"> <li>• Sexual imposition - OHIO REV. CODE ANN. § 2907.06 (West 2008).</li> <li>• Voyeurism - OHIO REV. CODE ANN. § 2907.08 (West 2008).</li> <li>• Menacing by stalking (when the offense is committed with a sexual motivation) - OHIO REV. CODE ANN. § 2903.211 (West 2008).</li> <li>• A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed above.</li> <li>• An attempt to commit, conspiracy to commit, or complicity in committing any offense listed above.</li> </ul> <p>An act committed by a person under eighteen years of age that is any of the following: Subject to division (D)(2)(i) (child's case transferred for criminal prosecution), regardless of the age of the victim of the violation, a violation of:</p> <ul style="list-style-type: none"> <li>• Rape - OHIO REV. CODE ANN. § 2907.02 (West 2008).</li> </ul>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 168**



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Ohio)</i></p>	<ul style="list-style-type: none"> <li>• Sexual battery - OHIO REV. CODE ANN. § 2907.03 (West 2008).</li> <li>• Gross sexual imposition - OHIO REV. CODE ANN. § 2907.05 (West 2008).</li> <li>• Importuning - OHIO REV. CODE ANN. § 2907.07 (West 2008).</li> </ul> <p>Subject to division (D)(2)(i) (child's case transferred for criminal prosecution) of this section, any of the following acts involving a minor in the circumstances specified:</p> <ul style="list-style-type: none"> <li>• Kidnapping (when the victim is less than 18 years of age) - OHIO REV. CODE ANN. § 2905.01(A)(4) (West 2008).</li> <li>• Voyeurism (when the victim is less than 18 years of age) - OHIO REV. CODE ANN. § 2907.08 (West 2008).</li> <li>• Sexual imposition (when the victim is less than 18 years of age) - OHIO REV. CODE ANN. § 2907.06 (West 2008).</li> <li>• Compelling prostitution (when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under 18 years of age) - OHIO REV. CODE ANN. § 2907.21 (West 2008).</li> <li>• Unlawful abortion (when the child involved is under the age of 18) - OHIO REV. CODE ANN. § 2919.12(B)(5) (West 2008).</li> <li>• Kidnapping (when committed with a sexual motivation) - OHIO REV. CODE ANN. § 2905.01(A)(1), (2), (3), or (5) (West 2008).</li> <li>• Menacing by stalking (when committed with a sexual motivation) - OHIO REV. CODE ANN. § 2903.211 (West 2008).</li> </ul> <p>Subject to division (D)(2)(i) of this section, any of the following:</p> <ul style="list-style-type: none"> <li>• Any violent sex offense that, if committed by an adult, would be a felony of the first, second, third, or fourth degree.</li> <li>• Any designated homicide, assault, or kidnapping offense if that offense, if committed by an adult, would be a felony of the first, second, third, or fourth degree and if the court determined that, if the child was an adult, the child would be guilty of a sexual motivation specification regarding that offense.</li> </ul>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 169

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Ohio)</i></p>	<p>A violation or attempt to violate any of the following that is committed with a sexual motivation:</p> <ul style="list-style-type: none"> <li>• Aggravated murder - OHIO REV. CODE ANN. § 2903.01 (West 2008).</li> <li>• Murder - OHIO REV. CODE ANN. § 2903.02 (West 2008).</li> <li>• Felonious assault - OHIO REV. CODE ANN. § 2903.11 (West 2008).</li> <li>• Abduction - OHIO REV. CODE ANN. § 2905.02 (West 2008).</li> <li>• Kidnapping - OHIO REV. CODE ANN. § 2905.01 (West 2008).</li> <li>• Involuntary manslaughter - OHIO REV. CODE ANN. § 2903.04(A) (West 2008).</li> </ul> <p>Subject to division (D)(2)(i) (transfer of child for criminal prosecution), a violation or attempt to violate any of the following if the person who violates or attempts to violate the division is four or more years older than the minor who is the victim of the violation:</p> <ul style="list-style-type: none"> <li>• Pandering obscenity involving a minor - OHIO REV. CODE ANN. § 2907.321(A)(1) or (3) (West 2008).</li> <li>• Pandering sexually oriented matter involving a minor - OHIO REV. CODE ANN. § 2907.322(A)(1) or (2) (West 2008).</li> <li>• Illegal use of minor in nudity-oriented material or performance - OHIO REV. CODE ANN. § 2907.323(A)(1) or (2) (West 2008).</li> </ul> <p>Subject to division (D)(2)(i) (transfer of child for criminal prosecution), a violation of any of the following when the victim of the violation is eighteen years of age or older and the offense is committed with a sexual motivation:</p> <ul style="list-style-type: none"> <li>• Voyeurism - OHIO REV. CODE ANN. § 2907.08 (West 2008).</li> <li>• Sexual imposition - OHIO REV. CODE ANN. § 2907.06 (West 2008).</li> <li>• Subject to division (D)(2)(i) of this section, any violation of any former law of Ohio, any existing or former municipal ordinance or law of another state or the United States, or any existing or former law applicable in a military court or in an Indian tribal court that is or was substantially equivalent to an offense listed above and that, if committed by an adult, would be a felony in the first, second, third, or fourth degree.</li> <li>• Subject to division (D)(2)(i) of this section, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(2)(a), (b), (c), (d), (e), (f), or (g) of this section.</li> <li>• If the child's case has been transferred for criminal prosecution under section 2152.12 of the Revised Code, the act is any offense listed for adults or would be any offense listed in any of those divisions if committed</li> </ul>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 170**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Ohio)</i></p>	<p>by an adult.</p>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Ohio)</i></p>	<p><b>YES.</b></p> <p>R.C. § 2907.03 (West 2008)</p> <p>(A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:</p> <p style="padding-left: 40px;">(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Ohio)</i></p>	<p>R.C. § 2950.04 (West 2008)</p> <p>(C) The registration form to be used under divisions (A) and (B) of this section shall include or contain all of the following for the offender or delinquent child who is registering:</p> <ol style="list-style-type: none"> <li>(1) The offender's or delinquent child's name and any aliases used by the offender or delinquent child;</li> <li>(2) The offender's or delinquent child's social security number and date of birth, including any alternate social security numbers or dates of birth that the offender or delinquent child has used or uses;</li> <li>(3) Regarding an offender or delinquent child who is registering under a duty imposed under division (A)(1) of this section, a statement that the offender is serving a prison term, term of imprisonment, or any other type of confinement or a statement that the delinquent child is in the custody of the department of youth services or is confined in a secure facility that is not operated by the department;</li> <li>(4) Regarding an offender or delinquent child who is registering under a duty imposed under division (A)(2), (3), or (4) of this section as a result of the offender or delinquent child residing in this state or temporarily being domiciled in this state for more than three days, the current residence address of the offender or delinquent child who is registering, the name and address of the offender's or delinquent child's employer</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 171**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <b>Cont'd</b> <i>(Ohio)</i></p>	<p>if the offender or delinquent child is employed at the time of registration or if the offender or delinquent child knows at the time of registration that the offender or delinquent child will be commencing employment with that employer subsequent to registration, any other employment information, such as the general area where the offender or delinquent child is employed, if the offender or delinquent child is employed in many locations, and the name and address of the offender's or public registry-qualified juvenile offender registrant's school or institution of higher education if the offender or public registry-qualified juvenile offender registrant attends one at the time of registration or if the offender or public registry-qualified juvenile offender registrant knows at the time of registration that the offender or public registry-qualified juvenile offender registrant will be commencing attendance at that school or institution subsequent to registration;</p> <p>(5) Regarding an offender or public registry-qualified juvenile offender registrant who is registering under a duty imposed under division (A)(2), (3), or (4) of this section as a result of the offender or public registry-qualified juvenile offender registrant attending a school or institution of higher education in this state on a full-time or part-time basis or being employed in this state or in a particular county in this state, whichever is applicable, for more than three days or for an aggregate of fourteen or more days in any calendar year, the name and current address of the school, institution of higher education, or place of employment of the offender or public registry-qualified juvenile offender registrant who is registering, including any other employment information, such as the general area where the offender or public registry-qualified juvenile offender registrant is employed, if the offender or public registry-qualified juvenile offender registrant is employed in many locations;</p> <p>(6) The identification license plate number of each vehicle the offender or delinquent child owns, of each vehicle registered in the offender's or delinquent child's name, of each vehicle the offender or delinquent child operates as a part of employment, and of each other vehicle that is regularly available to be operated by the offender or delinquent child; a description of where each vehicle is habitually parked, stored, docked, or otherwise kept; and, if required by the bureau of criminal identification and investigation, a photograph of each of those vehicles;</p> <p>(7) If the offender or delinquent child has a driver's or commercial driver's license or permit issued by this state</p>
---	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 172

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Ohio)</i></p>	<p>or any other state or a state identification card issued under section 4507.50 or 4507.51 of the Revised Code or a comparable identification card issued by another state, the driver's license number, commercial driver's license number, or state identification card number;</p> <p>(8) If the offender or delinquent child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the sexually oriented offense resulting in the registration duty in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States, a DNA specimen, as defined in section 109.573 of the Revised Code, from the offender or delinquent child, a citation for, and the name of, the sexually oriented offense resulting in the registration duty, and a certified copy of a document that describes the text of that sexually oriented offense;</p> <p>(9) A description of each professional and occupational license, permit, or registration, including those licenses, permits, and registrations issued under Title XLVII of the Revised Code, held by the offender or delinquent child;</p> <p>(10) Any email addresses, internet identifiers, or telephone numbers registered to or used by the offender or delinquent child;</p> <p>(11) Any other information required by the bureau of criminal identification and investigation.</p>
<p><b>Community Notification and Websites</b>  <i>(Ohio)</i></p>	<p>R.C. § 2950.11 (West 2008)</p> <p>The sheriff shall provide the notice to all of the following persons:</p> <p>(1)</p> <p>(a) Any occupant of each residential unit that is located within one thousand feet of the offender's or delinquent child's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building.</p> <p>(b) If the offender or delinquent child resides in a multi-unit building, any occupant of each residential unit that is located in that multi-unit building and that shares a common hallway with the offender or delinquent</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 173

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Ohio)</i></p>	<p>child.</p> <p>(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the offender's or delinquent child's residential premises, including a multi-unit building in which the offender or delinquent child resides, and that is located within the county served by the sheriff.</p> <ul style="list-style-type: none"><li>• In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate.</li><li>• In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact; if the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building.</li></ul> <p>(d) All additional persons who are within any category of neighbors of the offender or delinquent child.</p> <p>(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;</p> <p>(3) (a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;</p> <p>(4) (a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff;</p> <p>(5) The director, head teacher, elementary principal, or site administrator of each preschool program that is located within the specified geographical notification area and within the county served by the sheriff;</p> <p>(6) The administrator of each child day-care center or type A family day-care home that is located within the specified geographical notification area and within the county served by the sheriff, and the provider of each</p>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 174

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Ohio)</i></p>	<p>certified type B family day-care home that is located within the specified geographical notification area and within the county served by the sheriff.</p> <p>(7) The president or other chief administrative officer of each institution of higher education, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department, if any, that serves that institution;</p> <p>(8) The sheriff of each county that includes any portion of the specified geographical notification area;</p> <p>(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area, the constable or chief of the police department or police district police force of the township in which the offender or delinquent child resides.</p> <p>R.C. § 2950.13 (West 2008)</p> <p>(11):</p> <ul style="list-style-type: none"><li>• Through the bureau of criminal identification and investigation, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and who registers in any county in this state.</li><li>• The bureau shall determine the information to be provided on the database for each offender and shall obtain that information from the information contained in the state registry of sex offenders and child-victim offenders which information, while in the possession of the sheriff who provided it, is a public record open for inspection.</li><li>• The database is a public record open for inspection, and it shall be searchable by offender name, by county, by zip code, and by school district.</li><li>• The database shall provide a link to the web site of each sheriff who has established and operates on the internet a sex offender and child-victim offender database that contains information for offenders who register in that county, with the link being a direct link to the sex offender and child-victim offender database for the sheriff.</li></ul>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 175

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment</b> <i>(Ohio)</i>	R.C. § 2950.031 (West 2008) <ul style="list-style-type: none"> <li>• Registrants may not establish residence or occupy residential premises within 1000 feet of any school.</li> </ul>
<b>Duration of Registration</b> <i>(Ohio)</i>	R.C. § 2950.07 (West 2008) <p>(B) 10 years for offenders not subject to 20-year of lifetime registration.</p> <p>20 years for habitual sex offenders.</p> <p>Life for:</p> <ul style="list-style-type: none"> <li>• Sexual predators;</li> <li>• Offenders convicted of aggravated sexually oriented offenses; or</li> <li>• Persons adjudicated a child-victim predator.</li> </ul>
<b>OKLAHOMA**</b>	
<b>Registrable Offenses</b> <i>(Oklahoma)</i>	<ul style="list-style-type: none"> <li>• Child abuse (involving sexual abuse or sexual exploitation) - OKLA. STAT. tit. 10, § 7115 (West 2008).</li> <li>• Assaults with intent to commit felony (if the offense involved sexual assault) - OKLA. STAT. tit. 21, § 681 (West 2008).</li> <li>• Kidnapping (if the offense involved sexual abuse or sexual exploitation) - OKLA. STAT. tit. 21, § 741 (West 2008).</li> <li>• Abuse by caretakers (if the offense involved sexual abuse or sexual exploitation) - OKLA. STAT. tit. 21, § 843.1 (West 2008).</li> <li>• Trafficking in children - OKLA. STAT. tit. 21, §§ 865-869 (West 2008).</li> <li>• Incest - OKLA. STAT. tit. 21, § 885 (West 2008).</li> <li>• Crime against nature - OKLA. STAT. tit. 21, § 886 (West 2008).</li> <li>• Forcible sodomy - OKLA. STAT. tit. 21, § 888 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 176



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Oklahoma)</i></p>	<ul style="list-style-type: none"> <li>• Child stealing - OKLA. STAT. tit. 21, § 891 (West 2008).</li> <li>• Indecent exposure--Indecent exhibitions--Obscene material or child pornography--Solicitation of minors - OKLA. STAT. tit. 21, § 1021 (West 2008).</li> <li>• Procuring a minor for participation in pornography - OKLA. STAT. tit. 21, § 1021.2 (West 2008).</li> <li>• Consenting, as a guardian, parent, or custodian, to the participation of a minor in child pornography - OKLA. STAT. tit. 21, § 1021.3 (West 2008).</li> <li>• Facilitating, encouraging, offering, or soliciting sexual conduct with a minor or person believed to be a minor - OKLA. STAT. tit. 21, § 1040.13a (West 2008).</li> <li>• Procuring a minor under 18 for prostitution, lewdness, or other indecent acts - OKLA. STAT. tit. 21, § 1087 (West 2008).</li> <li>• Inducing, keeping, detaining, or restraining a minor under 18 for purposes of prostitution - OKLA. STAT. tit. 21, § 1088 (West 2008).</li> <li>• Rape by instrumentation - OKLA. STAT. tit. 21, § 1111.1 (West 2008).</li> <li>• First and second degree rape - OKLA. STAT. tit. 21, § 1114 (West 2008).</li> <li>• Lewd or indecent proposals or acts as to child under 16 or person believed to be under 16; sexual battery - OKLA. STAT. tit. 21, § 1123 (West 2008).</li> <li>• Convicted, or received a suspended sentence in any court of another state, a federal court, an Indian tribal court, or a military court for an offense or attempted offense that, if committed or attempted in Oklahoma, would constitute an offense or an attempt to commit an offense listed in above.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Oklahoma)</i></p>	<p><b>YES.</b></p> <p>OKLA. STAT. tit. 21, § 1114 (West 2008). <u>Rape in the first degree – Second degree.</u></p> <p>A. Rape in the first degree shall include:</p> <p style="padding-left: 40px;">1. rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 177

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Oklahoma)</i></p>	<p>2. rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or</p> <p>3. rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; or</p> <p>4. rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused; or</p> <p>5. rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or</p> <p>6. rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or</p> <p>7. rape by instrumentation committed upon a person under fourteen (14) years of age.</p> <p>B. In all other cases, rape or rape by instrumentation is rape in the second degree.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Oklahoma)</i></p>	<p>57 OKL. ST. ANN. § 584 (WEST 2008)</p> <p>A. Any registration with the Department of Corrections required by the Sex Offenders Registration Act shall be in a form approved by the Department and shall include the following information about the person registering:</p> <ol style="list-style-type: none"> <li>1. The name of the person and all aliases used or under which the person has been known;</li> <li>2. A complete description of the person, including a photograph and fingerprints, and when requested by the Department of Corrections, such registrant shall submit to a blood or saliva test for purposes of a deoxyribonucleic acid (DNA) profile. Submission to testing for individuals registering shall be within thirty</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 178

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <b>Cont'd</b> <i>(Oklahoma)</i></p>	<p>(30) days of registration. Registrants who already have valid samples on file in the Oklahoma State Bureau of Investigation (OSBI) DNA Offender Database shall not be required to submit duplicate samples for testing;</p> <ol style="list-style-type: none"><li>3. The offenses listed in Section 582 of this title for which the person has been convicted or the person received a suspended sentence or any form of probation, where the offense was committed, where the person was convicted or received the suspended sentence or any form of probation, and the name under which the person was convicted or received the suspended sentence or probation;</li><li>4. The name and location of each hospital or penal institution to which the person was committed for each offense listed in Section 582 of this title;</li><li>5. Where the person previously resided, where the person currently resides, how long the person has resided there, how long the person expects to reside there, and how long the person expects to remain in the county and in this state. The Department of Corrections shall conduct address verification of each registered sex offender as follows:<ol style="list-style-type: none"><li>a. on an annual basis, if the numeric risk level of the person is one, or</li><li>b. on a semiannual basis, if the numeric risk level of the person is two.</li></ol><ul style="list-style-type: none"><li>• may be photographed by the local law enforcement authority at that time.</li><li>• Provide a current address</li></ul></li><li>6. The name and address of any school where the person expects to become or is enrolled or employed for any length of time;</li><li>7. A description of all occupants residing with the person registering, including, but not limited to, name, date of birth, gender, relation to the person registering, and how long the occupant has resided there; and</li><li>8. The numeric risk level of the person.<ol style="list-style-type: none"><li>B. Conviction data and fingerprints shall be promptly transmitted at the time of registration to the Oklahoma State Bureau of Investigation (OSBI) and the Federal Bureau of Investigation (FBI) if the state has not previously sent the information at the time of conviction.</li></ol></li></ol>
---	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 179**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites</b> <i>(Oklahoma)</i></p>	<p>57 OKL. ST. ANN. § 584 (WEST 2008)</p> <p>E.</p> <ul style="list-style-type: none"> <li>• The Department of Corrections shall maintain a file of all sex offender registrations.</li> <li>• A copy of the information contained in the registration shall promptly be available to state, county and municipal law enforcement agencies, the State Superintendent of Public Instruction, the Commissioner of Health, and the National Sex Offender Registry maintained by the Federal Bureau of Investigation.</li> <li>• The file shall promptly be made available for public inspection or copying pursuant to rules promulgated by the Department of Corrections and may be made available through Internet access.</li> <li>• The Department of Corrections shall promptly provide all municipal police departments, all county sheriff departments and all campus police departments a list of those sex offenders registered and living in their county.</li> </ul> <p>F. The Superintendent of Public Instruction is authorized to copy and shall distribute information from the sex offender registry to school districts and individual public and private schools within the state.</p> <p>G. The State Commissioner of Health is authorized to distribute information from the sex offender registry to any nursing home or long-term care facility.</p> <p>H. Each local law enforcement agency shall make its sex offender registry available upon request, without restriction.</p>
<p><b>Limitations on Residency or Employment</b> <i>(Oklahoma)</i></p>	<p>57 OKL. ST. ANN. § 590 (West 2008)</p> <p>A. Sex offenders may not establish residence within 2000 feet of any public or private school or educational institution.</p> <p>Sex offenders who lived within 2000 feet of a school prior to their sex offense conviction are not required to sell their homes or move.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 180

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <i>(Oklahoma)</i>	<p>57 OKL. ST. ANN. § 583 (West 2008)</p> <p>D. When a person has been convicted or received probation within the State of Oklahoma, the person shall be required to register as follows:</p> <ol style="list-style-type: none"> <li>1. For a period of fifteen (15) years, if the numeric risk level of the person is one;</li> <li>2. For a period of twenty-five (25) years, if the numeric risk level of the person is two; and</li> <li>3. For life, if the numeric risk level of the person is three or the person has been classified as a habitual or aggravated sex offender.</li> </ol> <p>The registration period shall... be maintained by such authority for at least ten (10) years from the date of the last registration.</p> <p>OKLA. STAT. tit 57, § 584 (West 2008)</p> <p>Life for habitual sex offenders and aggravated sex offenders.</p>
<h3 style="margin: 0;">OREGON</h3>	
<b>Registrable Offenses</b> <i>(Oregon)</i>	<ul style="list-style-type: none"> <li>• Rape (1st degree) - OR. REV. STAT. § 163.375 (West 2008).</li> <li>• Rape (2nd degree) - OR. REV. STAT. § 163.365 (West 2008).</li> <li>• Rape (3rd degree) - OR. REV. STAT. § 163.355 (West 2008).</li> <li>• Sodomy (1st degree) - OR. REV. STAT. § 163.405 (West 2008).</li> <li>• Sodomy (2nd degree) - OR. REV. STAT. § 163.395 (West 2008).</li> <li>• Sodomy (3rd degree) - OR. REV. STAT. § 163.385 (West 2008).</li> <li>• Unlawful sexual penetration (1st degree) - OR. REV. STAT. § 163.411 (West 2008).</li> <li>• Unlawful sexual penetration (2nd degree) - OR. REV. STAT. § 163.408 (West 2008).</li> <li>• Sexual abuse (1st degree) - OR. REV. STAT. § 163.427 (West 2008).</li> <li>• Sexual abuse (2nd degree) - OR. REV. STAT. § 163.425 (West 2008).</li> <li>• Sexual abuse (3rd degree) - OR. REV. STAT. § 163.415 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 181

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Oregon)</i></p>	<ul style="list-style-type: none"> <li>• Incest with a child victim - OR. REV. STAT. § 163.525 (West 2008).</li> <li>• Using a child in a display of sexually explicit conduct - OR. REV. STAT. § 163.670 (West 2008).</li> <li>• Encouraging child sexual abuse (1st degree) - OR. REV. STAT. § 163.684 (West 2008).</li> <li>• Encouraging child sexual abuse (2nd degree) - OR. REV. STAT. § 163.686 (West 2008).</li> <li>• Encouraging child sexual abuse (3rd degree) - OR. REV. STAT. § 163.687 (West 2008).</li> <li>• Compelling prostitution - OR. REV. STAT. § 167.017 (West 2008).</li> <li>• Promoting prostitution - OR. REV. STAT. § 167.012 (West 2008).</li> <li>• Kidnapping in the first degree, if the victim was under 18 years of age - OR. REV. STAT. § 163.235 (West 2008).</li> <li>• Contributing to the sexual delinquency of a child - OR. REV. STAT. § 163.435 (West 2008).</li> <li>• Sexual misconduct, if the offender is at least 18 years of age - OR. REV. STAT. § 163.445 (West 2008).</li> <li>• Possession of materials depicting sexually explicit conduct of a child in the first degree - OR. REV. STAT. § 163.688 (West 2008).</li> <li>• Kidnapping in the second degree if the victim was under 18 years of age, except by a parent or by a person found to be within the jurisdiction of the juvenile court - OR. REV. STAT. § 163.225 (West 2008).</li> <li>• Any attempt to commit any of the crimes listed above.</li> <li>• Burglary (1st degree), when committed with intent to commit any other registrable offense - OR. REV. STAT. § 164.225 (West 2008).</li> <li>• Burglary (2nd degree), when committed with intent to commit any other registrable offense - OR. REV. STAT. § 164.215 (West 2008).</li> <li>• Public indecency, if the person has a prior conviction for any other registrable offense - OR. REV. STAT. § 163.465 (West 2008).</li> <li>• Private indecency, if the person has a prior conviction for any other registrable offense - OR. REV. STAT. § 163.467 (West 2008).</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Oregon)</i></p>	<p><b>NO</b></p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 182

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <i>(Oregon)</i></p>	<p>2009 Oregon House Bill No. 3423, Oregon Seventy-Fifth Legislative Assembly March 12, 2009</p> <p>SECTION 7. ORS 181.592 is amended to read:</p> <p><del>(d)</del>(5) The information required to be <del>made available under paragraph (c) of this subsection</del> posted on the Internet website is:</p> <p style="padding-left: 40px;"><del>(A)</del>(a) The person's name and address, as described in ORS 181.598 (1)(a) and (b) ;</p> <p style="padding-left: 40px;"><del>(B)</del>(b) A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color;</p> <p style="padding-left: 40px;"><del>(C)</del>(c) The type of vehicle that the person is known to drive;</p> <p style="padding-left: 40px;"><del>(D)</del>(d) Any conditions or restrictions upon the person's probation, parole, post-prison supervision or conditional release;</p> <p style="padding-left: 40px;"><del>(E)</del>(e) A description of the person's primary and secondary targets;</p> <p style="padding-left: 40px;"><del>(F)</del>(f) A list of the sex offenses for which the person has been convicted and a description of the person's method of offense;</p> <p style="padding-left: 40px;"><del>(G)</del>(g) A current photograph of the person;</p> <p style="padding-left: 40px;"><del>(H)</del>(h) If the person is under supervision, the name or telephone number of the person's parole and probation officer; and</p> <p style="padding-left: 40px;"><del>(I)</del>(i) If the person is not under supervision, contact information for the Department of State Police.</p>
<p><b>Community Notification and Websites</b> <i>(Oregon)</i></p>	<p>O.R.S. § 181.592 (West 2008)</p> <p>(4)(a):</p> <ul style="list-style-type: none"> <li>• The department shall make information about a person who is under supervision for the first time as a result of a conviction for an offense that requires reporting as a sex offender accessible only by the use of the sex offender's name.</li> <li>• For all other sex offenders, the department may make the information accessible in any manner the department chooses.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 183

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Community Notification and Websites Cont'd</b> <i>(Oregon)</i>	(c) The department shall use the Internet to make the information available to the public if the information is about a person: (A) Determined to be a predatory sex offender; or (B) Found to be a sexually violent dangerous offender.
<b>Limitations on Residency or Employment</b> <i>(Oregon)</i>	O.R.S. § 144.642 (West 2008)  (1)(a) Sex offenders may not reside near locations where children are the primary occupants or users.  (1)(c) Unless authorized, sex offenders may not live with other sex offenders.
<b>Duration of Registration</b> <i>(Oregon)</i>	O.R.S. § 181.600 (West 2008)  (1)(a) A registrant may petition for termination of the registration obligation after 10 years.
<b>PENNSYLVANIA**</b>	
<b>Registrable Offenses</b> <i>(Pennsylvania)</i>	<ul style="list-style-type: none"> <li>• Kidnapping, where the victim is a minor - 18 PA. CONS. STAT. § 2901 (West 2008).</li> <li>• Luring a child into a motor vehicle or structure - 18 PA. CONS. STAT. § 2910 (West 2008).</li> <li>• Institutional sexual assault - 18 PA. CONS. STAT. § 3124.2 (West 2008).</li> <li>• Indecent assault, where the offense is a misdemeanor of the 1st degree - 18 PA. CONS. STAT. § 3126 (West 2008).</li> <li>• Incest, where the victim is 12 years of age or older but under 18 years of age - 18 PA. CONS. STAT. § 4302 (West 2008).</li> <li>• Prostitution, where the actor promotes prostitution of a minor - 18 PA. CONS. STAT. § 5902(b) (West 2008).</li> <li>• Obscene and other sexual materials and performances, where the victim is a minor - 18 PA. CONS. STAT. § 5903(a)(3), (4), (5) or (6) (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 184



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Pennsylvania)</i></p>	<ul style="list-style-type: none"> <li>• Sexual abuse of children - 18 PA. CONS. STAT. § 6312 (West 2008).</li> <li>• Unlawful contact with minor - 18 PA. CONS. STAT. § 6318 (West 2008).</li> <li>• Sexual exploitation of children - 18 PA. CONS. STAT. § 6320 (West 2008).</li> <li>• The attempt to commit any of the above listed offenses.</li> <li>• Rape - 18 PA. CONS. STAT. § 3121 (West 2008).</li> <li>• Involuntary deviate sexual intercourse - 18 PA. CONS. STAT. § 3123 (West 2008).</li> <li>• Sexual assault - 18 PA. CONS. STAT. § 3124.1 (West 2008).</li> <li>• Aggravated indecent assault - 18 PA. CONS. STAT. § 3125 (West 2008).</li> <li>• Incest, where the victim is under 12 years of age - 18 PA. CONS. STAT. § 4302 (West 2008).</li> </ul> <p>Offenders who move to Pennsylvania from another state are required to register. Such offenders must register within 10 days of arriving in Pennsylvania.</p>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Pennsylvania)</i></p>	<p><b>YES.</b></p> <p>18 PA. C.S.A. § 3124.2 (West 2008) <u>Institutional Sexual Assault</u></p> <p>(a) a person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Pennsylvania)</i></p>	<p>42 PA. C.S.A. § 9795.2 (West 2008)</p> <p>(c)(1):</p> <ul style="list-style-type: none"> <li>• name</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 185

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Pennsylvania)</i></p>	<ul style="list-style-type: none"> <li>• all current or intended residences</li> <li>• all information concerning current or intended employment</li> <li>• all information concerning current or intended enrollment as a student</li> </ul>
<p><b>Community Notification and Websites</b>  <i>(Pennsylvania)</i></p>	<p>42 PA. C.S.A. § 9798 (West 2008)</p> <p>(b)The chief law enforcement officer shall provide written notice, to the following persons:</p> <ol style="list-style-type: none"> <li>(1) Neighbors of the sexually violent predator. As used in this paragraph, where the sexually violent predator lives in a common interest community, the term "neighbor" includes the unit owners'</li> <li>(2) association and residents of the common interest community.             <ol style="list-style-type: none"> <li>(2) The director of the county children and youth service agency of the county where the sexually violent predator resides.</li> <li>(3) The superintendent of each school district and the equivalent</li> </ol> </li> <li>(3) official for private and parochial schools enrolling students up through grade 12 in the municipality where the sexually violent predator resides .             <ol style="list-style-type: none"> <li>(3.1) The superintendent of each school district and the equivalent official for each private and parochial school located within a one-mile radius of where the sexually violent predator resides.</li> </ol> </li> <li>(4) The licensee of each certified day care center and licensed preschool program and owner/operator of each registered family day care home in the municipality where the sexually violent predator resides.</li> <li>(5) The president of each college, university and community college located within 1,000 feet of a sexually violent predator's residence.</li> </ol> <p>42 PA. C.S.A. § 9798.1 (West 2008)</p> <p>(a) It is hereby declared to be the finding of the General Assembly that public safety will be enhanced by making information about sexually violent predators, lifetime registrants and other sex offenders available to the public through the Internet.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 186

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment</b> <i>(Pennsylvania)</i>	None
<b>Duration of Registration</b> <i>(Pennsylvania)</i>	<p>42 PA. C.S.A. § 9795.1 (West 2008)</p> <p>(a) 10 years for offenders not subject to lifetime registration.                  (b) Life for individuals:                 <ul style="list-style-type: none"> <li>• With 2 or more convictions for a registrable offense</li> <li>• Classified as sexually violent predators.</li> </ul> </p> <p>Life for individuals convicted of:                 <ul style="list-style-type: none"> <li>• Rape;</li> <li>• Involuntary deviate sexual intercourse;</li> <li>• Sexual assault;</li> <li>• Aggravated indecent assault; or</li> <li>• Incest of a child under the age of 12.</li> </ul> </p>
<b>PUERTO RICO</b>	
<b>Registrable Offenses</b> <i>(Puerto Rico)</i>	<p>PR ST T. 4 § 536a (West 2008)</p> <p><u>Registry of Persons Convicted of Violent Sexual Crimes and Child Abuse</u></p> <p>A Registry of Persons Convicted of Sexual Crimes and Child Abuse is hereby created in the Criminal Justice Information System. The following shall be registered therein:</p> <p>(a) Persons who are convicted for any of the following crimes or the attempt thereof: rape, seduction, sodomy, lewd or lascivious acts, procuring, ruffianism, or trade of persons when the victim is under eighteen (18) years of age and</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 187

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Puerto Rico)</i></p>	<p>the offense is aggravated; crimes against the protection of children, incest, restraint of freedom when the victim is under sixteen (16) years and not his/her child, kidnapping when the victim is under eighteen (18) years of age and is not his/her child; child theft, child perversion when a child under eighteen (18) years of age is admitted or held in a house of prostitution or sodomy; aggravated abuse against a child and conjugal sexual aggression comprised in Articles 99, 101, 103, 105 110(a) and (c) and 111, 115 122, 131(c), 137A(a), 160 and 163(c) of Act No. 115 of July 22, 1974, as amended, and in §§ 632(g) and 635 of Title 8, and in the crime of child abuse established in §§ 477u and 447v of Title 8, respectively.</p> <p>(b) Persons who have been or are convicted for crimes similar to those listed in this section by a federal, state or military court who transfer to Puerto Rico to establish their domicile, or that for reason of work or study are living in Puerto Rico, although their intention is not that of establishing their domicile in the Commonwealth.</p> <p>(c) Persons who, at the time of the approval of this act, are imprisoned or participating in a diversion program of the Corrections Administration for committing any of the crimes listed in this section, and those persons whose parole has been revoked for failure to comply with any condition thereof.</p> <p>(d) Those persons who, at the time of the approval of this act, had the obligation to register under Act No. 28 of July 1, 1997, shall be registered. Furthermore, those persons who, at the time of the approval of this act, have served the penalty imposed for the commission of any of the crimes listed in this section shall not have the obligation to register.</p>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Puerto Rico)</i></p>	<p>NO</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Puerto Rico)</i></p>	<p>PR ST T. 4 § 536b (West 2008)</p> <p>(a) At the time of the sentencing, the court with jurisdiction shall direct the Prosecutor to notify the System of the following information: names, pseudonyms, date of birth, home address, driver's license number, social security</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 188

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <i>(Puerto Rico)</i></p>	<p>number, fingerprints, photograph and other essential data that shall be furnished by persons subjected to the Registry as provided by §§ 536-536h of this title. All information thus compiled shall be registered within fifteen (15) days as of the court order.</p>
<p><b>Community Notification and Websites</b> <i>(Puerto Rico)</i></p>	<p>PR ST T. 4 § 536e (West 2008)</p> <p>The information on a registered person found in the System, as provided in §§ 536-536h of this title, shall be immediately available for law enforcement agencies as well as the state or federal government agencies in the performance of their duties. Said information shall also be provided to every person who requests it in writing, including such persons and private institutions for which this information is of interest due to the nature of their activities, in view of the threat and danger posed to them by the persons who commit any of the crimes listed in §§ 536-536h of this title. This includes, without it being understood as a limitation, the victim and his/her family, schools, institutions and child-care establishment, recreational facilities and institutions for abused children and women. The System shall approve the regulations needed for the information to be available to the public. In these cases, the information registered in the System shall be provided by the Puerto Rico Police. The name of the victim of the crime shall not be revealed.</p> <p>The information that appears in the Registry shall be transmitted electronically by the National Sex Offender Registry (NSOR) of the Federal Bureau of Investigation.</p> <p>PR ST T. 4 § 536f (West 2008)</p> <p>The System is empowered to publish the name, address and other pertinent information through the Internet.</p>
<p><b>Limitations on Residency or Employment</b> <i>(Puerto Rico)</i></p>	<p>None.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 189

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <i>(Puerto Rico)</i>	PR ST T. 4 § 536d (West 2008)  The person declared a dangerous sexual offender shall be registered for life, as provided in §§ 536-536h of this title.
<h3 style="margin: 0;">RHODE ISLAND</h3>	
<b>Registrable Offenses</b> <i>(Rhode Island)</i>	Criminal Offense Against a Victim Who is a Minor: <ul style="list-style-type: none"> <li>• Kidnapping of a minor - R.I. GEN. LAWS § 11-26-1.4 (West 2008).</li> <li>• Kidnapping or false imprisonment, where the victim is 16 years of age or older and under 18 years of age - R.I. GEN. LAWS § 11-26-1 (West 2008).</li> <li>• Kidnapping or false Imprisonment with intent to extort, where the victim is 16 years of age or older and under 18 years of age - R.I. GEN. LAWS § 11-26-2 (West 2008).</li> <li>• Sexual assault (3rd degree) - R.I. GEN. LAWS § 11-37-6 (West 2008).</li> <li>• Assault with intent to commit 1st degree sexual assault - R.I. GEN. LAWS § 11-37-8 (West 2008).</li> <li>• Child molestation sexual assault (1st degree) - R.I. GEN. LAWS § 11-37-8.1 (West 2008).</li> <li>• Child molestation sexual assault (2nd degree) - R.I. GEN. LAWS § 11-37-8.3 (West 2008).</li> <li>• Soliciting an incompetent person for the purposes of prostitution where the victim or person solicited to commit the offense is under 18 years of age - R.I. GEN. LAWS § 11-1-10 (West 2008).</li> <li>• Exploitation for commercial or immoral purposes - R.I. GEN. LAWS § 11-9-1(b) or (c) (West 2008).</li> <li>• Murder, where the murder was committed in the perpetration of, or attempted perpetration of, kidnapping and where the victim of the offense is under 18 years of age - R.I. GEN. LAWS § 11-23-1 (West 2008).</li> </ul> Sexually Violent Offenses: <ul style="list-style-type: none"> <li>• Sexual assault (1st degree) - R.I. GEN. LAWS § 11-37-2 (West 2008).</li> <li>• Sexual assault (2nd degree) - R.I. GEN. LAWS § 11-37-4 (West 2008).</li> <li>• Sexual assault (3rd degree) - R.I. GEN. LAWS § 11-37-6 (West 2008).</li> <li>• Assault with intent to commit 1st degree sexual assault - R.I. GEN. LAWS § 11-37-8 (West 2008).</li> <li>• Child molestation sexual assault (1st degree) - R.I. GEN. LAWS § 11-37-8.1 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Rhode Island)</i></p>	<ul style="list-style-type: none"> <li>• Child molestation sexual assault (2nd degree) - R.I. GEN. LAWS § 11-37-8.3 (West 2008).</li> <li>• Assault with intent to commit sexual assault - R.I. GEN. LAWS § 11-5-1 (West 2008).</li> <li>• Murder, where the murder was committed in the perpetration of, or attempted perpetration of, rape or any degree of sexual assault or child molestation - R.I. GEN. LAWS § 11-23-1 (West 2008).</li> <li>• Any offense in another jurisdiction which is substantially the equivalent of any offense listed in this subsection or for which the person is or would be required to register under 42 U.S.C. § 14071 or 18 U.S.C. § 4042(c).</li> </ul> <p>Individuals convicted of a registrable offense in another state register must register as sex offenders.</p>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Rhode Island)</i></p>	<p><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Rhode Island)</i></p>	<p>RI. ST. § 11-37.1-5 (West 2008)</p> <p>(b) Notification of registration requirements. The person designated with the responsibility for the notification requirements of this chapter shall, prior to the release of any person required to register under this chapter: <input type="checkbox"/></p> <ol style="list-style-type: none"> <li>(1) Inform the person of the duty to register and obtain the information required for registration;</li> <li>(2) Inform the person that if the person changes his or her residence address, the person shall give the new address to a designated state law enforcement agency in writing within twenty-four (24) hours;</li> <li>(3) Inform the person that if the person changes residence to another state, the person shall register the new address with the law enforcement agency with whom the person last registered, and the person is also required to register with a designated law enforcement agency in the new state in accordance with the new state's sex offender registration statute;</li> <li>(4) Inform the person that if the person works or attends school in another state in which he or she does not reside, the person shall register his or her employment address or address of the educational institution he or she attends as required by the other state;</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 191

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Rhode Island)</i></p>	<p>(5) Obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and</p> <p>(6) Require the person to read and sign a form approved by the attorney general stating that the duty of the person to register under this section has been explained.</p> <p>(c) Registration information. In addition to the requirements of subsection (b) of this section, for a person required to register under § 11-37.1-3, then the person responsible for the notification required under subsection (b) of this section shall obtain the name of the person, identifying factors, anticipated future residence, juvenile and adult offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person.</p>
<p><b>Community Notification and Websites</b>  <i>(Rhode Island)</i></p>	<p>RI. ST. § 11-37.1-12 (West 2008)</p> <p>(b) The regulations shall provide for three (3) levels of notification depending upon the risk of re-offense level of the sex offender:</p> <p>(1) If risk of re-offense is <i>low</i>, law enforcement agencies and any individuals identified in accordance with the parole board guidelines shall be notified;</p> <p>(2) If risk of re-offense is <i>moderate</i>, organizations in the community likely to encounter the person registered shall be notified in accordance with the parole board's guidelines, in addition to the notice required by subdivision (1) of this subsection;</p> <p>(3) If risk of re-offense is <i>high</i>, the members of the public likely to encounter the person registered shall be notified through means in accordance with the parole board's guidelines designed to reach members of the public likely to encounter the person registered, in addition to the notice required by subdivisions (1) and (2) of this subsection</p> <p>(4) The sex offender community notification unit is authorized and directed to utilize the Rhode Island state police web site and the Rhode Island Unified Court System website for the public release of identifying information of <i>level two and level three</i> sex offenders who have been convicted, provided that no identifying information of a juvenile shall be listed on the web site.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 192



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment</b> <i>(Rhode Island)</i>	None.
<b>Duration of Registration</b> <i>(Rhode Island)</i>	RI. ST. § 11-37.1-4 (West 2008)  (a) 10 years for persons not subject to lifetime registration.  (a) Life for sexually violent predators, recidivists, and aggravated crime offenders.
<b>SOUTH CAROLINA**</b>	
<b>Registrable Offenses</b> <i>(South Carolina)</i>	<ul style="list-style-type: none"> <li>• Criminal sexual conduct (1st degree) - S.C. CODE ANN. § 16-3-652 (West 2008).</li> <li>• Criminal sexual conduct (2nd degree) - S.C. CODE ANN. § 16-3-653 (West 2008).</li> <li>• Criminal sexual conduct (3rd degree) - S.C. CODE ANN. § 16-3-654 (West 2008).</li> <li>• Criminal sexual conduct with minors (1st degree) - S.C. CODE ANN. § 16-3-655(1) (West 2008).</li> <li>• Criminal sexual conduct with minors (2nd degree) -However, if the offender was 18 years of age or less and the court specifically finds that the sexual conduct was consensual, or the consensual sexual conduct was between persons under 16 years of age, the convicted person shall not be required to register. - S.C. CODE ANN. § 16-3-655(3) (West 2008).</li> <li>• Engaging a child for sexual performance - S.C. CODE ANN. § 16-3-810 (West 2008).</li> <li>• Producing, directing, or promoting sexual performance by a child - S.C. CODE ANN. § 16-3-820 (West 2008).</li> <li>• Assaults with intent to commit criminal sexual conduct - S.C. CODE ANN. § 16-3-656 (West 2008).</li> <li>• Incest - S.C. CODE ANN. § 16-15-20 (West 2008).</li> <li>• Buggery - S.C. CODE ANN. § 16-15-120 (West 2008).</li> <li>• Committing or attempting lewd act upon child under 16 - S.C. CODE ANN. § 16-15-140 (West 2008).</li> <li>• Peeping, voyeurism, or aggravated voyeurism - S.C. CODE ANN. § 16-17-470 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 193

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(South Carolina)</i></p>	<ul style="list-style-type: none"> <li>• Violations of Article 3, Chapter 15 of Title 16 involving a minor -</li> <li>• Kidnapping of a person 18 years of age or older except when the court finds on the record that the offense did not include a criminal sexual offense or attempted criminal sexual offense - S.C. CODE ANN. § 16-3-910 (West 2008).</li> <li>• Kidnapping of a person under 18 years of age, except when the offense is committed by a parent - S.C. CODE ANN. § 16-3-910 (West 2008)</li> <li>• Criminal sexual conduct when the victim is a spouse - S.C. CODE ANN. § 16-3-658 (West 2008).</li> <li>• Sexual battery of a spouse - S.C. CODE ANN. § 16-3-615 (West 2008).</li> <li>• Sexual intercourse with a patient or trainee - S.C. CODE ANN. § 44-23-1150 (West 2008).</li> <li>• Criminal solicitation of a minor if the purpose or intent of the solicitation or attempted solicitation was to:</li> <li>• persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity - S.C. CODE ANN. § 16-15-375 (West 2008).</li> <li>• perform a sexual activity in the presence of the person solicited - S.C. Code Ann. § 16-15-342 (West 2008).</li> <li>• Administering, distributing, dispensing, delivering, or aiding, abetting, attempting, or conspiring to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit a crime listed in Section 44-53-370(f), except petit larceny or grand larceny - S.C. CODE ANN. § 44-53-370 (West 2008).</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(South Carolina)</i></p>	<p><b>YES</b></p> <p>S.C. CODE ANN. § 44-23-1150 (West 2008). <u>Sexual misconduct with a patient, trainee or offender.</u></p> <p>(B) An actor is guilty of sexual misconduct when the actor, knowing that the victim is an inmate, offender, or patient voluntarily engages with the victim in an act of sexual intercourse, whether vaginal, oral or anal, or other sexual contact for the purpose of sexual gratification.</p> <p>(D) A person who knowingly or willfully submits inaccurate or untruthful information concerning sexual misconduct as defined in this section is guilty of the misdemeanor of falsely reporting sexual misconduct and, upon</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 194

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(South Carolina)</i></p>	<p>conviction, must be imprisoned for not more than 1 year.</p> <p>(E) A person who has knowledge of sexual misconduct who has received information in the person's professional capacity and fails to report it to the appropriate law enforcement authority, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor and upon conviction, must be imprisoned for not more than 6 months, or both.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(South Carolina)</i></p>	<p>SC. ST. § 23-3-440 (West 2008)</p> <p>(1)</p> <ul style="list-style-type: none"> <li>• name</li> <li>• offender's description</li> <li>• photograph</li> <li>• other information required by the State Law Enforcement Division</li> </ul>
<p><b>Community Notification and Websites</b> <i>(South Carolina)</i></p>	<p>SC. ST. § 23-3-490 (West 2008)</p> <p>(A) Information collected for the offender registry is open to public inspection, upon request to the county sheriff.</p> <p>(c)The sheriff shall notify the principals of public and private schools, and the administrator of child day care centers and family day care centers of any offender whose address is within one-half mile of the school or business.</p> <p>(E) For purposes of this section, use of computerized or electronic transmission of data or other electronic or similar means is permitted.</p>
<p><b>Limitations on Residency or Employment</b> <i>(South Carolina)</i></p>	<p>None.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 195

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> <i>(South Carolina)</i></p>	<p>SC. ST. § 44-23-1150 (West 2008) <u>Sexual Misconduct with a patient, trainee or offender</u></p> <p>(B) An actor is guilty of sexual misconduct when the actor, knowing that the victim is an inmate, offender, or patient voluntarily engages with the victim in an act of sexual intercourse, whether vaginal, oral, or anal, or other sexual contact for the purpose of sexual gratification.</p> <p>(A) As used in this section:</p> <ul style="list-style-type: none"> <li>○ “Actor” means an employee, volunteer, agent, or contractor of a public entity that has statutory or contractual responsibility for inmates or patients confined in a prison, jail, or mental health facility. Actor includes individuals who supervise inmate labor details outside of an institution or who have supervisory responsibility for offenders on parole, probation, or other community supervision programs.</li> </ul>
<p><b>SOUTH DAKOTA</b></p>	
<p><b>Registrable Offenses</b> <i>(South Dakota)</i></p>	<ul style="list-style-type: none"> <li>• Rape - S.D. CODIFIED LAWS § 22-22-1 (West 2008).</li> <li>• Sexual contact with a minor under 16, if committed by an adult and the adult is convicted of a felony - S.D. CODIFIED LAWS § 22-22-7 (West 2008).</li> <li>• Sexual contact with a person incapable of consenting, if committed by an adult - S.D. CODIFIED LAWS § 22-22-7.2 (West 2008).</li> <li>• Possessing, manufacturing, or distributing child pornography - S.D. CODIFIED LAWS § 22-24A-2 (West 2008).</li> <li>• Sale of child pornography - S.D. CODIFIED LAWS § 22-24A-1 (West 2008).</li> <li>• Sexual exploitation of a minor - S.D. CODIFIED LAWS § 22-22-24.3 (West 2008).</li> <li>• Kidnapping, if the victim of the criminal act is a minor - S.D. CODIFIED LAWS § 22-19-1 (West 2008).</li> <li>• Promotion of prostitution of a minor - S.D. CODIFIED LAWS § 22-23-2(2) (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 196

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(South Dakota)</i></p>	<ul style="list-style-type: none"> <li>• Solicitation of a minor - S.D. CODIFIED LAWS § 22-24A-5 (West 2008).</li> <li>• Bestiality - S.D. CODIFIED LAWS § 22-22-42 (West 2008).</li> <li>• Indecent exposure - S.D. CODIFIED LAWS § 22-22-42-1.2 (West 2008).</li> <li>• Indecent exposure involving a child - S.D. CODIFIED LAWS § 22-22-42 (West 2008).</li> <li>• Any attempt to commit a crime listed above.</li> <li>• Any federal crime or court martial offense that would constitute a sex crime under federal law.</li> <li>• Any crime committed in another state if that state also requires that anyone convicted of that crime register as a sex offender in that state.</li> </ul> <p>If the victim is a minor:</p> <ul style="list-style-type: none"> <li>• Any sexual acts between a jail employee and a detainee - S.D. CODIFIED LAWS § 22-22-7.6 (West 2008).</li> <li>• Any sexual contact by a psychotherapist - S.D. CODIFIED LAWS § 22-22-28 (West 2008).</li> <li>• Any sexual penetration by a psychotherapist - S.D. CODIFIED LAWS § 22-22-29 (West 2008).</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(South Dakota)</i></p>	<p style="text-align: center;"><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(South Dakota)</i></p>	<p>S.D.C.L. § 22-24B-8 (WEST 2008)</p> <p>The registration shall include the following information which, unless otherwise indicated, shall be provided by the offender:</p> <ol style="list-style-type: none"> <li>(1) Name and all aliases used;</li> <li>(2) Complete description, photographs, fingerprints and palm prints collected and provided by the registering agency;</li> <li>(3) Residence, length of time at that residence including the date the residence was established, and length of</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 197

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(South Dakota)</i></p>	<p>time expected to remain at that residence;</p> <ol style="list-style-type: none"> <li>(4) The type of sex crime convicted of;</li> <li>(5) The date of commission and the date of conviction of any sex crime committed;</li> <li>(6) Social Security number on a separate confidential form;</li> <li>(7) Driver license number and state of issuance;</li> <li>(8) Whether or not the registrant is receiving or has received any sex offender treatment;</li> <li>(9) Employer name, address, and phone number or school name, address, and phone number</li> <li>(10) Length of employment or length of attendance at school;</li> <li>(11) Occupation or vocation;</li> <li>(12) Vehicle license plate number of any vehicle owned by the offender;</li> <li>(13) Information identifying any internet accounts of the offender as well as any user names, screen names, and aliases that the offender uses on the internet;</li> <li>(14) A listing of all felony convictions, in any jurisdiction, for crimes committed as an adult and sex offense convictions and adjudications subject to sex offender registry provided by the offender and confirmed by the registering agency;</li> <li>(15) A description of the offense, provided by the prosecuting attorney;</li> <li>(16) Acknowledgment whether the offender is currently an inmate, parolee, juvenile in department of corrections placement or under aftercare supervision, county or city jail inmate or detainee in a juvenile detention center, provided by the offender and confirmed by the administering body of the correctional facility;</li> <li>(17) Acknowledgment whether the offender is subject to community safety zone restrictions, provided by the registering agency; and</li> <li>(18) The name, address and phone number of two local contacts, who have regular interaction with the offender and the name, address and phone number of the offender's next of kin.</li> </ol>
<p><b>Community Notification and Websites</b>  <i>(South Dakota)</i></p>	<p>S.D.C.L. § 22-24B-15 (West 2008)</p> <p>Registration records collected by local law enforcement agencies pursuant to this chapter, registration lists provided to local law enforcement by the Division of Criminal Investigation, and records collected by institutions for those persons required to register are public records.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 198

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(South Dakota)</i></p>	<p>S.D.C.L. § 22-24B-21</p> <p>The Division of Criminal Investigation shall post and maintain on an internet site sex offender registration information.</p>
<p><b>Limitations on Residency or Employment</b> <i>(South Dakota)</i></p>	<p>S.D.C.L. § 22-24B-23 (West 2008)</p> <p>No person who is required to register as a sex offender pursuant to this chapter may establish a residence or reside within a community safety zone unless:</p> <ol style="list-style-type: none"> <li>(1) The person is incarcerated in a jail or prison or other correctional placement which is located within a community safety zone;</li> <li>(2) The person is placed in a health care facility licensed pursuant to chapter 34-12, or certified under Title XVIII or XIX of the Social Security Act as amended to December 31, 2001, or receiving services from a community service provider accredited or certified by the Department of Human Services, which is located within a community safety zone;</li> <li>(3) The person was under age eighteen at the time of the offense and the offender was not tried and convicted of the offense as an adult;</li> <li>(4) The person established the residence prior to July 1, West 2008;</li> <li>(5) The school, public park, public pool, or public playground was built or established subsequent to the person's establishing residence at the location; or</li> <li>(6) The circuit court has entered an order pursuant to § 22-24B-28 exempting the offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.</li> </ol> <p>S.D.C.L. § 22-24B-24</p> <p>Sex offenders also may not loiter in a community safety zone unless the offender was under 18 at the time of the offense.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 199

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> <i>(South Dakota)</i></p>	<p>S.D.C.L. § 22-24B-19 (West 2008)</p> <ol style="list-style-type: none"> <li>(1) An offender may petition for removal from the sex offender registry after 10 years have elapsed</li> <li>(2) if:             <ol style="list-style-type: none"> <li>(a) The registrable offense was statutory rape and the offender was 21 years of age or younger;</li> <li>(b) The offense was a juvenile adjudication for a sex crime;</li> </ol> </li> <li>(3) The crime did not involve a child under the age of 13;</li> <li>(4) The petitioner is not a repeat sex offender;</li> <li>(5) The offender has completely complied with registration.</li> </ol>
<p><b>TENNESSEE**</b></p>	
<p><b>Registrable Offenses</b> <i>(Tennessee)</i></p>	<ul style="list-style-type: none"> <li>• Sexual battery - TENN. CODE ANN. § 39-13-505 (West 2008).</li> <li>• Statutory rape , - TENN. CODE ANN. § 39-13-506 (West 2008).</li> <li>• Aggravated prostitution - TENN. CODE ANN. § 39-13-516 (West 2008).</li> <li>• Sexual exploitation of a minor - TENN. CODE ANN. § 39-17-1003 (West 2008).</li> <li>• Incest - TENN. CODE ANN. § 39-15-302 (West 2008).</li> <li>• False imprisonment of a minor, except when committed by a parent of the minor victim - TENN. CODE ANN. § 39-13-302 (West 2008).</li> <li>• Third or subsequent conviction for indecent exposure - Tenn. Code Ann. § 39-13-511 (West 2008).</li> <li>• Attempt, solicitation, criminal responsibility, conspiracy, facilitating the commission, or being an accessory after the act to commit any of the crimes listed above.</li> <li>• Aggravated Statutory rape - TENN. CODE ANN. § 39-13-506(c ) (West 2008).</li> <li>• Aggravated rape TENN. CODE ANN. § 39-13-502</li> <li>• Rape - TENN. CODE ANN. § 39-13-503 (West 2008).</li> <li>• Aggravated sexual battery - TENN. CODE ANN. § 39-13-504 (West 2008).</li> <li>• Rape of a child - TENN. CODE ANN. § 39-13-522 (West 2008).</li> <li>• Aggravated rape of a child TENN. CODE ANN. § 39-13-531</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 200



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Tennessee)</i></p>	<ul style="list-style-type: none"> <li>• Aggravated sexual exploitation of a minor - TENN. CODE ANN. § 39-17-1004 (West 2008).</li> <li>• Especially aggravated sexual exploitation of a minor - TENN. CODE ANN. § 39-17-1005 (West 2008).</li> <li>• Aggravated kidnapping where the victim is a minor, except when committed by a parent of the minor victim - TENN. CODE ANN. § 39-13-304 (West 2008).</li> <li>• Especially aggravated kidnapping where the victim is a minor, except when committed by a parent of the minor victim - TENN. CODE ANN. § 39-13-305 (West 2008).</li> <li>• Sexual battery by an authority figure - TENN. CODE ANN. § 39-13-527 (West 2008).</li> <li>• Solicitation of a minor - TENN. CODE ANN. § 39-13-528 (West 2008).</li> <li>• Criminal exposure to HIV - TENN. CODE ANN. § 39-13-109 (West 2008).</li> <li>• Exploitation of a minor by electronic means - TENN. CODE ANN. § 39-13-529 (West 2008).</li> <li>• Statutory rape by an authority figure TENN. CODE ANN. § 39-13-532</li> <li>• Attempt, solicitation, criminal responsibility, conspiracy, facilitating the commission, or being an accessory after the act to commit any of the crimes listed above.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Tennessee)</i></p>	<p><b>YES.</b></p> <p>T.C.A. § 39-13-527 (West 2008)</p> <p>(a) Sexual battery by an authority figure is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by the following circumstances:</p> <p style="padding-left: 40px;">(1) The victim was, at the time of the offense, thirteen (13) years of age or older but less than eighteen (18) years of age; or</p> <p style="padding-left: 40px;">(2) The victim was, at the time of the offense, mentally defective, mentally incapacitated or physically helpless, regardless of age; and,</p> <p style="padding-left: 40px;">(3)(A) The defendant was at the time of the offense in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional or occupational status and used the</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 201**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Tennessee)</i></p>	<p>position of trust or power to accomplish the sexual contact; or</p> <p>(3)(B) The defendant had, at the time of the offense, parental or custodial authority over the victim and used the authority to accomplish the sexual contact.</p> <p>(b) Sexual battery by an authority figure is a Class C felony.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Tennessee)</i></p>	<p>TENN. CODE ANN. § 40-39-203 (West 2008)</p> <p>(i) TBI registration forms shall require the registrant's signature and disclosure of the following information, under penalty of perjury, pursuant to § 39-16-702(b)(3):</p> <ul style="list-style-type: none"> <li>(1) Complete name and all aliases, including, but not limited to, any names that the offender may have had or currently has by reason of marriage or otherwise;</li> <li>(2) Date and place of birth;</li> <li>(3) Social security number;</li> <li>(4) A photocopy of a valid driver's license, or if no valid driver license has been issued to the offender, a photocopy of any state or federal government issued identification card;</li> <li>(5) For an offender on supervised release, the name, address, and telephone number of the registrant's probation or parole officer or other person responsible for the registrant's supervision;</li> <li>(6) Sexual offenses or violent sexual offenses for which the registrant has been convicted, the date of the offenses and the county and state of each conviction;</li> <li>(7) Name of any current employers and length of employment, including physical addresses and phone numbers;</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 202**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <b>Cont'd</b> <i>(Tennessee)</i></p>	<p>(8) Current physical address and length of residence at that address, which shall include any primary or secondary residences. For the purpose of this section, a post office box number shall not be considered an address;</p> <p>(9) Mailing address, if different from physical address;</p> <p>(10) Any vehicle, mobile home, trailer or manufactured home used or owned by an offender, including descriptions, vehicle information numbers and license tag numbers;</p> <p>(11) Any vessel, live-aboard vessel or houseboat used by an offender, including the name of the vessel, description, and all identifying numbers;</p> <p>(12) Name and address of each institution of higher education in this state where the offender is employed or practices a vocation or is a student;</p> <p>(13) Race and gender;</p> <p>(14) Name, address and phone number of offender's closest living relative;</p> <p>(15) Whether victims of the offender's convictions are minors or adults, the number of victims and the correct age of the victim or victims and of the offender at the time of the offense or offenses, if the ages are known;</p> <p>(16) Verification by the TBI or the offender that the TBI has received the offender's DNA sample;</p> <p>(17) A complete listing of the offender's electronic mail address information or any instant message, chat or other Internet communication name or identity that the person uses or intends to use;</p> <p>(18) Whether any minors reside in the primary or secondary residence; and</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 203**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Tennessee)</i></p>	<p>(19)(A) Any other registration, verification and tracking information, including fingerprints and a current photograph of the offender, vehicles and vessels, as referred to in subdivisions (i)(10) and (i)(11), as may be required by rules promulgated by the TBI, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;</p>
<p><b>Community Notification and Websites</b>  <i>(Tennessee)</i></p>	<p>T.C.A. § 40-39-206 (West 2008)</p> <p>(e):</p> <ul style="list-style-type: none"> <li>• For all sexual offenses, and offenses now defined as violent sexual offenses, committed on or after July 1, 1997, the information concerning a registered offender shall be considered public information.</li> <li>• In addition to making the information available in the same manner as public records, the Tennessee Bureau of Investigations (TBI) shall prepare and place the information on the state's Internet homepage.</li> <li>• This information shall become a part of the Tennessee internet criminal information center when that center is created within the TBI.</li> <li>• The TBI shall also establish and operate a toll-free telephone number, to be known as the "Tennessee Internet Criminal Information Center Hotline," to permit members of the public to call and inquire as to whether a named individual is listed among those who have registered as offenders as required by this part.</li> </ul>
<p><b>Limitations on Residency or Employment</b>  <i>(Tennessee)</i></p>	<p>TENN. CODE ANN. § 40-39-211 (West 2008)</p> <p>(a) While mandated to comply with the requirements of this chapter, no sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, whose victim was a minor, shall knowingly establish a primary or secondary residence or any other living accommodation, knowingly obtain sexual offender treatment or attend a sexual offender treatment program or knowingly accept employment within one thousand feet (1,000') of the property line of any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 204**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Limitations on Residency or Employment Cont'd</b> <i>(Tennessee)</i></p>	<p>(b) No sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, shall knowingly:</p> <ul style="list-style-type: none"><li>(1) Reside within one thousand feet (1,000') of the property line on which the offender's former victims or the victims' immediate family members reside;</li><li>(2) Come within one hundred feet (100') of any of the offender's former victims, except as otherwise authorized by law; or</li></ul> <p>(c) While mandated to comply with the requirements of this part, no sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, whose victim was a minor, shall knowingly reside with a minor. Notwithstanding this subsection (c), the offender may reside with a minor, if the offender is the parent of the minor, unless one (1) of the following conditions applies:</p> <ul style="list-style-type: none"><li>(1) The offender's parental rights have been or are in the process of being terminated as provided by law; or</li><li>(2) Any minor or adult child of the offender was a victim of a sexual offense or violent sexual offense committed by the offender.</li></ul> <p>(d)(1) No sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, shall knowingly:</p> <ul style="list-style-type: none"><li>(A) Be upon or remain on the premises of any school building or school grounds in this state when the person has reason to believe children under eighteen (18) years of age are present.</li><li>(B) Stand, sit idly, whether or not the person is in a vehicle, or remain within five hundred feet (500') of a school building or on school grounds in this state when children under eighteen (18) years of age are present, while not having a reason or relationship involving custody of or responsibility for a student or any other specific or legitimate reason for being there; or</li></ul>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 205**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Limitations on Residency or Employment Cont'd</b> <i>(Tennessee)</i></p>	<p>(C) Be in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when children under eighteen (18) years of age are present in the conveyance.</p> <p>(2) Subdivision (d)(1) shall not apply when the offender:</p> <ul style="list-style-type: none"><li>(A) Is a student in attendance at the school;</li><li>(B) Is attending an academic conference or other scheduled school event with school officials as a parent or legal guardian of a child who is enrolled in the school and is participating in the conference or event;</li><li>(C) Resides at a state licensed or certified facility for incarceration, health or convalescent care;</li><li>(D) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or</li><li>(E) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery.</li></ul> <p>(e) Changes in the ownership or use of property within one thousand feet (1,000') of the property line of an offender's primary or secondary residence or place of employment that occur after an offender establishes residence or accepts employment shall not form the basis for finding that an offender is in violation of the residence restrictions of this section.</p> <p>TN LEGIS 597 (2009)</p> <p>(d)(1) No sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, shall knowingly:</p> <ul style="list-style-type: none"><li>(A) Be upon or remain on the premises of any building or grounds of any public school, private or parochial school,</li></ul>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 206**

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Limitations on Residency or Employment Cont'd</b> <i>(Tennessee)</i></p>	<p>licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when the offender has reason to believe children under eighteen (18) years of age are present;</p> <p>(B) Stand, sit idly, whether or not the offender is in a vehicle, or remain within one thousand feet (1,000') of the property line of, or any building owned or operated by, any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when children under eighteen (18) years of age are present, while not having a reason or relationship involving custody of or responsibility for a child or any other specific or legitimate reason for being there; or</p> <p>(C) Be in any conveyance owned, leased or contracted by a school, licensed day care center, other child care facility, or recreation center to transport students to or from school, day care, child care, or a recreation center or any related activity thereof when children under eighteen (18) years of age are present in the conveyance.</p> <p>(2) Subdivision (d)(1) shall not apply when the offender:</p> <p>(A) Is a student in attendance at the school;</p> <p>(B) Is attending a conference or other scheduled event with school, day care, child care, park, playground, or recreation center officials as a parent or legal guardian of a child who is enrolled and participating in the conference or other scheduled event of the school, day care center, other child care center, park, playground or recreation center;</p> <p>(C) Resides at a state licensed or certified facility for incarceration, health or convalescent care; or</p> <p>(D) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian.</p> <p>(3) The exemption provided in subdivision (d)(2)(B) shall not apply if the victim of the offender's sexual offense or violent sexual offense was a minor at the time of the offense and the victim is enrolled in the school, day care center, recreation center or other child care center that is participating in the conference or other scheduled event.</p> <p>SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.</p>
--	--

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 207

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <i>(Tennessee)</i>	<p>T.C.A. § 40-39-207 (West 2008)</p> <p>(a)(1) Sex offenders may petition for termination of the registration obligation no sooner than 10 years since their release from incarceration.</p> <p>(g)(1) Life for persons:</p> <ul style="list-style-type: none"> <li>▪ With 1 or more prior sex offense convictions</li> <li>▪ Who have been convicted of a violent sexual offense.</li> </ul>
<h3 style="margin: 0;">TEXAS</h3>	
<b>Registrable Offenses</b> <i>(Texas)</i>	<ul style="list-style-type: none"> <li>• Indecency with a child - TEX. PENAL CODE ANN. § 21.11 (Vernon West 2008).</li> <li>• Sexual assault - TEX. PENAL CODE ANN. § 22.011 (Vernon West 2008).</li> <li>• Aggravated sexual assault - TEX. PENAL CODE ANN. § 22.021 (Vernon West 2008).</li> <li>• Prohibited sexual conduct - TEX. PENAL CODE ANN. § 25.02 (Vernon West 2008).</li> <li>• Compelling prostitution - TEX. PENAL CODE ANN. § 43.05 (Vernon West 2008).</li> <li>• Sexual performance by a child - TEX. PENAL CODE ANN. § 43.25 (Vernon West 2008).</li> <li>• Possession or promotion of child pornography - TEX. PENAL CODE ANN. § 43.26 (Vernon West 2008).</li> <li>• Aggravated kidnapping if the actor committed the offense or engaged in the conduct with the intent to violate or abuse the victim sexually - TEX. PENAL CODE ANN. § 20.04(a)(4) (Vernon West 2008).</li> <li>• Burglary, if the offense or conduct is punishable under subsection (d) and the actor committed the offense or engaged in the conduct with the intent to commit indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct, or aggravated kidnapping - TEX. PENAL CODE ANN. § 30.02 (Vernon West 2008).</li> <li>• Unlawful restraint, if the victim was under 17 years of age - TEX. PENAL CODE ANN. § 20.02 (Vernon West 2008).</li> <li>• Kidnapping, if the victim was under 17 years of age - TEX. PENAL CODE ANN. § 20.03 (Vernon West 2008).</li> <li>• Aggravated kidnapping, if the victim was under 17 years of age - TEX. PENAL CODE ANN. § 20.04</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 208



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Texas)</i></p>	<p>(Vernon West 2008).</p> <ul style="list-style-type: none"> <li>• Second violation for indecent exposure, unless the second violation results in a deferred adjudication - TEX. PENAL CODE ANN. § 21.08 (Vernon West 2008).</li> <li>• Attempt, conspiracy or solicitation to commit an offense or engage in conduct listed above.</li> </ul> <p>A violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed above.</p>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Texas)</i></p>	<p><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Texas)</i></p>	<p>TX. CRIM. PRO. ART. 62.051 (West 2008)</p> <p>(c) The registration form shall require:</p> <ol style="list-style-type: none"> <li>(1) the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, shoe size, and home address;</li> <li>(2) a recent color photograph or, if possible, an electronic digital image of the person and a complete set of the person's fingerprints;</li> <li>(3) the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received;</li> <li>(4) an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision;</li> <li>(5) an indication of each license, as defined by Article 62.005(g), that is held or sought by the person;</li> <li>(6) an indication as to whether the person is or will be employed, carrying on a vocation, or a student at a particular public or private institution of higher education in this state or another state, and the name and address of that institution; and</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 209

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Information Maintained in Sex Offender Registry</b> <b>Cont'd</b> <i>(Texas)</i>	(7) any other information required by the department.
<b>Community Notification and Websites</b> <i>(Texas)</i>	TX. CRIM. PRO. ART. 62.056 (West 2008)  (d) On receipt of notice under this chapter that a person subject to registration under this chapter is required to register or verify registration with a local law enforcement authority and has been assigned a numeric <i>risk level of three</i> , the local law enforcement authority may provide notice to the public in any manner determined appropriate by the local law enforcement authority, including: <ul style="list-style-type: none"> <li>• Publishing notice in a newspaper or other periodical or</li> <li>• Circular in circulation in the area where the person intends to reside,</li> <li>• Holding a neighborhood meeting,</li> <li>• Posting notices in the area where the person intends to reside,</li> <li>• Distributing printed notices to area residents, or</li> <li>• Establishing a specialized local website.</li> </ul> The local law enforcement authority may include in the notice only information that is public information under this chapter.
<b>Limitations on Residency or Employment</b> <i>(Texas)</i>	None
<b>Duration of Registration</b> <i>(Texas)</i>	TX. CRIM. PRO. ART. 62.101 (West 2008)  (5)(b) 10 years for offenders not subject to lifetime registration.

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 210

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> Cont'd <i>(Texas)</i></p>	<p>Life for persons with a reportable conviction for:</p> <ul style="list-style-type: none"> <li>• A sexually violent offense;</li> <li>• Prohibited sexual conduct;</li> <li>• Compelling prostitution;</li> <li>• Possession or promotion of child pornography;</li> <li>• Indecency with a child, if the person has prior or subsequent convictions for a registrable offense;</li> <li>• Unlawful restraint, kidnapping or aggravated kidnapping of a victim under 17 and the offender has prior or subsequent convictions for a registrable offense;</li> <li>• Child pornography depicting a minor.</li> </ul>
<p><b>UTAH</b></p>	
<p><b>Registrable Offenses</b> <i>(Utah)</i></p>	<ul style="list-style-type: none"> <li>• Enticing a minor over the Internet (felony or class A misdemeanor violation) - UTAH CODE ANN. § 76-4-401 (West 2008).</li> <li>• Kidnapping of a child - UTAH CODE ANN. § 76-5-301.1 (West 2008).</li> <li>• Unlawful sexual activity with a minor (a felony violation) - UTAH CODE ANN. § 76-5-401 (West 2008).</li> <li>• Sexual abuse of a minor - UTAH CODE ANN. § 76-5-401.1 (West 2008).</li> <li>• Unlawful sexual conduct with a 16 or 17 year old - UTAH CODE ANN. § 76-5-401.2 (West 2008).</li> <li>• Rape - UTAH CODE ANN. § 76-5-402 (West 2008).</li> <li>• Rape of a child - UTAH CODE ANN. § 76-5-402.1 (West 2008).</li> <li>• Object rape - UTAH CODE ANN. § 76-5-402.2 (West 2008).</li> <li>• Object rape of a child - UTAH CODE ANN. § 76-5-402.3 (West 2008).</li> <li>• Forcible sodomy (felony violation) - UTAH CODE ANN. § 76-5-403 (West 2008).</li> <li>• Sodomy on a child - UTAH CODE ANN. § 76-5-403.1 (West 2008).</li> <li>• Forcible sexual abuse - UTAH CODE ANN. § 76-5-404 (West 2008).</li> <li>• Sexual abuse of a child or aggravated sexual abuse of a child - UTAH CODE ANN. § 76-5-404.1 (West</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 211

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Utah)</i></p>	<p>2008).</p> <ul style="list-style-type: none"> <li>• Aggravated sexual assault - UTAH CODE ANN. § 76-5-405 (West 2008).</li> <li>• Sexual exploitation of a minor - UTAH CODE ANN. § 76-5a-3 (West 2008).</li> <li>• Incest - UTAH CODE ANN. § 76-7-102 (West 2008).</li> <li>• Lewdness involving a child - UTAH CODE ANN. § 76-9-702.5 (West 2008).</li> <li>• Aggravated exploitation of prostitution - UTAH CODE ANN. § 76-10-1306 (West 2008).</li> <li>• Attempting, soliciting, or conspiring to commit, any of the criminal offenses listed above.</li> <li>• Any person convicted by any other state or the U.S. government of an offense that, if committed in Utah, would be punishable as a sex offense and who is:             <ul style="list-style-type: none"> <li>○ a Utah resident; or</li> <li>○ not a Utah resident but is in Utah for a period that exceeds 14 consecutive days, or for a total period that exceeds 30 days during any year.</li> </ul> </li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Utah)</i></p>	<p><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Utah)</i></p>	<p>U.C.A. § 77-27-21.5 (West 2008)</p> <p>(12) An offender shall provide the department or the registering entity with the following information: <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>(a) all names and aliases by which the offender is or has been known;</li> <li>(b) the addresses of the offender's primary and secondary residences;</li> <li>(c) a physical description, including the offender's date of birth, height, weight, eye and hair color;</li> <li>(d) the make, model, color, year, plate number, and vehicle identification number of any vehicle or vehicles the offender owns or regularly drives;</li> <li>(e) a current photograph of the offender;</li> <li>(f) a set of fingerprints, if one has not already been provided;</li> <li>(g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not already been provided;</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 212

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Utah)</i></p>	<ul style="list-style-type: none"> <li>(h) telephone numbers and any other designations used by the offender for routing or self-identification in telephonic communications from fixed locations or cellular telephones</li> <li>(i) Internet identifiers and the addresses the offender uses for routing or self-identification in Internet communications or postings;</li> <li>(j) the name and Internet address of all websites on which the sex offender is registered using an online identifier, including all online identifiers and passwords used to access those websites;</li> <li>(k) a copy of the offender's passport, if a passport has been issued to the offender;</li> <li>(l) if the offender is an alien, all documents establishing the offender's immigration status;</li> <li>(m) all professional licenses that authorize the offender to engage in an occupation or carry out a trade or business, including any identifiers, such as numbers;</li> <li>(n) each educational institution in Utah at which the offender is employed, carries on a vocation, or is a student, and any change of enrollment or employment status of the offender at any educational institution;</li> <li>(o) the name and the address of any place where the offender is employed or will be employed;</li> <li>(p) the name and the address of any place where the offender works as a volunteer or will work as a volunteer; and</li> <li>(q) the offender's Social Security number.</li> </ul>
<p><b>Community Notification and Websites</b>  <i>(Utah)</i></p>	<p>U.C.A. § 7-27-21.5 (West 2008)</p> <p>(15) Information collected and released under this section is public information.</p> <p>(22) The department shall post registry information on the Internet.</p>
<p><b>Limitations on Residency or Employment</b>  <i>(Utah)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b>  <i>(Utah)</i></p>	<p>U.C.A. § 77-27-21.5 (West 2008)</p> <p>(9) 10 years for offenders not subject to lifetime registration.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 213

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> Cont'd <i>(Utah)</i></p>	<p>(c)(i)(a) Life for persons convicted of:</p> <ul style="list-style-type: none"> <li>• Rape of a child</li> <li>• Object rape of a child</li> <li>• Forcible sodomy</li> <li>• Sodomy on a child</li> <li>• Aggravated sexual assault</li> <li>• Any registrable offense, if the offender has previously been convicted of a registrable offense.</li> </ul>
<p><b>VERMONT</b></p>	
<p><b>Registrable Offenses</b> <i>(Vermont)</i></p>	<ul style="list-style-type: none"> <li>• Sexual assault - VT. STAT. ANN. tit. 13, § 3252 (West 2008).</li> <li>• Aggravated sexual assault - VT. STAT. ANN. tit. 13, § 3253 (West 2008).</li> <li>• Lewd and lascivious behavior - VT. STAT. ANN. tit. 13, § 2601 (West 2008).</li> <li>• Sexual abuse of a vulnerable adult - VT. STAT. ANN. tit. 13, § 1379 (West 2008).</li> <li>• Voyeurism (2nd or subsequent convictions) - VT. STAT. ANN. tit. 13, § 2638(b) (West 2008).</li> <li>• The attempt to commit any of the above listed offenses.</li> </ul> <p>A person who is convicted of any of the following offenses against a victim who is a minor, except that, for purposes of this subdivision, conduct which is criminal only because of the age of the victim shall not be considered an offense for purposes of the registry if the perpetrator is under the age of 18:</p> <ul style="list-style-type: none"> <li>• Sexual assault - VT. STAT. ANN. tit. 13, § 3252 (West 2008).</li> <li>• Aggravated sexual assault - VT. STAT. ANN. tit. 13, § 3253 (West 2008).</li> <li>• Lewd and lascivious behavior - VT. STAT. ANN. tit. 13, § 2601 (West 2008).</li> <li>• Sexual abuse of a vulnerable adult - VT. STAT. ANN. tit. 13, § 1379 (West 2008).</li> <li>• Voyeurism (2nd or subsequent convictions) - VT. STAT. ANN. tit. 13, § 2638(b) (West 2008).</li> <li>• Kidnapping - VT. STAT. ANN. tit. 13, § 2405 (West 2008).</li> <li>• Lewd and lascivious behavior with a child - VT. STAT. ANN. tit. 13, § 2602 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 214

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Vermont)</i></p>	<ul style="list-style-type: none"> <li>• White slave traffic - VT. STAT. ANN. tit. 13, § 2635 (West 2008).</li> <li>• Sexual exploitation of children - VT. STAT. ANN. tit. 13, §§ 2821-2828 (West 2008).</li> <li>• Procurement or solicitation - VT. STAT. ANN. tit.13, § 2632 (West 2008).</li> <li>• The attempt to commit any of the above listed offenses.</li> <li>• A person who takes up residence in Vermont, other than within a correctional facility, and who has been convicted in any jurisdiction of the United States for a sex crime, the elements of which would constitute an offense listed in (1) or (2) above if committed in Vermont.</li> <li>• A nonresident sex offender who crosses into Vermont and who is employed, carries on a vocation, or is a student.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Vermont)</i></p>	<p><b>NO</b></p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Vermont)</i></p>	<p>13 V.S.A. § 5403 (West 2008)</p> <p>(a) Upon conviction and prior to sentencing, the court shall order the sex offender to provide the court with the following information, which the court shall forward to the department forthwith: <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>(1) name;</li> <li>(2) date of birth;</li> <li>(3) general physical description;</li> <li>(4) current address;</li> <li>(5) Social Security number;</li> <li>(6) fingerprints;</li> <li>(7) current photograph;</li> <li>(8) current employment; and</li> <li>(9) name and address of any postsecondary educational institution at which the sex offender is enrolled as a student.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 215

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites</b> <i>(Vermont)</i></p>	<p>13 V.S.A. § § 5411 (West 2008)</p> <p>(b)(1) The department, the department of corrections, and any authorized local law enforcement agency shall release registry information concerning persons required to register under state law if the requestor can articulate a concern about the behavior of a specific person regarding the requestor's personal safety or the safety of another, or the requestor has reason to believe that a specific person may be a registered sex offender and can articulate a concern regarding the requestor's personal safety or the safety of another.</p> <p>(c) (1) Except as provided for in subsection (e) of this section, upon request of a member of the public about a specific person, the department, the department of corrections, and any authorized local law enforcement agency shall release registry information on sex offenders whose information is required to be posted on the internet.</p> <p>13 V.S.A. § 5411a (West 2008)</p> <p>The department shall electronically post information on the internet regarding the following sex offenders, upon their release from confinement:</p> <ul style="list-style-type: none"><li>(8) Sex offenders who have been convicted of a aggravated sexual assault, lewd or lascivious conduct with child if the offender has been designated as high risk by the department of corrections or kidnapping and sexual assault of a child</li><li>(9) Sex offenders who have at least one prior conviction for an offense described in subdivision 5401(10) of this subchapter.</li><li>(10) Sex offenders who have failed to comply with sex offender registration requirements and for whose arrest there is an outstanding warrant for such noncompliance. Information on offenders shall remain on the internet only while the warrant is outstanding.</li><li>(11) Sex offenders who have been designated as sexual predators.</li><li>(12) Sex offenders who have not complied with sex offender treatment recommended by the department of corrections or who are ineligible for sex offender treatment.</li><li>(13) Sex offenders who have been designated by the department of corrections as high-risk.</li></ul>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 216



## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment</b> <i>(Vermont)</i>	None
<b>Duration of Registration</b> <i>(Vermont)</i>	<p>13 V.S.A. § 5407(e)-(f) (West 2008)</p> <p>10 years for persons not subject to lifetime registration.</p> <p>Life for persons:</p> <ul style="list-style-type: none"> <li>• With at least 1 prior conviction or a registrable offense</li> <li>• Convicted of sexual assault when the victim was under 14 and the offender was more than 6 years older than the victim</li> <li>• Convicted of aggravated sexual assault</li> <li>• Determined to be a sexually violent predator.</li> </ul>
<b>VIRGIN ISLANDS</b>	
<b>Registrable Offenses</b> <i>(Virgin Islands)</i>	<ul style="list-style-type: none"> <li>• Kidnapping or false imprisonment of a minor, except by a parent - 14 V.I.C. §§ 1051 and 1052 (West 2008).</li> <li>• Any sexual offense against a minor as described in 14 V.I.C. §§ 1700-02 and 1708 (West 2008).</li> <li>• Solicitation of a minor to engage in sexual conduct or practice prostitution as described in 14 V.I.C. §§ 1622 and 1625 (West 2008).</li> <li>• Use of a minor in a sexual performance.</li> <li>• An offense similar to any of the aforementioned enumerated offenses proscribed by the laws of the United States or any other state, territory or country.</li> </ul> <p>Aggravated rape, rape in the first degree, unlawful sexual contact in the first degree, and kidnapping with intent to</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 217

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Registrable Offenses Cont'd</b> <i>(Virgin Islands)</i>	commit rape as described in 14 V.I.C. §§ 1052(b), 1700, 1701 and 1708 (West 2008); or an offense similar to any of the foregoing offenses proscribed under the laws of the United States or any other state, territory or country.
<b>Sex Offender Registration Required for Staff Sexual Misconduct?<sup>4</sup></b> <i>(Virgin Islands)</i>	<b>NO</b>
<b>Information Maintained in Sex Offender Registry</b> <i>(Virgin Islands)</i>	14 V.I.C. § 1726 (West 2008)  (1) <ul style="list-style-type: none"> <li>• name</li> <li>• social security number</li> <li>• age</li> <li>• race</li> <li>• sex</li> <li>• date of birth</li> <li>• height and weight</li> <li>• hair and eye color</li> <li>• address of legal residence</li> <li>• address of any current temporary residence and anticipated future residence</li> <li>• date and place of employment</li> <li>• date and place of each conviction or acquittal by reason of insanity</li> <li>• indictment number</li> <li>• fingerprints</li> <li>• photograph</li> <li>• a brief description of the crime for which registration is required</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 218

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites</b> <i>(Virgin Islands)</i></p>	<p>14 V.I.C. § 1727 (West 2008)</p> <p>(a) Records maintained pursuant to this chapter shall be open to any law enforcement agency for law enforcement purposes, and to government agencies conducting confidential background checks.</p> <p>(b) The Attorney General shall release to the public relevant and necessary information regarding a specific person required to register under this chapter when the release of the information is necessary for public protection; except that the identity of a victim of an offense whose perpetrator is required to register under this chapter shall not be released.</p> <p>(c) Nothing in this section shall be construed to prevent law enforcement officers from notifying members of the public exposed to danger of any persons who pose a danger under circumstances that are not enumerated in this chapter.</p> <p>(d) The Attorney General shall notify the owner of a child-care facility whenever a person who is required to register under this chapter lives within a one-mile radius of that child-care facility.</p>
<p><b>Limitations on Residency or Employment</b> <i>(Virgin Islands)</i></p>	<p>14 V.I.C. § 1729 (West 2008)</p> <p>(c) Sex offenders are not eligible for employment in a child-care facility licensed in the United States Virgin Islands.</p> <p>(d) Sex offenders shall not be granted a license to operate a child-care or child-residential treatment facility, or be licensed as a foster home or approved as an adoptive home; and an applicant for a business license whose employee or prospective employee is a sex offender shall not be granted a license to operate a child-care facility.</p>
<p><b>Duration of Registration</b> <i>(Virgin Islands)</i></p>	<p>14 V.I.C. § 1724 (West 2008)</p> <p>(e) 15 years since initial registration date, if not imprisoned during that period.</p> <p>Any person imprisoned during the initial fifteen-year period, shall continue to comply with this chapter for a period</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 219

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b> Cont'd <i>(Virgin Islands)</i></p>	<p>of 15 years after his last release from prison, regardless of the crime for which he was imprisoned.</p> <p>(f) Life if the person:</p> <ul style="list-style-type: none"> <li>• Has 2 or more convictions or has been found not guilty by reason of insanity of a criminal offense against a minor; or</li> <li>• Has been convicted of or found not guilty by reason of insanity for a sexually violent offense or as a sexually violent predator.</li> </ul>
<p><b>VIRGINIA**</b></p>	
<p><b>Registrable Offenses</b> <i>(Virginia)</i></p>	<ul style="list-style-type: none"> <li>• Carnal knowledge of child between thirteen and fifteen years of age - VA. CODE ANN. § 18.2-63 (West 2008).</li> <li>• Carnal knowledge of certain minors - VA. CODE ANN. § 18.2-64.1 (West 2008).</li> <li>• Entering dwelling house, etc., with intent to commit rape - VA. CODE ANN. § 18.2-90 (West 2008).</li> <li>• Production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children - VA. CODE ANN. § 18.2-374.1 (West 2008).</li> <li>• Possession of child pornography - VA. CODE ANN. § 18.2-374.1:1(d) (West 2008).</li> </ul> <p>Third or subsequent convictions for:</p> <ul style="list-style-type: none"> <li>• Sexual battery - VA. CODE ANN. § 18.2-67.4 (West 2008).</li> <li>• Attempted sexual battery - VA. CODE ANN. § 18.2-67.5(C) (West 2008).</li> <li>• Unlawful filming, videotaping or photographing of another - VA. CODE ANN. § 18.2-386.1 (West 2008).</li> </ul> <p>Where the victim is a minor or is physically helpless or mentally incapacitated as defined in VA. CODE ANN. § 18.2-67.10 (West 2008), a violation or attempted violation of:</p> <ul style="list-style-type: none"> <li>• Abduction and kidnapping - VA. CODE ANN. § 18.2-47(A) (West 2008).</li> <li>• Abduction with intent to extort money or for immoral purpose - VA. CODE ANN. § 18.2-48(i) or (iii) (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 220

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Virginia)</i></p>	<ul style="list-style-type: none"><li>• Sexual battery - VA. CODE ANN. § 18.2-67.4 (West 2008).</li><li>• Attempted sexual battery - VA. CODE ANN. § 18.2-67.5(C) (West 2008).</li><li>• Crimes against nature - VA. CODE ANN. § 18.2-361 (West 2008).</li><li>• Adultery and fornication by persons forbidden to marry; incest - VA. CODE ANN. § 18.2-366 (West 2008).</li><li>• Use of communications systems to facilitate certain offenses involving children - VA. CODE ANN. § 18.2-374.3(B) (West 2008).</li><li>• Transporting individuals for illegal sexual activity - 18 USCS § 2421 (West 2008).</li><li>• Capital murder, where the victim is a minor - VA. CODE ANN. § 18.2-31 (West 2008).</li><li>• First and second degree murder, where the victim is a minor - VA. CODE ANN. § 18.2-32 (West 2008).</li></ul> <p>A violation or attempted violation of:</p> <ul style="list-style-type: none"><li>• Abduction with intent to extort money or for immoral purpose - VA. CODE ANN. § 18.2-48(ii) (West 2008).</li><li>• Rape - VA. CODE ANN. § 18.2-61 (West 2008).</li><li>• Forcible sodomy - VA. CODE ANN. § 18.2-67.1 (West 2008).</li><li>• Object sexual penetration - VA. CODE ANN. § 18.2-67.2 (West 2008).</li><li>• Aggravated sexual battery - VA. CODE ANN. § 18.2-67.3 (West 2008).</li><li>• Sexual battery (where the perpetrator is 18 years of age or older and the victim is under the age of six) - VA. CODE ANN. § 18.2-67.4 (West 2008).</li><li>• Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery - VA. CODE ANN. § 18.2-67.5(A), (B) (West 2008).</li><li>• Taking indecent liberties with children - VA. CODE ANN. § 18.2-370 (West 2008).</li><li>• Taking indecent liberties with child by person in custodial or supervisory relationship - VA. CODE ANN. § 18.2-370.1 (West 2008).</li></ul> <p>The following are deemed "Sexually Violent Offenses" if the person has been convicted or adjudicated delinquent of any two or more such offenses:</p>
---	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 221

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Virginia)</i></p>	<ul style="list-style-type: none"> <li>• Abduction and kidnapping - VA. CODE ANN. § 18.2-47(A) (West 2008).</li> <li>• Abduction with intent to extort money or for immoral purpose - VA. CODE ANN. § 18.2-48(i) or (iii) (West 2008).</li> <li>• Crimes against nature - VA. CODE ANN. § 18.2-361 (West 2008).</li> <li>• Attempted sexual battery - VA. CODE ANN. § 18.2-67.5(C) (West 2008).</li> <li>• Adultery and fornication by persons forbidden to marry; incest - VA. CODE ANN. § 18.2-366 (West 2008).</li> <li>• Production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children - VA. CODE ANN. § 18.2-374.1 (West 2008).</li> <li>• Any similar offense under the laws of the United States or any political subdivision thereof and any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the political subdivision where the offender was convicted.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Virginia)</i></p>	<p><b>YES</b></p> <p>VA. CODE ANN. § 18.2-64.1 (West 2008)</p> <p>If any person providing services, paid or unpaid, to juveniles under the purview of the Juvenile and Domestic Relations District Court Law, or to juveniles who have been committed to the custody of the State Department of Juvenile Justice, carnally knows, without the use of force, any minor fifteen years of age or older, when such minor is confined or detained in jail, is detained in any facility mentioned in § 16.1-249, or has been committed to the custody of the Department of Juvenile Justice pursuant to § 16.1-278.8, knowing or having good reason to believe that (i) such minor is in such confinement or detention status, (ii) such minor is a ward of the Department of Juvenile Justice, or (iii) such minor is on probation, furlough, or leave from or has escaped or absconded from such confinement, detention, or custody, he shall be guilty of a Class 6 felony.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Virginia)</i></p>	<p>VA. CODE ANN. § 9.1-903 (West 2008)</p> <p>(H)</p> <ul style="list-style-type: none"> <li>• name</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 222

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Virginia)</i></p>	<ul style="list-style-type: none"> <li>• all aliases</li> <li>• date and locality of the conviction for which registration is required</li> <li>• fingerprints</li> <li>• photograph</li> <li>• date of birth</li> <li>• social security number</li> <li>• current physical and mailing address</li> <li>• description of the offense(s) for which he/she was convicted</li> </ul>
<p><b>Community Notification and Websites</b>  <i>(Virginia)</i></p>	<p>VA. CODE ANN. § 9.1-912 (West 2008)</p> <p>(A)</p> <ul style="list-style-type: none"> <li>• Registry information shall be disseminated upon request made directly to the State Police or to the State Police through a local law-enforcement agency.</li> <li>• Such information may be disclosed to any person requesting information on a specific individual in accordance with subsection B.</li> <li>• The State Police shall make Registry information available, upon request, to criminal justice agencies including local law-enforcement agencies through the Virginia Criminal Information Network (VCIN).</li> <li>• Registry information provided under this section shall be used for the purposes of the administration of criminal justice, for the screening of current or prospective employees or volunteers or otherwise for the protection of the public in general and children in particular.</li> </ul> <p>VA. CODE ANN. § 9.1-913 (West 2008)</p> <ul style="list-style-type: none"> <li>• The State Police shall develop and maintain a system for making certain Registry information on persons convicted of an offense for which registration is required publicly available by means of the Internet.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 223

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(Virginia)</i></p>	<ul style="list-style-type: none"><li>• The information to be made available shall include:<ul style="list-style-type: none"><li>○ the offender's name;</li><li>○ all aliases that he has used or under which he may have been known;</li><li>○ the date and locality of the conviction and a brief description of the offense;</li><li>○ his age,</li><li>○ current address and</li><li>○ photograph; and</li><li>○ such other information as the State Police may from time to time determine is necessary to preserve public safety including but not limited to the fact that an individual is wanted for failing to register or reregister.</li></ul></li></ul> <p>VA. CODE ANN. § 9.1-914 (West 2008)</p> <ul style="list-style-type: none"><li>• Any school, day-care service and child-minding service, and any state-regulated or state-licensed child day center, child day program, children's residential facility, family day home or foster home , nursing home or certified nursing facility , and any institution of higher education may request from the State Police and shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender, the entity may register with the State Police to receive written notification of sex offender registration or reregistration.</li><li>• Within three business days of receipt by the State Police of registration or reregistration, the State Police shall electronically or in writing notify an entity listed above that has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.</li><li>• Any person may request from the State Police and shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender.</li><li>• Within three business days of receipt by the State Police of registration or reregistration, the State Police shall electronically notify a person who has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.</li></ul>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 224



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Limitations on Residency or Employment</b> <i>(Virginia)</i>	None
<b>Duration of Registration</b> <i>(Virginia)</i>	VA. CODE ANN. § 9.1-908 (West 2008)  10 years for persons not subject to lifetime registration. Life for persons convicted of any sexually violent offense.
<b>WASHINGTON**</b>	
<b>Registrable Offenses</b> <i>(Washington)</i>	<ul style="list-style-type: none"> <li>• Rape in the first degree - WASH. REV. CODE ANN. § 9A.44.040 (West 2008).</li> <li>• Rape in the second degree - WASH. REV. CODE ANN. § 9A.44.050 (West 2008).</li> <li>• Rape in the third degree - WASH. REV. CODE ANN. § 9A.44.060 (West 2008).</li> <li>• Rape of a child in the first degree - WASH. REV. CODE ANN. § 9A.44.073 (West 2008).</li> <li>• Rape of a child in the second degree - WASH. REV. CODE ANN. § 9A.44.076 (West 2008).</li> <li>• Rape of a child in the third degree - WASH. REV. CODE ANN. § 9A.44.079 (West 2008).</li> <li>• Child molestation in the first degree - WASH. REV. CODE ANN. § 9A.44.083 (West 2008).</li> <li>• Child molestation in the second degree - WASH. REV. CODE ANN. § 9A.44.086 (West 2008).</li> <li>• Child molestation in the third degree - WASH. REV. CODE ANN. § 9A.44.089 (West 2008).</li> <li>• Sexual misconduct with a minor in the first degree - WASH. REV. CODE ANN. § 9A.44.093 (West 2008).</li> <li>• Sexual misconduct with a minor in the second degree - WASH. REV. CODE ANN. § 9A.44.096 (West 2008).</li> <li>• Indecent liberties - WASH. REV. CODE ANN. § 9A.44.100 (West 2008).</li> <li>• Sexually violating human remains - WASH. REV. CODE ANN. § 9A.44.105 (West 2008).</li> <li>• Voyeurism - WASH. REV. CODE ANN. § 9A.44.115 (West 2008).</li> <li>• Custodial sexual misconduct in the first degree - WASH. REV. CODE ANN. § 9A.44.160 (West 2008).</li> <li>• Communication with minor for immoral purposes - WASH. REV. CODE ANN. § 9.68A.090 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 225

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Washington)</i></p>	<ul style="list-style-type: none"> <li>• Kidnapping in the first degree - WASH. REV. CODE ANN. § 9A.40.020 (West 2008).</li> <li>• Kidnapping in the second degree - WASH. REV. CODE ANN. § 9A.40.030 (West 2008).</li> <li>• Unlawful imprisonment (where the victim is a minor and the offender is not the minor's parent) - WASH. REV. CODE ANN. § 9A.40.040 (West 2008).</li> <li>• A criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense.</li> <li>• Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection.</li> <li>• Any gross misdemeanor that is a criminal attempt, solicitation, or conspiracy to commit a sex offense.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Washington)</i></p>	<p><b>YES</b></p> <p>WA. ST. § 9A.44.160 (West 2008)</p> <p>(1) A person is guilty of custodial sexual misconduct in the first degree when the person has sexual intercourse with another person:</p> <p style="padding-left: 20px;">(a) When:</p> <p style="padding-left: 40px;">(i) The victim is a resident of a state, county, or city adult or juvenile correctional facility, including but not limited to jails, prisons, detention centers, or work release facilities, or is under correctional supervision; and</p> <p style="padding-left: 40px;">(ii) The perpetrator is an employee or contract personnel of a correctional agency and the perpetrator has, or the victim reasonably believes the perpetrator has, the ability to influence the terms, conditions, length, or fact of incarceration or correctional supervision; or</p> <p style="padding-left: 20px;">(b) When the victim is being detained, under arrest[,] or in the custody of a law enforcement officer and the perpetrator is a law enforcement officer.</p> <p>(2) Consent of the victim is not a defense to a prosecution under this section.</p> <p>(3) Custodial sexual misconduct in the first degree is a class C felony.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 226

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> <i>(Washington)</i></p>	<p>WA. ST. § 9A.44.130 (West 2008)</p> <p>(3)</p> <p>(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.</p> <p>(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.</p>
<p><b>Community Notification and Websites</b> <i>(Washington)</i></p>	<p>WA. ST. § 4.24.550 (West 2008)</p> <p>(1) Public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender.</p> <p>(5) (a) When funded by federal grants or other sources, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered kidnapping and sex offender web site, which shall be available to the public. The web site shall post all <i>level III and level II</i> registered sex offenders and all registered kidnapping offenders in the state of Washington.</p>
<p><b>Limitations on Residency or Employment</b> <i>(Washington)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b> <i>(Washington)</i></p>	<p>WA. ST. § 9A.44.140 (West 2008)</p> <p>(5)(b)</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 227

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Duration of Registration</b>  <b>Cont'd</b>  <i>(Washington)</i></p>	<p>10 years for persons convicted of a class C felony, but only if they do not have 1 or more prior sex offense of kidnapping convictions and have not been convicted of any offense during those 10 years.</p> <p>15 years for persons convicted of a class B felony, but only if they do not have 1 or more prior sex offense or kidnapping convictions and have not been convicted of any offense during those 15 years.</p> <p>A registrant may petition for removal from the registry after 10 years if:</p> <ul style="list-style-type: none"> <li>• They are not a sexually violent predator;</li> <li>• They were not convicted of a class A sex offense or kidnapping by forcible compulsion; and</li> <li>• They were not convicted of an aggravated offense or more than 1 sexually violent offense committed after March 12, 2002.</li> </ul> <p>Life for persons:</p> <ul style="list-style-type: none"> <li>• Convicted of an aggravated offense after March 12, 2002;</li> <li>• Convicted of a sexually violent offense against a minor after March 12, 2002.</li> </ul>
<p><b>WEST VIRGINIA**</b></p>	
<p><b>Registrable Offenses</b>  <i>(West Virginia)</i></p>	<ul style="list-style-type: none"> <li>• Sexual assault in the first degree - W. VA. CODE ANN. § 61-8B-3 (West 2008).</li> <li>• Sexual assault in the second degree - W. VA. CODE ANN. § 61-8B-4 (West 2008).</li> <li>• Sexual assault in the third degree - W. VA. CODE ANN. § 61-8B-5 (West 2008).</li> <li>• Sexual abuse in the first degree - W. VA. CODE ANN. § 61-8B-7 (West 2008).</li> <li>• Sexual abuse in the second degree - W. VA. CODE ANN. § 61-8B-8 (West 2008).</li> <li>• Sexual abuse in the third degree - W. VA. CODE ANN. § 61-8B-9 (West 2008).</li> <li>• Imposition of sexual intercourse or sexual intrusion on incarcerated persons; penalties - W. VA. CODE ANN. § 61-8B-10 (West 2008).</li> <li>• Use of minors in filming sexually explicit conduct prohibited - W. VA. CODE ANN. § 61-8C-2 (West</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 228

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(West Virginia)</i></p>	<p>2008).</p> <ul style="list-style-type: none"> <li>• Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct - W. VA. CODE ANN. § 61-8C-3 (West 2008).</li> <li>• Abduction of person; kidnapping or concealing child - W. VA. CODE ANN. § 61-2-14 (West 2008).</li> <li>• Detention of person in place of prostitution - W. VA. CODE ANN. § 61-8-6 (West 2008).</li> <li>• Procuring for house of prostitution - W. VA. CODE ANN. § 61-8-7 (West 2008).</li> <li>• Incest - W. VA. CODE ANN. § 61-8-12 (West 2008).</li> <li>• Any person who has been convicted of a criminal offense and the sentencing judge made a written finding that the offense was sexually motivated must also register.</li> </ul> <p>Whether or not specifically stated, it is an element of every sexual offense that the sexual act was committed without the consent of the victim.</p>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(West Virginia)</i></p>	<p><b>YES.</b></p> <p>W. VA. CODE § 61-8B-10 <u>Imposition of Sexual Intercourse or Sexual Intrusion on Incarcerated Persons.</u></p> <p>(a) Any person employed by the Division of Corrections, any person working at a correctional facility managed by the Commissioner of Corrections pursuant to contract or as an employee of a state agency, any person working at a correctional facility managed by the Division of Juvenile Services pursuant to contract or as an employee of a state agency, any person employed by a jail or by the Regional Jail and Correctional Facility Authority, any person working at a facility managed by the Regional Jail and Correctional Facility Authority or a jail or any person employed by, or acting pursuant to, the authority of any sheriff, county commission or court to ensure compliance with the provisions of article eleven-b, chapter sixty-two of this code who engages in sexual intercourse or sexual intrusion with a person who is incarcerated in this state is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility under the control of the Commissioner of Corrections for not less than one nor more than five years or fined not more than five thousand dollars.</p> <p>(b) Any person employed by the Division of Corrections as a parole officer or by the West Virginia Supreme Court</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 229

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(West Virginia)</i></p>	<p>of Appeals as an adult or juvenile probation officer who engages in sexual intercourse or sexual intrusion with a person said parole officer or probation officer is charged as part of his or her employment with supervising, is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility under the control of the Commissioner of Corrections for not less than one nor more than five years or fined not more than five thousand dollars, or both.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(West Virginia)</i></p>	<p>W. VA. CODE § 15-12-2 (West 2008)</p> <p>(d)</p> <ol style="list-style-type: none"> <li>(1) The full name of the registrant, including any aliases, nicknames or other names used by the registrant;</li> <li>(2) The address where the registrant intends to reside or resides at the time of registration, the address of any habitable real property owned or leased by the registrant that he or she regularly visits;</li> <li>(3) The registrant's social security number;</li> <li>(4) A full-face photograph of the registrant at the time of registration;</li> <li>(5) A brief description of the crime or crimes for which the registrant was convicted;</li> <li>(6) Fingerprints;</li> <li>(7) Information related to any motor vehicle, trailer or motor home owned or regularly operated by a registrant, including vehicle make, model, color and license plate number;</li> <li>(8) Information relating to any Internet accounts the registrant has and the screen names, user names or aliases the registrant uses on the internet; and</li> <li>(9) Information related to any telephone or electronic paging device numbers that the registrant has or uses, including, but not limited to, residential, work and mobile telephone numbers</li> </ol> <p>(e)(2)</p> <ol style="list-style-type: none"> <li>(A) His or her sex;</li> <li>(B) His or her age at the time of the offense; and</li> <li>(C) The relationship between the victim and the perpetrator.</li> </ol> <p>(f) For any person determined to be a sexually violent predator, the notice required by subsection (d) of this section must also include:</p> <ol style="list-style-type: none"> <li>(1) Identifying factors, including physical characteristics;</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 230

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(West Virginia)</i></p>	<p>(2) History of the offense; and  (3) Documentation of any treatment received for the mental abnormality or personality disorder.</p>
<p><b>Community Notification and Websites</b>  <i>(West Virginia)</i></p>	<p>W. VA. CODE § 15-12-2 (West 2008)</p> <p>(h) The State Police shall maintain a central registry of all persons who register under this article and shall release information only as provided in this article. The information required to be made public by the State Police by subdivision (2), subsection (b), section five of this article is to be accessible through the Internet. No information relating to telephone or electronic paging device numbers a registrant has or uses may be released through the Internet.</p> <p>W. VA. CODE § 15-12-5 (West 2008)</p> <p>(a) Within five business days after receiving any notification as described in this article, the State Police shall distribute a copy of the notification statement to:</p> <p style="padding-left: 40px;">(1) The supervisor of each county and municipal law-enforcement office and any campus police department in the city and county where the registrant resides, owns or leases habitable real property that he or she regularly visits, is employed or attends school or a training facility;</p> <p style="padding-left: 40px;">(2) The county superintendent of schools in each county where the registrant resides, owns or leases habitable real property that he or she regularly visits, is employed or attends school or a training facility;</p> <p style="padding-left: 40px;">(3) The child protective services office charged with investigating allegations of child abuse or neglect in the county where the registrant resides, owns or leases habitable real property that he or she regularly visits, is employed or attends school or a training facility;</p> <p style="padding-left: 40px;">(4) All community organizations or religious organizations which regularly provide services to youths in</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 231**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Community Notification and Websites Cont'd</b> <i>(West Virginia)</i></p>	<p>the county where the registrant resides, owns or leases habitable real property that he or she regularly visits, is employed or attends school or a training facility;</p> <p>(5) Individuals and organizations which provide day care services for youths or day care, residential or respite care, or other supportive services for mentally or physically incapacitated or infirm persons in the county where the registrant resides, owns or leases habitable real property that he or she regularly visits, is employed or attends school or a training facility; and</p> <p>(6) The Federal Bureau of Investigation (FBI).</p> <p>(b)(2) The State Police shall maintain and make available to the public at least quarterly the list of all persons who are required to register for life according to the terms of subdivision (2), subsection (a), section four of this article. No information concerning the identity of a victim of an offense requiring registration or telephone or electronic paging device numbers a registrant has or uses may be released with this list. The method of publication and access to this list are to be determined by the superintendent;</p>
<p><b>Limitations on Residency or Employment</b> <i>(West Virginia)</i></p>	<p>None.</p>
<p><b>Duration of Registration</b> <i>(West Virginia)</i></p>	<p>W. VA. CODE § 15-12-4 (West 2008)</p> <p>(a)(1) 10 years for persons not subject to lifetime registration.</p> <p>(a)(2) Life for persons:</p> <ul style="list-style-type: none"> <li>• With 1 or more prior convictions for a registrable offense;</li> <li>• Convicted of a registrable offense against multiple victims or multiple violations of the same offense;</li> <li>• That have been deemed sexually violent predators;</li> <li>• Convicted of a sexually violent offense; or</li> <li>• Convicted of a registrable offense against a minor.</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 232



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

### WISCONSIN\*\*

**Registrable Offenses**  
*(Wisconsin)*

- Sexual exploitation by therapist - WIS. STAT. ANN. § 940.22(2) (West West 2008).
- Sexual assault (1st, 2nd, and 3rd degree) - WIS. STAT. ANN. § 940.225(1), (2), or (3) (West West 2008).
- Incest - WIS. STAT. ANN. § 944.06 (West West 2008).
- Sexual assault of a child (1st and 2nd degree) - WIS. STAT. ANN. § 948.02 (West West 2008).
- Engaging in repeated acts of sexual assault of the same child - WIS. STAT. ANN. § 948.025 (West West 2008).
- Sexual exploitation of a child - WIS. STAT. ANN. § 948.05 (West West 2008).
- Causing a child to view or listen to sexual activity - WIS. STAT. ANN. § 948.055 (West West 2008).
- Incest with a child - WIS. STAT. ANN. § 948.06 (West West 2008).
- Child enticement - WIS. STAT. ANN. § 948.07 (West West 2008).
- Use of a computer to facilitate a child sex crime - WIS. STAT. ANN. § 948.075 (West West 2008).
- Soliciting a child for prostitution - WIS. STAT. ANN. § 948.08 (West West 2008).
- Sexual assault of a student by a school instructional staff person - WIS. STAT. ANN. § 948.095 (West West 2008).
- Exposing a child to harmful material or harmful descriptions or narrations - WIS. STAT. ANN. § 948.11(2)(a) or (am) (West West 2008).
- Possession of child pornography - WIS. STAT. ANN. § 948.12 (West West 2008).
- Child sex offender working with children - WIS. STAT. ANN. § 948.13 (West West 2008).
- Abduction of another's child - WIS. STAT. ANN. § 948.30 (West West 2008).
- False imprisonment (if the victim was a minor and the actor is not a parent of the victim) - WIS. STAT. ANN. § 940.30 (West West 2008).
- Kidnapping (if the victim was a minor and the actor is not a parent of the victim) - WIS. STAT. ANN. § 940.31 (West West 2008).
- The attempt, solicitation, or conspiracy to commit any of the listed offenses.
- Persons found to have committed a sex offense in another jurisdiction, including:

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 233

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Wisconsin)</i></p>	<ul style="list-style-type: none"> <li>○ Convicted or found not guilty or not responsible by reason of mental disease or defect for a violation of a law of another state that is comparable to a sex offense.</li> <li>○ Convicted or found not guilty by reason of mental disease or defect for a violation of a federal law that is comparable to a sex offense.</li> <li>○ Convicted or found not guilty or not responsible by reason of mental disease or defect in the tribal court of a federally recognized American Indian tribe or band for a violation that is comparable to a sex offense.</li> <li>○ Sentenced or found not guilty by reason of mental disease or defect by a court martial for a violation that is comparable to a sex offense.</li> <li>○ Persons residing in Wisconsin or carrying on a vocation in Wisconsin who have previously been registered as sex offenders in another state or with the FBI pursuant to 42 USCS § 14072.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Wisconsin)</i></p>	<p><b>YES</b></p> <p>W.S.A. § 940.225 (West 2008) <u>Second degree sexual assault.</u></p> <p>(h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Wisconsin)</i></p>	<p>W.S.A. § 301.46 (West 2008)</p> <p>(b) The department shall make all of the following information available under par. (a):</p> <ol style="list-style-type: none"> <li>1. The person's name, including any aliases used by the person.</li> <li>2. Information sufficient to identify the person, including date of birth, gender, race, height, weight and hair and eye color.</li> <li>3. The statute the person violated, the date of conviction, adjudication or commitment, and the county</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 234

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(Wisconsin)</i></p>	<p>or, if the state is not this state, the state in which the person was convicted, adjudicated or committed.</p> <ol style="list-style-type: none"> <li>4. Whichever of the following is applicable:             <ol style="list-style-type: none"> <li>a. The date the person was placed on probation, supervision, conditional release, conditional transfer or supervised release.</li> <li>b. The date the person was released from confinement, whether on parole, extended supervision or otherwise, or discharged or terminated from a sentence or commitment.</li> <li>c. The date the person entered the state.</li> <li>d. The date the person was ordered to comply with s. 301.45.</li> </ol> </li> <li>5. The address at which the person is residing.</li> <li>6. The name of the agency supervising the person, if applicable, and the office or unit and telephone number of the office or unit that is responsible for the supervision of the person.</li> <li>7. The name and address of the place at which the person is employed.</li> <li>8. The name and location of any school in which the person is enrolled.</li> <li>9. The most recent date on which the information under s. 301.45 was updated.</li> </ol>
<p><b>Community Notification and Websites</b>  <i>(Wisconsin)</i></p>	<p>W.S.A. § 301.46 (West 2008).</p> <p>(2)(a) When a person is registered with the department, the department shall immediately make the information available to the police chief of any community and the sheriff of any county in which the person is residing, is employed or is attending school.</p> <p>(e) A police chief or sheriff may provide any of the information to which he or she has access under this subsection to an entity in the police chief's community or the sheriff's county that is entitled to request information, to any person requesting information or to members of the general public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.</p> <p>(5)(a) The department or a police chief or sheriff may provide information concerning a specific person required to register to a person who is not provided notice or access to information, if in the opinion of the department or the police chief or sheriff, providing the information is necessary to protect the public.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 235

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<b>Community Notification and Websites Cont'd</b> <i>(Wisconsin)</i>	(5n)(a) No later than June 1, 2001, the department shall provide access to information concerning persons registered by creating and maintaining an Internet site and by any other means that the department determines is appropriate.
<b>Limitations on Residency or Employment</b> <i>(Wisconsin)</i>	None.
<b>Duration of Registration</b> <i>(Wisconsin)</i>	W.S.A. § 301.45 (West 2008)  (5) 15 years for persons not subject to lifetime registration.  Life for persons: <ul style="list-style-type: none"> <li>• With 2 or more sex offense convictions, occurring on separate occasions;</li> <li>• Convicted of First or Second degree sexual assault;</li> <li>• Convicted of First or Second degree child sexual assault;</li> <li>• Found to be a sexually violent person; or</li> <li>• Subject to lifetime supervision.</li> </ul>
<b>WYOMING**</b>	
<b>Registrable Offenses</b> <i>(Wyoming)</i>	<ul style="list-style-type: none"> <li>• Sexual assault (1st degree) - WYO. STAT. ANN. § 6-2-302 (West 2008).</li> <li>• Sexual assault (2nd degree) - WYO. STAT. ANN. § 6-2-303 (West 2008).</li> <li>• Sexual assault (3rd degree) - WYO. STAT. ANN. § 6-2-304(a)(i) or (a)(ii) (West 2008).</li> <li>• Sexual assault (3rd degree), if the victim is under 16 - WYO. STAT. ANN. § 6-2-304(a)(iii) (West 2008).</li> <li>• Incest - WYO. STAT. ANN. § 6-4-402 (West 2008).</li> <li>• Immoral or indecent acts, when the victim is under the age of 16 and the offender was at least four (4) years older than the victim - WYO. STAT. ANN. § 14-3-105 (West 2008).</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 236

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Registrable Offenses Cont'd</b> <i>(Wyoming)</i></p>	<ul style="list-style-type: none"> <li>• Conspiracy to commit sexual assault as defined in WYO. STAT. ANN. § 6-2-301(a)(v) (West 2008).</li> <li>• Indecent liberties, provided the victim was at least 16 years old and less than 18 years old, and the offender is at least 4 years older than the victim - WYO. STAT. ANN. § 14-3-105 (West 2008).</li> </ul> <p>Criminal Offenses Against Minors - all offenses committed against victim under the age of 18:</p> <ul style="list-style-type: none"> <li>• Kidnapping - WYO. STAT. ANN. § 6-2-201 (West 2008).</li> <li>• Felonious restraint - WYO. STAT. ANN. § 6-2-202 (West 2008).</li> <li>• False imprisonment - WYO. STAT. ANN. § 6-2-203 (West 2008).</li> <li>• Prostitution - WYO. STAT. ANN. § 6-4-101 (West 2008).</li> <li>• Soliciting a prostitute - WYO. STAT. ANN. § 6-4-102 (West 2008).</li> <li>• Promoting prostitution - WYO. STAT. ANN. § 6-4-103 (West 2008).</li> <li>• Promoting obscenity involving the use of minor in a sexual performance - WYO. STAT. ANN. § 6-4-302 (West 2008).</li> <li>• Soliciting sexual relations with a minor - WYO. STAT. ANN. § 14-3-104 (West 2008).</li> <li>• Sexual exploitation of children - WYO. STAT. ANN. § 6-4-303 (West 2008).</li> <li>• The attempt to commit any of the above listed offenses.</li> <li>• Any offense committed in another jurisdiction, including a federal court or courts martial, which, if committed in this state, would constitute a registrable offense.</li> </ul>
<p><b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(Wyoming)</i></p>	<p><b>YES.</b></p> <p>WYO. STAT. ANN. § 6-2-303 (West 2008). <u>Sexual assault in the second degree.</u></p> <p>(a) Any actor who inflicts sexual intrusion on a victim commits sexual assault in the second degree if, under circumstances not constituting sexual assault in the first degree:</p> <p style="padding-left: 40px;">(vi) The actor is in a position of authority over the victim and uses this position of authority to cause the</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 237

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(Wyoming)</i></p>	<p>victim to submit;</p> <p>(vii) The actor is an employee, independent contractor or volunteer of a state, county, city or town, or privately operated adult or juvenile correctional system, including but not limited to jails, penal institutions, detention centers, juvenile residential or rehabilitative facilities, adult community correctional facilities, secure treatment facilities or work release facilities, and the victim is known or should be known by the actor to be a resident of such facility or under supervision of the correctional system; or</p> <p>(viii) The actor inflicts sexual intrusion in treatment or examination of a victim for purposes or in a manner substantially inconsistent with reasonable medical practices.</p> <p>(b) A person is guilty of sexual assault in the second degree if he subjects another person to sexual contact and causes serious bodily injury to the victim under any of the circumstances listed in W.S. 6-2-302(a)(i) through (iv) or paragraphs (a)(i) through (vii) of this section.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(Wyoming)</i></p>	<p>W.S. 1977 § 7-19-302 (West 2008)</p> <p>(a) Any offender residing in this state or entering this state for the purpose of residing in this state shall register with the division of criminal investigation or other entity in accordance with the provisions of this act. The offender shall be photographed, fingerprinted and palmed by the registering entity or another law enforcement agency and shall provide the following additional information when registering:</p> <ul style="list-style-type: none"> <li>(i) Name, including any aliases ever used;</li> <li>(ii) Address;</li> <li>(iii) Date and place of birth;</li> <li>(iv) Social security number;</li> <li>(v) Place of employment;</li> <li>(vi) Date and place of conviction;</li> <li>(vii) Crime for which convicted;</li> <li>(viii) The name and location of each educational institution in this state at which the person is employed or attending school;</li> </ul>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 238

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b> (Wyoming)</p>	<p>(ix) The license plate number and a description of any vehicle owned or operated by the offender; and (x) A DNA sample. As used in this paragraph, “DNA” means as defined in W.S. 7-19-401(a)(vi).</p>
<p><b>Community Notification and Websites</b> (Wyoming)</p>	<p>W.S. 1977 § 7-19-303 (West 2008)</p> <p>(c)The district court shall make a finding by a preponderance of the evidence of the risk of reoffense by the offender, and based on that finding authorize the county sheriff, police chief or their designee to release information regarding an offender who has been convicted of an offense that requires registration under this act, as follows:</p> <p style="padding-left: 20px;">(i) If the risk of reoffense is <i>low</i>, notification shall be in accordance with the requirements of W.S. 7-19-106 to persons authorized to receive criminal history record information under W.S. 7-19-106;</p> <p style="padding-left: 20px;">(ii) If the risk of reoffense is <i>moderate</i>, notification shall be provided to residential neighbors within at least seven hundred fifty (750) feet of the offender's residence, organizations in the community, including schools, religious and youth organizations, as well as to the persons authorized under paragraph (i) of this subsection, through means specified in the court's order. In addition, notification regarding an offender employed by or attending school at any educational institution shall be provided upon request to a member of the institution's campus community;</p> <p style="padding-left: 20px;">(iii) If the risk of reoffense is <i>high</i>, notification shall be provided to the public through a public registry and through any additional means specified in the court's order, as well as to the persons and entities required by paragraphs (i) and (ii) of this subsection.</p> <ul style="list-style-type: none"> <li>• The division shall make the public registry available to the public through electronic internet technology.</li> </ul>
<p><b>Limitations on Residency or Employment</b> (Wyoming)</p>	<p>None.</p>
<p><b>Duration of A Registration</b> (Wyoming)</p>	<p>W.S. 1977 § 7-19-304 (West 2008)</p> <p>10 years for persons not subject to lifetime registration. Life for aggravated sex offenders and recidivists.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 239

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>UNITED STATES**</b>	
<b>Registrable Offenses</b> <i>(U.S. Federal Law)</i>	<ul style="list-style-type: none"> <li>• Sex trafficking committed against a minor. 18 U.S.C. § 1591 (West 2008).</li> <li>• Coercion and enticement committed against a minor. 18 U.S.C. § 2422(b) (West 2008).</li> <li>• Transportation with intent to engage in criminal sexual activity committed against a minor. 18 U.S.C. § 2423(a) (West 2008).</li> <li>• Abusive sexual contact committed against a minor. 18 U.S.C. § 2244 (West 2008).</li> <li>• Aggravated sexual abuse or sexual abuse. 18 U.S.C. §§ 2241 and 2242 (West 2008).</li> <li>• Abusive sexual contact committed against a minor who has not attained the age of 13 years. 18 U.S.C. § 2244 (West 2008).</li> </ul>
<b>Sex Offender Registration Required for Staff Sexual Misconduct?</b> <i>(U.S. Federal Law)</i>	<p><b>YES.</b></p> <p>18 U.S.C.S. § 2242 (West 2008)  <u>Aggravated Sexual Abuse</u></p> <p>(a) By force or threat.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly causes another person to engage in a sexual act--</p> <p style="padding-left: 40px;">(1) by using force against that other person; or</p> <p style="padding-left: 40px;">(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;</p> <p>18 U.S.C.S. §§ 2241 &amp; 2242 (West 2008)  <u>Sexual Abuse</u></p> <p>Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 240**



# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(U.S. Federal Law)</i></p>	<p>prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly--</p> <p>(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or</p> <p>(2) engages in a sexual act with another person if that other person is-- (A) incapable of appraising the nature of the conduct; or (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;</p> <p>18 U.S.C.S. § 2244 (West 2008) <u>Abusive Sexual Contact</u></p> <p>(a) Sexual conduct in circumstances where sexual acts are punished by this chapter.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes sexual contact with or by another person, if so to do would violate--</p> <p>(1) subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;</p> <p>(2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;</p> <p>(3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;</p>
--	---

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses. 241**

## Fifty State Survey of Adult Sex Offender Registration Requirements

### NIC/WCL Project on Addressing Prison Rape

<p><b>Sex Offender Registration Required for Staff Sexual Misconduct? Cont'd</b> <i>(U.S. Federal Law)</i></p>	<p>(4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both; or</p> <p>(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.</p>
<p><b>Information Maintained in Sex Offender Registry</b> <i>(U.S. Federal Law)</i></p>	<p>42 U.S.C.S. § 16914 (West 2008)</p> <p>(a) Provided by the offender. The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:</p> <ol style="list-style-type: none"> <li>(1) The name of the sex offender (including any alias used by the individual).</li> <li>(2) The Social Security number of the sex offender.</li> <li>(3) The address of each residence at which the sex offender resides or will reside.</li> <li>(4) The name and address of any place where the sex offender is an employee or will be an employee.</li> <li>(5) The name and address of any place where the sex offender is a student or will be a student.</li> <li>(6) The license plate number and a description of any vehicle owned or operated by the sex offender.</li> <li>(7) Any other information required by the Attorney General.</li> </ol> <p>(b) Provided by the jurisdiction. The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:</p> <ol style="list-style-type: none"> <li>(1) A physical description of the sex offender.</li> <li>(2) The text of the provision of law defining the criminal offense for which the sex offender is registered.</li> <li>(3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.</li> <li>(4) A current photograph of the sex offender.</li> <li>(5) A set of fingerprints and palm prints of the sex offender.</li> <li>(6) A DNA sample of the sex offender.</li> </ol>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 242

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<p><b>Information Maintained in Sex Offender Registry</b>  <b>Cont'd</b>  <i>(U.S. Federal Law)</i></p>	<p>(7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.  (8) Any other information required by the Attorney General.</p>
<p><b>Community Notification and Websites</b>  <i>(U.S. Federal Law)</i></p>	<p>42 U.S.C.S. § 16918 (West 2008).  (a):  <ul style="list-style-type: none"> <li>• Each jurisdiction shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, all information about each sex offender in the registry.</li> <li>• The jurisdiction shall maintain the Internet site in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user.</li> </ul> <p>42 U.S.C.S. § 16919 (West 2008).  (a):  <ul style="list-style-type: none"> <li>• The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry.</li> <li>• The database shall be known as the National Sex Offender Registry.</li> </ul> </p> </p>
<p><b>Limitations on Residency or Employment</b>  <i>(U.S. Federal Law)</i></p>	<p>None</p>
<p><b>Duration of Registration</b>  <i>(U.S. Federal Law)</i></p>	<p>42 U.S.C.S. § 16915 (West 2008).    15 years for <i>Tier I</i> sex offender.</p>

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 243

# Fifty State Survey of Adult Sex Offender Registration Requirements

## NIC/WCL Project on Addressing Prison Rape

<b>Duration of Registration</b> <b>Cont'd</b> <i>(U.S. Federal Law)</i>	25 years for <i>Tier II</i> sex offenders.  Life for <i>Tier III</i> sex offenders.  The registration period may be reduced if the offender maintains a “clean record” pursuant to the requirements of 42 U.S.C. § 16915(b) (West 2008).
---	--

<sup>1</sup> Guam does not currently have a specific state criminal law prohibiting the sexual abuse of individuals under custodial supervision. However the federal criminal law prohibiting the sexual abuse of individuals under custodial supervision would apply in certain areas within the state as would the sex offender registration stipulations.

<sup>2</sup> Kentucky recently amended its sex offender registration law. This information will be modified when these changes are codified.

<sup>3</sup> Legislation is pending to amend N.H. REV. STAT. ANN. § 649-A:3 2007 NH S.B. 495 (NS)

<sup>4</sup> The Virgin Islands does not currently have a specific state criminal law prohibiting the sexual abuse of individuals under custodial supervision. However the federal criminal law prohibiting the sexual abuse of individuals under custodial supervision would apply in certain areas within the state as would the sex offender registration stipulations.

**\*\* Denotes those states where sex offender registration is required for convictions under the staff sexual misconduct laws of the states. Staff and inmates could also be required to register as sex offenders if the offense were charged under other registrable offenses.** 244