

THE PURSUIT OF SAFETY  
Sex Offender Policy in the United States

Tracy Velázquez

Vera Institute of Justice  
September 2008

**Suggested citation:** Tracy Velázquez. *The Pursuit of Safety: Sex Offender Policy in the United States*. New York: Vera Institute of Justice, 2008.

This report was prepared by the Vera Institute of Justice under grant 2006-WP-BX-K329 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Opinions expressed in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or the Vera Institute of Justice. © 2008 Vera Institute of Justice. All rights reserved.

Additional copies can be obtained from the communications department of the Vera Institute of Justice, 233 Broadway, 12<sup>th</sup> floor, New York, New York, 10279, (212) 334-1300. An electronic version of this report is available for download on Vera's web site, [www.vera.org](http://www.vera.org).

Requests for additional information about the research described in this report should be directed to [contactvera@vera.org](mailto:contactvera@vera.org).

## Executive Summary

Local, state, and federal policymakers have paid ever more attention to sex offenses over the past 20 years. In the wake of several high profile crimes by strangers against children in particular, they have crafted a growing body of legislation intended to protect the public from sexual predators. This legislation has expanded the scope of crimes that qualify as sex offenses, over the past decade more than doubled the number of people required to register as sex offenders, increased sentences for people found guilty of sex offenses, and established strategies designed to manage convicted sex offenders after their incarceration. Examples of these latter strategies include registration, community notification requirements, residency restrictions, electronic monitoring, and civil commitment.

The proliferation of these responses has generated little consensus about which available strategies are most effective. Consequently, many policymakers concerned about using public funds to maximize outcomes (consistent with the principles of fairness and justice) understandably are confused about their options for deterring would-be offenders, reducing recidivism, and incapacitating the most dangerous offenders. With support from the Bureau of Justice Assistance (part of the U.S. Department of Justice, Office of Justice Programs), the Center on Sentencing and Corrections at the Vera Institute of Justice conducted a nationwide review of current sex offender laws, policies, and trends. This report represents the results of that systemic analysis.

Analysis reveals that the public supports current national legislative focus on responding to sex offenses and presume that these responses have contributed to the drop in sex offenses that has been recorded in recent years. However, it is unclear whether any of these measures have had a significant impact on sex offense rates. In large part, this is because most policies are aimed at predation by strangers, whereas sex offenses are more often committed by family members and

acquaintances. In addition, a concurrent overall decrease in violent crime makes it difficult to identify the influence of the sex offender legislation on reductions in sexual offending. And several policies—particularly residency restrictions and community notification—may have negative impacts on public safety due to the impediments they create to successful reintegration of offenders who have completed their sanctions. Registration itself appears to somewhat reduce recidivism, but not for offenses against strangers. Electronic monitoring has shown some positive outcomes in some jurisdictions while having little impact in others, particularly those where it has been recently implemented. And while effective at incapacitating offenders, civil confinement is four times as expensive as incarceration and to date has not been particularly successful at treating offenders.

Finally, it appears that the public opinion that often drives policy in the sex offender realm is based on the belief that sex offenders are dangerous strangers who are apt to victimize children and re-offend. In reality, however, most sex offenders don't re-offend, and the definition of a sex offender is broad and encompasses different types of offenses, some more severe than others. Moreover, children are more at risk of being sexually victimized by a family member or other person known to them than they are by a stranger living a block away from their home or school.

## Acknowledgments

My sincere appreciation goes out to the following Vera staff: Christine Scott-Hayward, for serving as Appendix Wrangler; Maggie Peck, Jessica Peña, and Amanda Rogers for their assistance compiling the appendix; Alison Shames and Dan Wilhelm for their editorial suggestions; and the excellent Vera communications staff Patrick Kelly, Abbi Leman, and Robin Campbell. Thanks also to Vera interns Ali Syed, Natane Eaddy, Lisa Rickmers, and Anjali Nadig and outside

readers Dennis Alexander and Jill Levenson and to the many state correctional agencies that provided data on their offender population. And finally, thanks to the many people doing original research in sex offender policies, an unglamorous topic but one that has a significant impact on public safety and the criminal justice system. Without their work this report would not have been possible.

Edited by Patrick Kelly and Robin Campbell.

## Table of Contents

Executive Summary .....	iii
Acknowledgments.....	iv
Introduction .....	1
Historical Background .....	2
Current Issues in Sex Offender Policy .....	4
Sentencing.....	8
Sex Offender Registries.....	10
Community Notification .....	14
Residency Restrictions.....	19
Electronic Monitoring .....	21
Civil Commitment .....	24
Pursuit of Safety: Are We Safer? .....	29
Guide to the Appendices .....	30
Appendices .....	31

## Introduction

At present, there are more than 636,000 registered sex offenders in the United States—approximately one in 500 Americans.<sup>1</sup> However, given that 99 percent of all sex offenders who have been released from prison are men, it is perhaps more meaningful to state that more than one in 160 adult males are registered sex offenders—and to point out that this figure has more than doubled over the past decade.<sup>2</sup> Although there is no way to know the total number of sex offenders in all state and federal prisons due to variations in state data collection and registration requirements, sex offenders clearly represent a significant percentage of all inmates. From data that was gathered via public sources and direct communication with state correctional departments, most states indicate that between 10 and 20 percent of prisoners are sex offenders; however, in some states, the rate is as high as 28 percent.<sup>3</sup>

While high-profile sex crimes routinely grab headlines, the question of how well current sex offense laws are working rarely has been examined. This report provides an overview of sex offense policies, identifying key trends and examining what is known about the effectiveness of different approaches at meeting their aims. Following a brief history of sex offender laws and a discussion of some of the current issues in the field, the report examines six significant trends in recent sex offender legislation:

- **Stricter Sentencing:** Mandatory sentences and longer sentences without parole or early release are becoming more widespread.
- **Enhanced Registration Requirements:** More information is being collected on offenders, the list of crimes for which registration is required has grown, and registered offenders are being required to update registration information at more frequent intervals.
- **Expanded Community Notification:** While specific community notification requirements vary considerably from state to state, the practice of notifying the community of the presence of sex offenders has become more widespread.
- **More Residency Restrictions:** Residency restrictions have ballooned over the past five years. However, these restrictions appear to have few concrete advantages and significant negative impacts on offender reintegration and public safety.
- **Spread of Electronic Monitoring:** In recent years, global positioning system (GPS) technology increasingly has been used to monitor the activities and whereabouts of sex offenders.
- **Growth of Civil Commitment:** Many states now keep high-risk sex offenders locked up indefinitely—even after they have served the maximum prison term—through court orders placing them in facilities that provide some level of sex offender treatment.

In our examination of these trends, we also discuss the effectiveness (in terms of improvements to public safety and reduced recidivism rates), the costs, and the legal challenges to specific policies. Finally, we have included sex offender legislation for every state in the appendix.

---

<sup>1</sup> National Center for Missing & Exploited Children, *Registered Sex Offenders in the United States per 100,000 Population* (map), March 25, 2008. Some states register offenders at conviction, while others don't require registration until the offender is no longer institutionalized in a correctional or mental health facility.

<sup>2</sup> Patrick A. Langan, Erica L. Schmitt, and Matthew R. Durose, "Recidivism of Sex Offenders Released from Prison in 1994," *Bureau of Justice Statistics*: November 2003, NCJ 198281; U.S. Census estimates, population age and gender 2007; <http://www.census.gov>; Devon B. Adams, "Summary of State Sex Offender Registries," *Bureau of Justice Statistics* (Fact Sheet): March 2002, NCJ 192265. Earlier estimates from 1997 of 1-2 percent of the adult male population can no longer be considered valid due to the expansion since then of crimes now considered registerable.

<sup>3</sup> Utah Department of Corrections data provided via e-mail; "Sex Offenders in Prison," *Minnesota DOC Backgrounder*: February 2006, [http://www.doc.state.mn.us/publications/documents/sexoffenderbackrounder\\_000.pdf](http://www.doc.state.mn.us/publications/documents/sexoffenderbackrounder_000.pdf).

Please refer to these tables for more information on statutory regulations.<sup>4</sup>

### Who is a Sex Offender?

For the purposes of this report, a sex offender is a person who has been convicted of a crime that requires registration as a sex offender.

There are numerous such crimes. Federal guidelines call for the registration of people convicted of sexual abuse or aggravated sexual abuse. They also call for the registration of people convicted of a number of other crimes when a minor is involved, including kidnapping or false imprisonment except by a parent; criminal sexual conduct; solicitation to engage in sexual conduct or practice prostitution; use in a sexual performance; and production or distribution of child pornography.<sup>1</sup>

Many states have gone beyond the federal guidelines by extending the list of crimes that require registration. Among the offenses that have been added to state registration lists are voyeurism, public exposure, adultery, giving obscene material to a minor, displaying obscene material on a bumper sticker, and bestiality. In some states, a person can be required to register as a sex offender for possessing computer-generated images of virtual children; in other states, registration is required only for those who possess images of actual people under age 18.

The Adam Walsh Act of 2006 adds additional federal registration guidelines that will expand the definition in a number of ways; for example, a registerable sex offense now will include any criminal offense that has an element involving a sex act or sexual contact with another person. While states are not legally obligated to adopt the federal definition (or other provisions of the Act), they stand to lose federal funds if the Act is not implemented by July 2009.<sup>5</sup>

<sup>4</sup> State appendices are generally current as of February 2008 and may have been amended since that time. Please refer to each state's complete statutes for the most up to date information.

<sup>5</sup> Public Law 109-248—July 27, 2006, 120 STAT. 587.

## Historical Background

### THE FIRST WAVE OF U.S. SEX OFFENDER LAWS: 1937 – 1955

While sex crimes—and the punishment of those crimes—have long been a part of the fabric of our society and our penal codes,<sup>6</sup> modern sex offender legislation in the United States can be traced to the period between 1937 and 1955, when, in response to several high-profile crimes, 26 states enacted “sexual psychopath” laws. These laws generally committed people who were guilty of what are now referred to as sex offenses to psychiatric facilities. Many of these laws were later struck down by the courts on due process grounds. Others fell into disuse as hopes for a “cure” for “sexual psychopathy” diminished and punishment and incarceration came to be viewed as a more appropriate response to sex offenders.<sup>7</sup>

The practice of requiring offenders to register began in the 1930s in response to the increased mobility of criminals. At the time, offender registries were viewed primarily as tools for law enforcement, which needed a way of keeping track of high-risk offenders.<sup>8</sup> Registries were generally operated at the local level; they primarily targeted gangsters rather than sex offenders. In 1937, Florida enacted the first statewide registration law for certain felons.<sup>9</sup> The first state registration law that focused specifically on sex offenders was passed in California in 1947. By the end of the 1980s, 12 states had enacted sex offender registration laws; none of these states distributed offender information to the public.

<sup>6</sup> The Code of Hammurabi, dating from the 1700s B.C., specifically mentions incest as a punishable crime.

<sup>7</sup> Simon A. Cole, “From the Sexual Psychopath Statute to ‘Megan’s Law’: Psychiatric Knowledge in the Diagnosis, Treatment, and Adjudication of Sex Criminals in New Jersey, 1949-1999,” *Journal of the History of Medicine* Vol. 55 (2000): 292-314.

<sup>8</sup> Wayne A. Logan, “Sex Offender Registration and Community Notification: Past, Present and Future,” *New England Journal on Criminal and Civil Confinement* 34, no. 1 (2008): 3-16.

<sup>9</sup> U.S. Department of Justice. *United States Attorneys Manual, Title 9 (Criminal Resources Manual)* article 1934, appendix D. [http://www.usdoj.gov/usao/eousa/foia\\_reading\\_room/usam/title9/crm01934.htm](http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm01934.htm).

## THE SECOND WAVE OF SEX OFFENDER LAWS: 1989 – 2008

The past 20 years have witnessed a steady expansion of legislation around sex offenses in response to a number of high-profile child abductions, sexual assaults, and murders. Among the most notable of these incidents are the following:

- In 1989, Jacob Wetterling, age 11, was kidnapped from his neighborhood in St. Joseph, Minnesota. No perpetrator was ever charged, and Jacob has never been found.
- Also in 1989, a 7-year-old Tacoma, Washington, boy was sexually mutilated by a sex offender who had been released on bail.
- In October 1993, Polly Klaas, age 12, was sexually assaulted and murdered after being kidnapped from her home in Petaluma, California. The perpetrator was a paroled sex offender with a long rap sheet.
- In July 1994, Megan Kanka, age 7, was sexually assaulted and murdered by a convicted sex offender after being kidnapped from her neighborhood in Hamilton Township, New Jersey.
- In February 2005, Jessica Lunsford, age 9, was abducted from her Homosassa, Florida home and raped by a convicted sex offender. She later died after being buried alive in a trash sack.

In the aftermath of each of these crimes, the state where the incident occurred responded by passing legislation. In 1990, for example, in the wake of the Tacoma killing, Washington State passed the Community Protection Act, a comprehensive set of laws that increased prison terms for sex offenders, established registration and notification laws, and authorized civil commitment of sexually violent predators. Similarly, Minnesota implemented a state sex offender registration act in 1991 in response to the abduction of Jacob Wetterling. California passed its “three strikes” law in 1994, largely in response to the murder of Polly Klaas. Also in 1994,

New Jersey enacted Megan's Law, which required active community notification whenever a sex offender moved into a locality. Many of these laws were later emulated in states around the country.

**1994: Sex Offense Legislation Attains Federal Level with the Jacob Wetterling Act.** In 1994, the federal government responded to the increase in state sex offense legislation by enacting the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. This law calls for states to implement a registry of sex offenders and those convicted of certain crimes against children.<sup>10</sup> Over the next few years, a number of key amendments were added as well:

- **1996:** A federal version of Megan's Law requires states to establish a community notification system. Also, the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 requires lifetime registration for recidivists and offenders who commit certain aggravated offenses.
- **1998:** An amendment to the Jacob Wetterling Act calls for stricter registration requirements for sexually violent offenders; registration of federal and military offenders; registration of nonresident workers and students; and state participation in the National Sex Offender Registry.
- **2000:** The Campus Sex Crimes Prevention Act requires sex offenders to report information regarding enrollment or employment at an institution of higher education and to provide this information to local law enforcement agencies.<sup>11</sup>

---

<sup>10</sup> Note that Constitutional limits on the power of the federal government prevent it from actually requiring states to implement specific provisions. Instead, it penalizes states that do not comply with these laws by withholding 10 percent of the Justice Assistance Grants it usually provides—an amount that can range from approximately \$100,000 (in Wyoming) to \$5 million (in California).  
<sup>11</sup> <http://www.ojp.usdoj.gov/BJA/what/2a1jwacthistory.html>



**2005: States Follow Florida’s Lead with Tougher Penalties, More Restrictions.** Soon after the murder of Jessica Lunsford, in 2005, Florida passed what has come to be known as Jessica’s Law. This law increased minimum sentences and registration and monitoring requirements and created restrictions on where sex offenders can live. Thirty-three states have since passed some version of Jessica’s Law. California’s version, which is fairly typical, calls for mandatory minimum prison sentences of 25 years to life for child molesters when the victim is under the age of 14; the elimination of all “good-time” credits (reduced prison terms for good behavior) for sex offenders; lifetime electronic monitoring of convicted sex offenders; and the creation of a 2,000-foot “predator-free” zone around schools and parks.<sup>12</sup>

**SORNA: The Next Wave of Federal Legislation.** In 2006, Congress passed the Sex Offender Registration and Notification Act (SORNA), which is also known as the Adam Walsh Child Protection and Safety Act, in memory of a boy who was abducted from a mall and murdered in 1981. In an indication of the tremendous support for this legislation, both houses passed it on a voice vote. SORNA further extended the federal government’s influence over the direction and scope of sex offense policy. It called for increased registration requirements for states; it also called for a number of studies (to date unfunded) on sex offender policies.<sup>13</sup> Finally, SORNA attempted to create a federal civil commitment program. The viability of this provision may be in doubt, however; at least one federal court has held that such a program is unconstitutional.<sup>14</sup> Another SORNA provision may also be in doubt: federal courts in two states have held that the United States

government does not have the authority to prosecute a person who fails to re-register when moving from one state to another.<sup>15</sup>

As is true of other federal sex offender laws, the federal government cannot directly require states to implement SORNA provisions. Instead, the legislation specifies that states that fail to implement its provisions within three years of its passage stand to lose 10 percent of their Justice Assistance Grant funds. For many states, complying with SORNA guidelines will require significant legislative changes.

## Current Issues in Sex Offender Policy

The recent wave of sex offender laws has spurred discussion about the impact of those laws on the criminal justice system—especially in light of the drop in crime rates over the last few decades and the public’s strong support for strict sex offender laws.

### WHAT IS BEHIND THE RECENT WAVE OF SEX OFFENDER LAWS?

There have been numerous efforts to account for the recent wave of sex offender laws—especially in light of the fact that violent crime rates, including those for sex offenses such as rape, have been in decline for 30 years (see figure 1).<sup>16</sup> Some sociologists believe that the recent wave of sex offender laws has been the result of a “moral panic,” an exaggerated public response to a perceived threat.<sup>17</sup> However, as figure 2 shows, 93 percent of offenses against children are committed by family members and acquaintances; the “stranger danger” crimes, which spurred the creation of most sex

<sup>12</sup> Summary from <http://www.83yes.com/provisions>. Actual initiative language was over 17,000 words long.

<sup>13</sup> An excellent resource on this is the National Conference of State Legislatures, <http://www.ncsl.org/standcomm/sclaw/sorna.htm>. Key provisions of SORNA are included in the appendix.

<sup>14</sup> *United States v. Comstock*, case no. 5:06-HC-02195-BR (E.D.N.C. Sept. 7, 2007). The court ruled that the federal government must meet a higher burden of proof than the states when arguing that civil commitment is an appropriate course of action

<sup>15</sup> *United States v. Robert D. Powers*, case no. 6:07-cr-221-Orl-31KRS, U.S. District Court, Middle District of Florida, Orlando Division, April 18, 2008.

<sup>16</sup> Shannan M. Catalano, Ph.D., “Criminal Victimization, 2005,” *Bureau of Justice Statistics Bulletin, NCJ 214644*, U.S. Bureau of Justice Statistics, U.S. Department of Justice: September 2006.

<sup>17</sup> E. Goode and N. Ben-Yehuda, “Moral Panics: Culture, Politics and Social Construction,” *Annual Review of Sociology*, 20: 1994, 149-171.

offense laws, are relatively rare. These observers argue that changes in the media—in particular, the rise of 24/7 cable news stations and Internet news sites—have increased public awareness of sex crimes, with the result that many people now believe that crimes against children are on the rise. According to this viewpoint, policymakers have simply responded to the public’s

which a parole board (or other entity) exercises discretion in determining a person’s release from incarceration.<sup>19</sup>

**Figure 1**

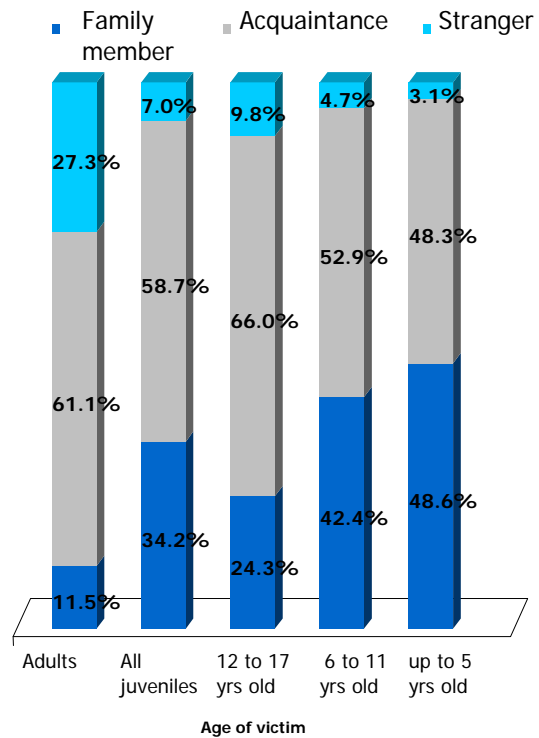


demand for countermeasures. As one legislator recently told a group of researchers, “I can’t go anywhere without someone asking me about some [sex offense] they heard on the news, ‘What are you doing about that?’”<sup>18</sup> Some also point out that the first wave of sex offender laws in the United States—the one that occurred between 1937 and 1955—also coincided with a major advance in communications, the advent of television as a presence in the national media.

According to another point of view, there in fact may be more high-risk sex offenders on the streets today than in the past, despite the overall decrease in crime rates. Proponents of this view argue that determinate sentencing laws—laws that specifically define the amount of time that a person will serve for a given crime—have created a situation in which some high-risk sex offenders are released earlier than they would have been under prior indeterminate sentencing systems in

**Figure 2**

Sexual Assault by Age and Type of Offender\*



\* Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics, *Bureau of Justice Statistics (NCJ 182990)*, 2000

Some have speculated that the new determinate sentences are on average shorter than the flexible sentences that preceded them, as the flexible sentences had made it possible for parole boards to keep high-risk offenders in prison for longer periods. The most recent wave of sex offender legislation was, in this view, a response to the increasing numbers of sex offenders being released from prison.

### COSTS ASSOCIATED WITH RECENT SEX OFFENDER POLICIES

The recent wave of sex offender policies has not been cheap. The average annual operating cost per state

<sup>18</sup> Lisa L. Sample and Colleen Kadleck, “Sex Offender Laws: Legislators’ Accounts of the Need for Policy,” *Criminal Justice Policy Review*, 19: 2008, 40-62.

<sup>19</sup> W. Lawrence Fitch and Richard J. Ortega, “Law and the Confinement of Psychopaths,” *Behavioral Sciences and the Law* 18: 665-678.

inmate (any offense) in 2001 was \$22,650; in 2005, 23 states and the federal system were operating at or above capacity.<sup>20</sup> And even alternatives to incarceration like electronic monitoring carry significant equipment and supervision costs (around \$10 - \$14 per offender per day for equipment alone, according to one recent state report<sup>21</sup>). In addition, some states have had to hire additional staff to track down offenders who are not in compliance with registration requirements.

In combination with other financial pressures, these costs have placed some state budgets under serious strain. In Nevada, for example, the state prison director recently told the press that the state needs emergency funding to meet legislative mandates for sex offender registration.<sup>22</sup> And in California, higher incarceration rates, increased supervision, and the growth of civil confinement as a result of Jessica's Law are costing the state hundreds of millions of dollars. As a result, many policymakers are being forced to re-evaluate some recent sex offender laws.

## SEX OFFENDERS AND RECIDIVISM

Many sex offender policies are predicated on the assumption that re-offense rates for sexual offenses are higher than those for other felonies. The text of California's version of Jessica's Law, for example, states that "sex offenders have very high recidivism rates...dramatically higher...than any other type of violent felon."<sup>23</sup>

However, there is a significant body of research that appears to contradict this proposition. One recent study found that sex offenders had a five-year recidivism rate of 24.5 percent for all offenses and a 2.8 percent recidivism for sexual offenses; in contrast, other felony offenders had a five-year recidivism rate of

approximately 48 percent for all offenses.<sup>24</sup> Another study found that people arrested for sexual offenses had a five-year offense-specific re-arrest rate (the rate at which they were re-arrested for the same crime within five years) of 6.5 percent. Only people arrested for homicide had a lower five-year offense-specific re-arrest rate (5.7 percent); the rates for robbery, burglary, and public order offenses were 17.9 percent, 23.1 percent, and 21.4 percent, respectively.<sup>25</sup> A 1994 study by the U.S. Department of Justice found that 24 percent of sex offenders were convicted of another crime (including but not restricted to sex offenses) within three years; in contrast 46.9 percent of all offenders were convicted of another crime within this period.<sup>26</sup>

Some observers have expressed caution about drawing conclusions from such findings. In particular, some have suggested that the underreporting of sex offenses complicates efforts to form an accurate picture of the scope of sexual re-offending.<sup>27</sup> In addition, there has been little research on recidivism rates for people convicted of non-violent (but registerable) sexual offenses such as possessing child pornography or soliciting an underage prostitute.

Recidivism rates also appear to differ between different categories of sexual offenders. One study found that people arrested for rape had the highest offense-specific re-arrest rate (5.8 percent) of any category of sexual offender.<sup>28</sup> Researchers have been investigating the characteristics of the "prototypical sexual recidivist." The authors of one recent meta-analysis characterized such people as "not upset or lonely." Rather, they wrote,

---

<sup>24</sup> "Sentencing in Washington State: Recidivism Rates," *Washington State Institute for Public Policy*, Document No. 05-08-1203.

<sup>25</sup> Lisa L. Sample and Timothy M. Bray, "Are Sex Offenders Dangerous?" *Criminology and Public Policy*, 3, no. 1: 59-82.

<sup>26</sup> Patrick A. Langan et al., "Recidivism of Sex Offenders Released from Prison in 1994." Bureau of Justice Statistics: 2003; U.S. Department of Justice, Bureau of Justice Statistics, "Recidivism of Prisoners Released in 1994: Reports on the Rearrest, Reconviction, and Reincarceration of Former Inmates Who Were Tracked for Three Years After Their Release from Prisons in 15 States in 1994," NCJ 193427: 2002.

<sup>27</sup> Bob Edward Vásquez, Sean Maddan and Jeffery T. Walker, "The Influence of Sex Offender Registration and Notification Laws in the United States," *Crime and Delinquency* 54, no. 2 (2008): 175-192.

<sup>28</sup> Lisa L. Sample and Timothy M. Bray, "Are Sex Offenders Different?" *Criminal Justice Policy Review* 17, (2006): 83-102.

---

<sup>20</sup> James J. Stephan, "State Prison Expenditures, 2001," *Bureau of Justice Statistics Bulletin*, 2004: NCJ 202949; Paige Harrison and Allen Beck, "Prisoners in 2005," *Bureau of Justice Statistics Bulletin*, 2006: NCJ 215092.

<sup>21</sup> "Electronic Monitoring of Sex Offenders: 2006 Report to the Legislature," *Minnesota Department of Corrections*, February 2006.

<sup>22</sup> Brendan Riley, "Nevada Prison System Needs Funds to Track Sex Offenders," *The Nevada Appeal*, April 8, 2007.

<sup>23</sup> "Official Voter Information Guide, California General Election, Tuesday November 7, 2006."

the prototypical sexual recidivist “leads an unstable, antisocial lifestyle and ruminates on sexually deviant themes.”<sup>29</sup> There are a number of risk assessment tools that can help identify such high-risk offenders—a topic that is discussed in greater depth in the companion to this report, *Treatment and Reentry Practices for Sex Offenders: An Overview of States*.<sup>30</sup>

### STRONG PUBLIC SUPPORT FOR STRICT SEX OFFENDER POLICIES

Whatever is behind the most recent wave of sex offender laws, it is clear that there is strong public support for strict policies. California’s version of Jessica’s Law, which was created by citizen initiative, passed in 2005 with 70 percent of the vote. A 2006-2007 telephone survey of American adults found that 94 percent of respondents felt that tough punishment for sex offenses—especially those that involved children—should be a “top national priority for state and federal policymakers.” Most survey respondents also supported making the names and addresses of sex offenders publicly available; placing restrictions on where sex offenders can live; and incarcerating those convicted of sexual assault, rape, indecent exposure to a child, or accessing or distributing child pornography.<sup>31</sup>

The one area of public opinion on sex offender policies that could be more fully examined is recidivism. What does the public consider to be an acceptable recidivism rate for sex offenses involving children? And does this rate differ from the acceptable recidivism rate for sex offenses against adults? Without a clear understanding of the level of risk that Americans are willing to accept,

policymakers will be forced to craft policies without a clear definition of success.

### PUBLIC MISPERCEPTIONS ABOUT SEXUAL OFFENDING

There is some evidence that the general public, in spite of its strong support for tough sexual offense laws, is not well-informed about the nature and extent of sexual offending. One recent study, which compared survey responses with published data, found that the public significantly overstates both the rate at which convicted sex offenders re-offend and the proportion of sexual assaults that are committed by strangers (see figure 3, below). These findings led researchers to conclude that public misperceptions “present a clear challenge to policymakers seeking to create empirically based policies that meet the public’s expectations.”<sup>32</sup>

Figure 3

Survey Question	Published Data	Public Average
What percentage of sexual assaults of adults do you believe were committed by strangers?	27%	49%
What percentage of sex offenders do you believe come to the attention of the authorities?	36%	46%
What percentage of adult sexual offenders do you believe were sexually abused as children?	28%	67%
What percentage of convicted sex offenders do you believe will commit another sexual offense?	14%	74%
What percentage of rapists do you believe re-offend in a sexual manner?	20%	74%
What percentage of child molesters do you believe re-offend in a sexual manner?	13%	76%

<sup>29</sup> R. Karl Hanson and Kelly E. Morton-Bourgon, “The Characteristics of Persistent Sexual Offenders: A Meta-Analysis of Recidivism Studies,” *Journal of Consulting and Clinical Psychology* 73: No. 6, 2005: 1154-1163.

<sup>30</sup> Reagan Daly, *Treatment and Reentry Practices for Sex Offenders* (New York: Vera Institute of Justice, 2008).

<sup>31</sup> Daniel P. Mears, Christina Mancini, Marc Gertz, and Jake Bratton, “Sex Crimes, Children and Pornography: Public Views and Public Policy,” *Crime and Delinquency* Feb. 2008: online only.

<sup>32</sup> Timothy Fortney, Jill Levenson, Yolanda Brannan, and Juanita N. Baker, “Myths and Facts about Sexual Offenders: Implications for Treatment and Policy,” *Sexual Offender Treatment* 2, No. 1: 2007. Answers were obtained from people waiting in line at the Florida Department of Motor Vehicles. It should be noted that the most commonly given public answer (mode) for percent of offenders that recidivate was 90 percent.

# Sentencing

## SUMMARY

The increase in sentence severity over the past 20 years isn't unique; rather, it's part of a broader public policy shift that has occurred in the United States. For sex offenses, the shift has resulted in more people being incarcerated for longer periods of time for a wider range of crimes. Some victim advocates feel that long mandatory sentences increase plea bargaining and reduce crime reporting; court innovations and costs may drive future sentencing trends.

## OVERVIEW

Over the last decade and a half, the use of mandatory minimum sentences for sex offenders has grown considerably. While efforts to create “three strikes” rules and impose tougher sentences were widespread throughout the 1980s and 1990s, the package of policies that is known as “Jessica’s Law,” the first version of which was passed in Florida in 2005, has recently reinvigorated the push for longer mandatory minimum sentences. Florida’s law more than doubled the mandatory minimum sentence for sex offenses against children; 33 states have now passed some version of the law. It appears that high-profile cases, rather than an increase in crime, have been responsible for the most recent push for tougher sex offender sentences: government figures show the rate of sexual assaults against adolescents between the ages of 12 and 17 plunged 79 percent from 1993 through 2003, and the number of substantiated sex-abuse cases involving children of all ages fell 39 percent in the same period.<sup>33</sup>

## TRENDS AND IMPACTS

The impact of longer sentences, three strikes rules, and lifetime supervision has not yet been rigorously evaluated. It is clear that the 400 percent increase in convictions for sex offenses that took place between

1993 and 2000 was accompanied by a drop in sex crime rates during the same period.<sup>34</sup> The claim that these two developments are related is fairly widespread. However, this statistic has not been confirmed with empirical data, and it remains unclear what (if any) causal relationship exists between tougher sentences and the drop in sexual offense rates. In fact, some recent research suggests that the incarceration of sexual offenders has little or no impact on sexual and violent recidivism following release.<sup>35</sup> This in turn suggests that any positive impact of tougher sentences is probably due to those sentences’ incapacitating function and possibly due to their deterrent effect.

Opposition to tougher sentencing policies has come from some unexpected quarters. In Connecticut, for example, Connecticut Sexual Assault Crisis Services Inc., a statewide coalition of community-based rape crisis programs, published an opinion piece in April 2008 opposing three strikes legislation on the ground that it may lead to reduced victim reporting. Executive Director Nance Kushins wrote that “many victims wanted the person they trusted or loved to get help, not for the offender to spend a mandated lengthy or life sentence behind bars.”<sup>36</sup> The National Alliance to End Sexual Violence has expressed concern about mandatory minimum sentences. According to a recent position paper, mandatory minimum sentences may lead prosecutors to not file charges, to file charges for a lesser crime, or to reduce the charges as part of a plea bargain. They may also discourage those who have been assaulted by someone they know from reporting the crime.<sup>37</sup>

<sup>34</sup> “Sex Offenders: Will Tough New Laws Do More Harm Than Good?” *CQ Researcher* 16, no. 31: 2006, 721-744.

<sup>35</sup> Kevin L. Nunes, Philip Firestone, Audrey F. Wexler, Tamara L. Jensen, and John M. Bradford, “Incarceration and Recidivism Among Sexual Offenders,” *Law and Human Behavior* 31, no. 3: 2007, 305-318.

<sup>36</sup> Nancy Kushins, “Why Three-Strikes Could Harm Sex Assault Victims,” *Hartford Courant*, April 25, 2008.

<sup>37</sup> “Community Management of Convicted Sex Offenders: Registration, Electronic Monitoring, Civil Commitment, Mandatory Minimums, and Residency Restrictions,” Position Paper by the National Alliance to End Sexual Violence, <http://www.naesv.org/Policypapers/communitymanagementofconvictedoffenders.html>.

<sup>33</sup> Wendy Koch, “Despite High Profile Cases, Sex Offense Crimes Decline,” *USA Today*, Aug. 24, 2005.

A study of Utah’s mandatory prison sentences appears to corroborate such claims: Of 905 cases that began the judicial process with a mandatory prison charge for a sex offense, 791 continued forward with at least one charge that was not dismissed. Of these 791 cases, over one-third had sentences that were reduced or dismissed, often through a plea bargain agreement.<sup>38</sup> Utah rescinded several mandatory minimum sentences for sex crimes against children in 1996, thus bucking the national trend. A recent report by the state’s sentencing commission concluded that doing so has since made it possible for the state to handle sex offenders on a case-by-case basis, thus incarcerating high-risk offenders without holding low-risk offenders longer than public safety demands.

People who have been convicted of a violent sex offense are not the only ones who have felt the impact of sentencing changes. Many states also require people who are convicted of misdemeanor sex crimes to register as sex offenders. While registration (and the community notification and residency restrictions that usually go with it) are not considered punitive, as future sections discuss, they can have a significant impact on a person’s life. Although this may be appropriate for serious offenders, lawmakers may want to consider the policy implications around legislating short sentences with prolonged registration requirements. Policymakers interested in equity will want to avoid sending such mixed messages.

Sex offender sentencing appears to be tempering with respect to so-called “Romeo and Juliet” offenses, however. Following the highly publicized case of a young man who was incarcerated following consensual oral sex with a teenage girl, several states, including Connecticut, Florida, Indiana, and Texas, have begun to reduce sentences for statutory sex crimes. Usually, these new laws do not consider the act to be an offense so long

as the difference in age between the two parties falls within a defined range (usually three to four years).

Another recent sentencing development that runs counter to the trend toward tougher sentencing is the launch of sex offender courts modeled after other problem-solving courts (such as drug and mental health courts). In 2006, the New York State Unified Court System became the first jurisdiction in the nation to pilot sex offender courts. In these courts, defendants are placed under an extensive monitoring regime that involves multiple meetings with the judge. The judge is assisted by a specially trained team of prosecutors, defense attorneys, victim agencies, probation officers, treatment providers, and court personnel. This team undergoes a comprehensive training program and participates in regular interagency meetings to ensure that cases are resolved in a timely manner, victims and the public are safe, and that offenders are held accountable post-conviction.<sup>39</sup> These courts are currently being expanded and evaluated.

## CONCLUSION

While the impact of longer sentences and “three strikes” legislation on public safety remains a subject of debate, there is no question that the fiscal impact will be significant. Prison populations and costs are rising at a time when many states are struggling to balance their budgets. California’s version of Jessica’s Law, which was enacted as a citizen initiative, received 70 percent of the vote, despite ballot language stating that the initiative could cost the state several hundred million dollars—even without taking prison construction costs and the cost to local governments into account. It remains to be seen whether the public and policymakers will pull back their support for tougher sentences if the correctional costs associated with mandatory minimums continue to rise.

On the other hand, it is possible that the deterrent effect of mandatory minimums—particularly in conjunction with the other stringent sex offender laws

---

<sup>38</sup> “Case Processing Analysis: Utah’s Mandatory Prison Sex Offenses,” *Utah Sentencing Commission*. The report notes that the data system does not explicitly identify instances of plea negotiations but looks for evidence of such in terms of charge reduction and dropping.

---

<sup>39</sup> <http://www.courtinnovation.org/upstateinnovation.spring06.html>.

outlined elsewhere in this report—will result in fewer new arrests and, consequently, lower incarceration costs. In addition, civil commitments following prison sentences (discussed in detail below) are further incapacitating high-risk offenders. In order to keep their civil commitment programs constitutional, states may be forced to beef up their prison treatment programs to demonstrate a “good faith effort” at rehabilitation. Such treatment programs would likely reduce the number of sex offenders who re-offend after being released.

Given the high costs of civil commitment (four times that of prison) and the possibility of continuing legal challenges to the practice, legislators will likely look for other ways to incapacitate high-risk offenders. Longer mandatory sentences or very long indeterminate sentences that give parole boards significant latitude with high-risk offenders are two obvious alternatives. More prison-based treatment, which could alleviate the need for longer sentences, is another. New York’s problem-solving sex offense courts are worth watching, too: if they have positive outcomes similar to those of the drug, family, and mental health courts on which they are modeled, it could lead to a significant shift in the way sex crimes are treated in the future.

## Sex Offender Registries

### SUMMARY

All 50 states now have electronic sex offender registries that connect with the Dru Sjodin National Sex Offender Registry. While registries have a small positive impact on recidivism by offenders who know their victims, they appear to have virtually no impact on crimes against strangers. New federal guidelines broaden the range of offenses for which an offender must register, increase the amount of personal data collected on offenders, and create a system of tiers based on offense, rather than dynamic risks. Some states include people convicted of non-violent crimes in their registries. Rates of registration noncompliance are rising as registrants face

increasing residency restrictions and shorter periods in which they must report changes. State costs for tracking these missing offenders will continue to rise.

### OVERVIEW

As noted in the discussion of the history of sex offender laws, a number of states had local sex offender registries prior to 1994, when the federal government set forth guidelines for state sex offender registries in the Jacob Wetterling Act. Today, sex offender registries are used in all 50 states.<sup>40</sup> In addition, all 50 states make some portion of registry data available to the public, omitting data that might be used fraudulently (such as social security numbers) or that might identify victims.

### STATE TRENDS

All state registries are now electronic and feature information that makes it possible to identify the offender and his or her place of residence. Regulations specifying how often this information must be updated and what kinds of information must be submitted vary from state to state and according to the seriousness of a person’s offense. In general, recidivists and aggravated offenders are subject to stricter registration requirements. Many states mandate registration for a variety of non-violent offenses as well.

As is true of other aspects of sex offender policy, the registration of sex offenders has been challenged in the courts. Many contested cases have involved people who were required to register as sex offenders despite not having been convicted of a specifically sexual offense. For example, one New York man who had pled guilty to second degree kidnapping for his role in a gang-related crime involving a 16-year-old was told that he would have to register as a sex offender years after completing his sentence. The man’s attorney

---

<sup>40</sup> Because of their status as sovereign nations and the lack of a financial incentive such as justice assistance grants, few Indian tribes have implemented sex offender registries on their reservations. However, SORNA states that either tribes must implement a tribal registry or the state or states in which they are located will be given jurisdiction to do so. A number of tribes applied for and received grants to create or update their registries in spring 2008.

successfully contested his registration. However, in a separate case (also in New York), a judge ruled that it is for legislators, not the judiciary, to determine whether kidnapping should be a registerable offense.<sup>41</sup>

In general, sex offender registries are not considered punitive; if they were, it would be impossible to impose additional registration requirements on people who had already been sentenced or who had already served a prison term, as the additional registration requirements would then qualify as *ex post facto* new punishments. There are a few notable exceptions, though: in one case, the Missouri Court of Appeals ruled that the state was wrong to require people whose convictions pre-dated the state's registration law to register as sex offenders. A Kansas court issued a similar ruling in 1996.<sup>42</sup>

While much of the recent growth in the use of sex offender registries has followed federal guidelines, a few states have acted on their own by imposing additional registration requirements. For example, some states require offenders to provide all electronic identities and addresses. Also, several states are looking into special registration requirements for sex offenders living in mobile homes.

## FEDERAL GUIDELINES

The 1994 Jacob Wetterling Act requires states to register any offender who has been convicted of a sexually violent offense, as well as any person who has been convicted of certain crimes involving a child victim. (See sidebar for definitions of terms.) There is a minimum registration requirement of 10 years for all registrants. Recidivists and sexually violent predators are lifetime registrants. All states currently comply with these requirements.

The Adam Walsh Child Protection and Safety Act of 2006, also known as the Sex Offender Registration

and Notification Act (SORNA), will increase the registration requirements for many states that wish to remain in compliance with federal guidelines (and therefore remain eligible for full federal funding of Justice Assistance Grants). These new guidelines are listed in the appendix of this report. Among the most notable changes in registration requirements are the following:

- Reduces from ten to three the number of days in which authorities must be notified of a change of address or other status and requiring that this be done in person;
- Requires offenders to submit information on all forms of communication they might use (especially forms of electronic communication);
- Requires offenders to submit additional personal information, such as a full criminal history and additional biometric identifiers;
- Creates different tiers of offenders based on the nature of the offense and defines registration requirements for each tier;
- Requires the registration of juveniles whose offense is comparable or more serious than the federal offense of aggravated sexual abuse.

It is expected that these requirements will impose an additional burden on law enforcement. In addition, it is likely that employment obligations and transportation

<sup>41</sup> Ofer Raban, "Be They Fish or Not Fish: The Fishy Registration of Nonsexual Offenders," *William & Mary Bill of Rights Journal* 16: 2007. Raban also discusses the data upon which the decision was made to include kidnapping as a registerable sex offense, and concludes that proponents of registration overstated the percentage of kidnappings that involved a sex offense.

<sup>42</sup> *State v. Myers*, 260 Kan. 669 (1996).



issues will make it difficult for some offenders to satisfy stricter and more frequent in-person reporting requirements.<sup>43</sup>

## ANALYSIS OF IMPACTS

Evidence suggests that the registration of sex offenders is not correlated with a significant increase in public safety. Most recent studies have combined sex offender registration laws with community notification laws, making it difficult to ascertain the impact of each set of laws individually. However, one recent paper has attempted to address this issue by examining those states that, for a period of time, had registration requirements but did not make registry information public.<sup>44</sup> Looking at crime data from the National Incident-Based Reporting System, researchers found that registration laws alone *did* reduce recidivism. However, this reduction was confined primarily to offenders who lived near their victims and knew them as family or friends—perhaps, the researchers hypothesized, because law enforcement is better at monitoring these types of offenders.<sup>45</sup> There was no evidence of a decrease in crimes against strangers as a result of registration—a striking result, given that most recent registration laws were enacted in response to crimes committed by strangers.

Another study compared the number of reported rapes before and after the implementation of sex offender registration and notification laws in 10 states.<sup>46</sup> The authors found that in six of these states, there was no statistically significant change; in three states, there was a decrease in the number of reported rapes; and in

<sup>43</sup> These problems are likely to be exacerbated by residency restrictions, which have pushed many registered offenders into rural areas and urban areas isolated from public transportation. See the section on residency restrictions for further discussion.

<sup>44</sup> JJ Prescott and Jonah E. Rockoff, “Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?” National Bureau of Economic Research Working Paper No. 13803 (<http://www.nber.org/papers/w13803>): 2008.

<sup>45</sup> The authors considered the possibility that lower reporting rates (as opposed to fewer offenses) might be responsible for this decrease: victims (and the parents of child victims) might not want the offender to have to register for a variety of reasons. However, they felt that this alone could not account for the decrease in recidivism.

<sup>46</sup> “The Influence of Sex Offender Registration and Notification Laws in the United States.”

Frequently Used Terms, U.S. Code Title 42, Chapter 136, Subchapter VI, § 14071: Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program	
<b>Sexually violent offense</b>	A criminal offense that includes sexual abuse (forcing an individual to engage in a sexual act either by threat or because the individual is unable to consent due to mental or physical incapacity), or aggravated sexual abuse (forcing an individual to engage in a sexual act by use of force or threat thereof).
<b>Sexually violent predator</b>	A person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.
<b>Predator</b>	An individual who seeks out victim who is a stranger, or who establishes or promotes a relationship with another person for the primary purpose of victimization.
<b>Criminal offense against a minor</b>	Any of the following offenses when it involves a minor: <ul style="list-style-type: none"> <li>• Kidnapping or false imprisonment, except by a parent</li> <li>• Criminal sexual conduct</li> <li>• Solicitation to engage in sexual conduct or practice prostitution</li> <li>• Use in a sexual performance</li> <li>• Any conduct that by its nature is a sexual offense</li> <li>• production or distribution of child pornography</li> </ul>
<b>Required to register</b>	All those convicted of a sexually violent offense or criminal offense against a minor are required to register. Sexually violent predators must register for life.

one state, the number of rapes increased. They concluded that registration had no net effect on rapes. However, they also noted the possibility that any deterrent effect of registration may have been offset by increased attention to offenders by law enforcement (resulting in more arrests). If true, this would mean that the registration requirement is serving a dual public safety function which is not reflected by the statistics.

In a 2006 study, the Washington Institute for Public Policy compared the recidivism rates among registered sex offenders who followed the registration requirements and those who failed to do so. They found that sex offenders with a failure-to-register conviction had sex offense recidivism rates that were 50 percent higher than those of people who had complied with registration requirements (4.3 percent recidivism for those who did not register versus 2.8 percent for those

who did). In addition, the recidivism rate for all felony offenses increased from 22.9 percent for those in compliance with registration requirements to 38.5 percent for those that were not.<sup>47</sup> The relationship between these findings and the efficacy of registration remains unclear, as does the role of additional factors (such as differences in offender characteristics).

There has been relatively little research into the question of whether juvenile sex offenders are likely to become adult sex offenders—despite the fact that SORNA calls for the mandatory registration of some juvenile offenders. Much of the evidence that *does* exist suggests that the connection between juvenile and adult sex offending is tenuous. One recent study examined recidivism rates for incarcerated juvenile sex offenders, and found that only five percent of incarcerated juvenile sex offenders were re-arrested for another sexual offense within 10 years. However, the study also found that incarcerated juvenile sex offenders were re-arrested for non-sexual offenses at fairly high rates (between 31 and 47 percent, depending on the severity of the original offense).<sup>48</sup> Another study examined people born in Racine, Wisconsin, in the 1940s and 1950s. Researchers found that among juveniles with a felony sex offense (the type of offense that what would likely lead to mandatory registration under SORNA), 15.4 percent of boys and 11.1 percent of girls went on to have an adult record of contact with the police for sexual misconduct. As it turned out, though, having *any* juvenile record of contact with the police—and in particular, a record of multiple contacts with the police—was a much better predictor of adult sex offending. Conversely, only four percent of males with an adult record of contact with the police for sexual misconduct had a record of juvenile sex offenses. The authors concluded that these findings

“failed to provide support for the assumption that juvenile sex offending was a harbinger of adult sex offending . . . in Racine it would be just as efficient to create a ‘potential sex offender registry’ composed solely of young men with juvenile contacts for auto theft.”<sup>49</sup>

## CONCLUSION

Sex offender registries appear to be most effective as monitoring tools for law enforcement (as distinct from their use as tools for notifying the general public about the presence of sex offenders in the community—a topic that is discussed in the next section.) In addition, while most registered sex offenders are first-time offenders—and most will not re-offend—there is some evidence that sex offender registries slightly reduce the number of sexual re-offenses against victims who are known to the offender.

The Washington Institute for Public Policy’s finding that sex offenders with a failure-to-register conviction have higher recidivism rates suggests that policymakers and law enforcement alike should be concerned about relatively high rates of non-compliance with registration requirements. (A report by Parents for Megan’s Law, a nonprofit victims’ rights group, found that on average, 24 percent of registered sex offenders fail to comply with registration requirements, with the result that authorities do not have accurate addresses for these people.<sup>50</sup>) Many states have indicated that they don’t have the resources to track down offenders. The state of Florida, for example, which has a comparatively high rate of compliance with registration requirements, has 11 full-time employees charged solely with tracking down non-compliant registrants.<sup>51</sup>

<sup>47</sup> Robert Barnoski, “Sex Offender Sentencing in Washington State: Failure to Register as A Sex Offender, Revised,” *Washington State Institute for Public Policy* Document No. 06-01-1203A.

<sup>48</sup> Dennis Waite, Adrienne Keller, Elizabeth L. McGarvey, Edward Wieckowski, Relana Pinkerton and Gerald L. Brown, “Juvenile Sex Offender Re-Arrest Rates for Sexual, Violent Nonsexual and Property Crimes: A 10-Year Follow-Up,” *Sexual Abuse: A Journal of Research and Treatment* 17, no. 3: 2005, 313-331.

<sup>49</sup> Franklin E. Zimring, Alex R. Piquero and Wesley G. Jennings, “Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?” *Criminology and Public Policy* 6: no. 3: 507-534.

<sup>50</sup> <http://www.parentsformeganslaw.org>. Please note that the methodology for this report was unavailable.

<sup>51</sup> Garrine P. Laney, “Sex Offender Registration and Community Notification Law: Recent Legislation and Issues,” *Congressional Research Service Report to Congress*, 2007: doc. Code RL32800.

Policymakers need to consider the possibility that increasing the frequency with which offenders are required to update their registration in person may result in increasing the number of offenders who fail to comply, given the many practical obstacles to registering in person. The same holds for imposing stiffer residency restrictions and increasing public access to registration information, both of which have been shown to negatively impact offenders' ability to maintain a life in the community.

To clarify these issues, it will be necessary to learn more about the differences between those who do and those who do not comply with registration requirements: Are those who don't register less likely to be in treatment? Are they more likely to be homeless or jobless? Are they more likely to have a serious mental illness or to abuse drugs or alcohol? Are they more likely to have committed a more serious offense? Only with more research will it become possible to determine whether the apparent trade-off between better data on those who comply with registration and fewer complying registrants is a positive one.

Also of concern are the additional expenses states are likely to incur by penalizing people who are non-compliant with tougher registration laws. In one recent case, a Texas man was sentenced by a jury to 55 years in prison for failing to notify authorities of a change in address within one week. (He missed the deadline by a few days.)<sup>52</sup> Because SORNA calls for registrants to update address information within three days, it may force states to choose between not enforcing the law and re-incarcerating offenders who are otherwise law-abiding.

Finally, the recent push toward registration of juveniles needs to be carefully evaluated. Youth differ from adults in many respects, and very little is known

about the effects of registration and community notification on juvenile offenders.

It is possible that new technologies will render many of these questions moot: At bottom, registration exists to help keep track of an offender's whereabouts. Electronic monitoring (discussed in detail below) could eventually provide law enforcement with a way of knowing not just where an offender *should be*, but where he or she actually *is*—in real time. However, as we explain below, this technology does have some drawbacks; in addition, because electronic monitoring data is not currently available to the public, registration may still be necessary for purposes of community notification. However, it may turn out that electronic monitoring makes more sense—especially for high-risk offenders—than an intensive registration regimen with which offenders find it difficult to comply.

## Community Notification

### SUMMARY

Community notification makes people feel more secure; many indicate that, after being notified that a sex offender is moving into their neighborhood, they take actions to keep themselves and their families safe. However, evidence is mixed on notification's effectiveness in reducing sex offenses. One study showed it had a deterrent effect on would-be offenders, and another showed reduced recidivism in that state, albeit during a time of increased participation in community-based treatment and reduced recidivism for all sex offenders, including those not subject to community notification. Administering a community notification system can easily become a real burden for law enforcement and probation and parole officers. In addition, notification has a destabilizing effect on offenders; in some cases, it has even resulted in vigilantism against them. In at least one state, the public appears to have become somewhat more tolerant of offenders living in the community, which may mitigate some of the negative impacts of notification.

---

<sup>52</sup> *James Burt Breeden v. The State of Texas*, no. 05-06-00862-CR, 2008 Texas App. LEXIS 2150. The offender had one prior conviction of failure to register, which enhanced his sentence. Also at issue was whether living in a car in the parking lot of the apartment building that was his registered address constituted a change of address; the court ruled that it did.

## OVERVIEW

Community notification policies were developed in the belief that citizens would be better able to protect themselves if they could identify convicted sex offenders in their communities. Similarly, it was assumed that offenders would be more likely to be law-abiding if they knew they were being watched. The practice of community notification traces its origin to Mountlake Terrace, Washington, where, in 1989, a police chief decided to notify his community about the imminent release of a sex offender who, while in prison, had documented plans to sexually molest school children. This act was followed in 1990 by state legislation that formalized the practice of community notification.

At the federal level, the Jacob Wetterling Act authorized states to voluntarily implement community notification laws in 1994. In 1996, the Act was amended to create Megan’s Law, which penalizes states that do not implement community notification laws by withholding federal funding. As a result, all 50 states now practice community notification—though the threshold at which notification is required in any given case can vary considerably from state to state.

Generally, community notification laws have been upheld as constitutional; the courts have said that these laws simply make it convenient for community members to access information that is already publicly available. However, in April 2008, the Missouri court of appeals ruled not only that people who were convicted of sex offenses prior to 1995 (when that state’s registration law was enacted) were not required to register, but also that the state police were prohibited from publishing photographs and other identifying information concerning such people on the state sex offender website.<sup>53</sup>

## STATE TRENDS

Community notification models can vary considerably from state to state. All states now have public web sites

---

<sup>53</sup> *Jane Doe v. Thomas Phillips*, Missouri Court of Appeals Western District, Case Number: WD68066: April 1, 2008.

that feature some portion of the information contained in sex offender registries. In addition, some states (such as Louisiana) require offenders to go door to door to identify themselves and provide information about their background, while other states (such as North Carolina) have a passive notification system, wherein information is only provided when a community member requests it. Many states also calibrate their community-notification efforts according to the risk-level of individual offenders, indicated by a standardized risk assessment tool. An offender who has been assessed as high-risk, for example, might then become the focus of a robust community notification effort that includes contacting the local media and distributing notices to parents with children in local schools. See the appendix of this report for more detailed description of state statutes.

The nature and amount of information that is provided through community notification also varies from state to state. Rhode Island, for example, does not provide information on low-risk offenders on its web site, while Colorado only provides online information on recidivists and sexually violent predators. Some states only indicate the block or general vicinity in which a sex offender lives (as opposed to providing a precise address) in an effort to prevent harassment and vigilantism.

A number of states recently have taken steps that go considerably beyond federal requirements. In Maryland, new laws require officials to notify the superintendent of any school district to which a sex offender moves; the superintendent, in turn, is required to send notices to the principals of all schools within one mile of the sex offender’s home. In Illinois, people with children who marry or cohabit with a sex offender who is not the parent of the children are required to notify the child’s other parent; being married to or cohabiting with a sex offender can then be used as grounds for a modification of custody arrangements.<sup>54</sup>

---

<sup>54</sup> This may not technically constitute community notification, but it is worth noting as a policy that is likely to have an impact on recidivism; this is because children are much more likely to be sexually abused by someone they know, such as a stepparent or family friend, than they are by a stranger in a schoolyard.

Finally, a number of states have introduced e-mail and telephone notification systems. In these states, people can ask to receive electronic notices or calls from the local sex offender registry whenever a sex offender moves into their neighborhood. Some alerts provide detailed information; others refer those who want to learn more to the state web site.

## FEDERAL GUIDELINES

Megan’s Law, passed in 1996 as an amendment to the Jacob Wetterling Act, authorized each state to develop procedures to notify citizens when sex offenders are released into the community. The SORNA legislation of 2006 makes explicit how states should implement notification. It directs states to provide information on sex offenders to law enforcement agencies; any school attended by the offender; any school that employs the offender; any public housing agency where the sex offender resides; each law enforcement jurisdiction where the sex offender resides, goes to school, or works; and within the offender’s local jurisdiction, any agency responsible for conducting employment-related background checks, any social service entities that are responsible for protecting minors in the welfare system, any volunteer organizations where contact with minors or other vulnerable people is possible, and any organization, company, or person who has asked to be notified pursuant to procedures established by the jurisdiction. SORNA also directs states to provide the public with information on sex offenders through the Internet (specifically through the National Sex Offender public web site) or by contacting a law enforcement official in the jurisdiction where the sex offender is registered.

## ANALYSIS OF IMPACTS

Although there have been numerous studies of the impact of community notification on recidivism, the evidence is inconclusive. One study, for example, tracked all adult male sex offenders released from prison in Wisconsin between September 1997 and July 1999

for a period of four-and-a-half years; after controlling for a number of variables, researchers concluded that extensive community notification had no direct effect on whether offenders were recommitted to prison.

A 2005 Washington State study that examined the impact of community notification and registration statutes *did* find a significant reduction in felony sex offense recidivism between the late 1980s (seven percent) and 1999 (two percent). However, for a number of reasons researchers were not able to establish a causal link between the reduction in recidivism rates and notification and registration laws. For one, both Washington State and the nation as a whole experienced an overall drop in crime rates in the period under study. Researchers also noted that high rates of incarceration during the study period had incapacitated many sex offenders and likely accounted for part of the observed reduction in recidivism rates. Finally, researchers found that the metrics used to determine the degree of community notification in any given case were not accurate predictors of recidivism.<sup>55</sup>

Studies that have examined the impact of community notification in isolation from registration suggest that notification laws have a deterrent effect. In other words, while the prospect of being subject to community notification if convicted of a sex offense may not reduce recidivism among convicted offenders, it probably does discourage some would-be sex offenders. A recent retrospective study of Minnesota’s community notification program shows a significant decrease in sexual recidivism (but not general recidivism, which made up the bulk of re-offending) following the implementation of their version of Megan’s Law. It is difficult to draw conclusions that could be applicable nationwide, however. First, there was a large drop in recidivism both for those subject to registration and those who weren’t; it was unclear what aspects of their community notification program resulted in decreased recidivism; and there was an increase in the availability

---

<sup>55</sup> “Sex Offender Sentencing in Washington State: Has Community Notification Reduced Recidivism?” *Washington State Institute for Public Policy*, Doc. No. 05-12-1202: 2005.

of treatment during the same period of time which couldn't be controlled for. More research on this significant drop in recidivism will not only tease out what aspects of community notification are worth focusing on in the future, but also allow policymakers to examine the role treatment may be able to play in reducing sexual re-offenses.<sup>56</sup>

It appears that there is a link between community notification and individual protective behavior on the part of the public. A recent study conducted in several states found that people who were *actively* notified that a sex offender had settled in their community (e.g., those who were notified by a telephone call, an email alert, or offenders who were required to introduce themselves door-to-door) were more likely to take steps to protect themselves and their family members. In states where notification was *passive* (where it was up to the individual to obtain information about sex offenders in his or her community, typically by visiting a web site), researchers did not observe any increase in protective behavior. Researchers were careful to point out that increases in individual protective behavior do not necessarily lead to lower rates of sexual victimization.<sup>57</sup> Taken together with the fact that most sexual offenses (and re-offenses) involve perpetrators and victims who know each other, this observation suggests that community notification that promotes individual protective behavior may only result in a small reduction in the overall rate of sexual victimization.

There have been several studies of public attitudes toward community notification. Researchers at the Washington State Institute for Public Policy found that 78 percent of Washington residents surveyed said they felt safer knowing about convicted sex offenders in their communities; about 80 percent considered the notification law to be important. However, 40 percent were concerned that “alerting the community to the

highest risk sex offenders will make citizens pay less attention to the risks posed by other sex offenders, such as those who may be known to and trusted by the victim.” Most respondents felt that notification requirements should apply to juvenile offenders as well as adult offenders.<sup>58</sup>

Another survey asked members of the public what information about sex offenders they believed they should have access to. Over half said that a photo of the offender should be made available and that the public should know the offender's name; the age of any victims; the offender's HIV/AIDS status; the make and model of the offender's vehicle, along with its license plate number; the offender's home address; and the identity of anyone the offender lives with. Less than half believed the public should have access to the address of the offender's employer; the offender's home phone number; or the offender's fingerprints. Three percent did not believe that the public should have access to any of this information. Over three-fourths believed that all sex offenders should be subject to the same notification procedures.<sup>59</sup>

Still other studies have examined attitudes toward community notification among law enforcement personnel. A Wisconsin study found that while most police officers believed that the registration process had made it easier to share information among different law enforcement agencies, most were skeptical of the benefits of community notification. Two-thirds expressed concern about the amount of work that was required by the community notification system; in fact, many felt it was an “unfunded mandate” that increased their workload.<sup>60</sup> The same researchers who surveyed law enforcement officers in Wisconsin also surveyed probation and parole officers in that state. They found

---

<sup>56</sup> Grant Duwe and William Donay, “The Impact of Megan's Law on Sex Offender Recidivism: The Minnesota Experience,” *Criminology* 7, No. 2: May 2008, 411-446.

<sup>57</sup> Victoria Simpson Beck and Lawrence F. Travis, III, “Sex Offender Notification: A Cross-State Comparison,” *Policy Practice and Research* no. 7, 2006: 293-307.

---

<sup>58</sup> “Community Notification as Viewed by Washington's Citizens: A 10-Year Follow-up,” *Washington State Institute for Public Policy*, Doc. No. 08-03-1101: 2008.

<sup>59</sup> Jill Levenson et al., “Public Perceptions About Sex Offenders and Community Protection Policies,” *Analyses of Social Issues and Public Policy* 7, No. 1: 2007, 137-161.

<sup>60</sup> Richard G. Zevitz and Mary Ann Farkas, “The Impact of Sex Offender Community Notification on Probation/Parole in Wisconsin,” *International Journal of Offender Therapy and Comparative Criminology*, 44, no. 1: 2000, 8-21.

that many officers carried large caseloads of sex offenders and were responsible for a wide range of activities, including making press calls announcing the release of an offender, facilitating treatment groups, organizing community notification meetings, and reaching out to victims. Many officers reported spending significant amounts of time and effort trying to locate housing for offenders and help them meet their basic needs, which often was made more difficult due to community resistance as a result of notification. One officer told of a case in which a person who had agreed to provide housing for a sex offender received death threats.<sup>61</sup>

Numerous studies and news reports suggest that community notification makes it more difficult for sex offenders to re-integrate into society after being released from prison, which may contribute to increased recidivism rates and undercut the laws' deterrent effect.<sup>62</sup> A survey of Kentucky sex offenders found that having their name listed on the public internet registry had an impact on a significant number of them: 42.7 percent lost a job; 45.3 percent lost or were denied a place to live; 47 percent were harassed in person; and 28.2 percent had received harassing or threatening phone calls.<sup>63</sup> Surveys in Florida, Indiana, Connecticut, and Kansas have produced similar results, and in 2008, the Association of Washington Cities asked the state to study whether there is a link between homelessness and sex offender registration and community notification. In a few extreme instances, there have been confirmed or suspected cases of vigilantism as a result of the public disclosure of the identities of sex offenders: In 2006, a Maine sex offender was killed by a man who found his

name on an Internet registry. Two sex offenders were murdered in Washington State in 2005 by a man who claimed to be an FBI agent warning them about a "hit list" of registered sex offenders that they were on; it is believed that the assailant targeted the two men after finding their names on a public registry.

A 2007 report by Human Rights Watch featured interviews with sex offenders who have found it difficult to maintain a basic standard of living as a result of community notification.<sup>64</sup> The report also highlighted some of the challenges involved in using community notification to provide the public with an accurate sense of the risks they face. To cite just one of these, the discrepancy between the present age of the offender and the age of the victim at the time of the offense grows over time. This may lead someone looking at an Internet registry to mistakenly conclude that a young adult who was convicted of consensual (but illegal) intercourse with a teenager years ago is a middle-aged pedophile.

Awareness of the negative effects of community notification appears to be growing among the general public. The Washington State Institute for Public Policy's survey of public attitudes found that 84 percent of survey respondents thought that community notification could make it difficult for sex offenders to establish a new life, find a job, or rent a house. Significantly, the survey also found that over the past 10 years, the proportion of respondents who believe that sex offenders should be given every opportunity for a new start as law-abiding citizens has increased by 15 percent—from 49 percent in 1997 to 64 percent in 2007. In addition, the proportion of respondents who said they became frightened after learning that a sex offender lived nearby dropped from more than two-thirds in 1997 to about one in four today.<sup>65</sup>

## CONCLUSION

Public support for community notification laws remains strong, and the laws appear to accomplish one of their

---

<sup>61</sup> Zevitz, "Sex Offender Notification: Assessing the Impact in Wisconsin," *National Institute of Justice, Research in Brief*, NCJ 179992: 2000.

<sup>62</sup> Prescott and Rockoff, "Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?"

<sup>63</sup> Richard Tewksbury, "Collateral Consequences of Sex Offender Registration," *Journal of Contemporary Criminal Justice*, 21, No. 1: 2005, 67-81. While the author refers to the consequences as a result of registration, they are listed in this section because it is the public access to the registry that caused the negative consequences; we consider this to be a form of passive public notification, as registration with law enforcement alone is unlikely to result in significant negative outcomes.

---

<sup>64</sup> "No Easy Answers: Sex Offender Laws in the U.S.," *Human Rights Watch* 19, no. 4: 2007.

<sup>65</sup> "Community Notification as Viewed by Washington's Citizens."

primary goals: to help members of the public take steps to protect themselves and their families from known sex offenders. They also appear to have some deterrent effect. However, it is unclear to what extent they reduce recidivism; in fact, in some cases they may actually increase recidivism by making it much more difficult for sexual offenders to re-integrate into society after being released from prison. Recent surveys show that there is a growing public awareness of this problem, so it is possible that changing attitudes will mitigate the negative effects of community notification.

## Residency Restrictions

### SUMMARY

Even absent any federal mandates or guidelines, there has been an explosion in state and municipal residency restrictions imposed on registered sex offenders in the past decade. Purportedly to keep offenders away from places frequented by children, many of these restrictions are so broad that sex offenders (many of whom did not commit an offense involving a child) are effectively banished from cities large and small. Studies have shown that these restrictions have no positive impact on recidivism, and they reduce public safety by destabilizing and stigmatizing offenders trying to reintegrate into the community, often driving them “underground” and out of contact with support systems and law enforcement.

### OVERVIEW

Restrictions on where registered sex offenders can live, work, and travel aim to keep them away from potential child victims. Restrictions have been implemented on both the local and the state level and may apply to schools, child care facilities, playgrounds, athletic fields, bus stops, parks, public pools, video arcades, and other places where minors congregate. In general, state restrictions require offenders to maintain a specified distance—usually between 500 and 2,000 feet—from a restricted area. Most municipal ordinances prohibit

offenders from coming within 2,500 feet of a restricted area.

### STATE TRENDS

The number of states with residency restrictions on sex offenders has grown exponentially in the past 10 years. Prior to 2000, only five states had such restrictions; now 30 do. Of the 30 states with residency restrictions, five prohibit offenders from coming within 2,000 feet of a restricted locale; two prohibit them from coming within 1,500 feet; and 12 prohibit them from coming within 1,000 feet. In the remaining 11 states, offenders are required to maintain a distance that is less than 1,000 feet, variable, or undefined, or there are special prohibitions on specific locations (such as college dormitories).<sup>66</sup> Of the 30 states that currently have residency restrictions, only nine specify that the sex offense that led to the restriction must have involved a child. Some state ordinances have effectively banished sex offenders from entire cities, where population density makes it almost impossible to avoid violating residency restrictions.

Some cities and counties have their own residency restrictions in addition to state restrictions. In some instances, the adoption of local restrictions has triggered a domino effect, as each city or county passes tougher restrictions than its neighbors to avoid becoming a local haven for sex offenders. In some cases, state authorities have been forced to step in to address the problems posed by such patchwork legislation. In Washington State, legislators worked with the Association of Washington Cities to hammer out compromise legislation (passed in 2006) that combines a statewide 880-foot exclusionary zone around restricted locales with a ban on local and state sex offender ordinances. Similarly, Kansas placed a ban on local residency restrictions between 2006 and 2008, thus providing state

<sup>66</sup> M. Meloy, M. Miller, S., and C. Kurtis, “Making Sense Out of Nonsense: The Deconstruction of State-Level Sex Offender Residence,” *American Journal of Criminal Justice*, expected publication date: 2008. Data on numbers of states having restrictions and actual restrictions may vary slightly from appendices due to ongoing updating of these documents to reflect the most recent changes in state laws.



officials with a chance to study the issue. In 2007, the Kansas Sex Offender Policy Board recommended against the institution of residency restrictions. In a report, the policy board noted that the Iowa County Attorneys Association had concluded that that state's residency restrictions were "contrary to well-established principles of treatment and rehabilitation of sex offenders," and that they were "compromising the safety of children by obstructing the use of the best known corrections practices." In addition, the Iowa County Attorneys Association noted that offenders were becoming homeless, ceasing to notify the authorities about address changes, and simply disappearing as a result of the restrictions.<sup>67</sup>

Residency restrictions have been challenged repeatedly in the courts in recent years. This trend seems likely to continue—perhaps to the point that it will significantly limit the ability of states to impose residency restrictions. In some states (such as Iowa) residency restrictions have been upheld. However, in 2007 the Georgia Supreme Court ruled that the state's residency restrictions were unconstitutional.<sup>68</sup> The California Supreme Court is expected to rule on that state's residency restrictions in 2008.<sup>69</sup> It seems likely that residency restrictions will face increasing challenges if they come to be seen as depriving people of constitutional rights or effectively forcing sex offenders to move to other jurisdictions.<sup>70</sup>

---

<sup>67</sup> *Kansas Sex Offender Policy Board*, January 8, 2007 Report. A report in the *Des Moines Register* on January 22, 2006, reported that since the state's residency law took effect, more sex offenders are eluding tracking by authorities. The paper reported that 298 sex offenders were unaccounted for in January 2006, compared to 142 on June 1, 2005.

<sup>68</sup> The court's opinion was based on a "takings" argument: in other words, it argued that a restricted offender who owns property should not be required to move if a school, daycare center, or other restricted locale is subsequently built nearby.

<sup>69</sup> Specifically, the court will consider whether California's residency restriction "violates the *ex post facto* clauses of the state and federal Constitutions, has been impermissibly retroactively applied, constitutes an unreasonable parole condition, impinges on the petitioner's substantive due process rights, and is unconstitutionally vague." *In re E.J. on Habeas Corpus*, S156933

<sup>70</sup> Corey R. Yung, "Banishment by a Thousand Laws: Residency Restrictions on Sex Offenders," *Washington University Law Review* 85: 2007, 101-160.

## FEDERAL GUIDELINES

At present, there are no federal guidelines regarding residency restrictions. The Adam Walsh Act directed the U.S. Attorney General to study the impact of residency and employment restrictions on sex offender recidivism rates. However, as no funds were appropriated for this purpose, the study has yet to be undertaken.

## ANALYSIS OF IMPACTS

In spite of their popularity, there is no evidence that residency restrictions are effective in reducing recidivism by sex offenders. Rather, the evidence suggests that residency restrictions are in fact detrimental to public safety. A recent study of sex offenders in Minnesota examined the impact of residency restrictions on recidivism. Researchers found that, of the 3,166 sex offenders who were released from Minnesota correctional facilities between 1990 and 2002—a period when the state did not have residency restrictions—224 had been re-incarcerated for a new sex offense by January 1, 2006. After taking a closer look at these 224 cases, researchers found that none of the offenders had established contact with a child victim in an area that would be likely to fall within an exclusionary zone under a typical residency restriction law. And there were only three cases in which the offender established contact with a victim at what likely would have been a prohibited locale under a typical residency restriction law; one of these involved an adult victim, while the other two involved cases in which contact was established more than 10 miles from the offender's residence. The study also confirmed that most sexual offenders have a pre-established relationship with their victims: in about two-thirds of the 224 cases studied, the offender was either related to the victim or gained access to the victim through a common acquaintance such as a girlfriend, wife, coworker, or friend.<sup>71</sup>

---

<sup>71</sup> Grant Duwe, William Donnay, and Richard Tewksbury, "Does Residential Proximity Matter? A Geographic Analysis of Sex Offense Recidivism," *Criminal Justice and Behavior* 35, No. 4, 2008: 484-504.

A number of studies have sought to determine whether sexual offenders seek out residences near potential victims in order to facilitate re-offending. One Colorado study found that molesters who *did* re-offend did not appear to live any closer to parks or schools than those who did *not* re-offend. An Arkansas study found that child molesters appeared to live closer to areas frequented by children than adult rapists; however, there was no evidence that this circumstance had any impact on recidivism.<sup>72</sup> A survey of sex offenders revealed that many offenders considered restrictions to be ineffective: several pointed out that if they wanted to re-offend, they could often walk or drive to a distant neighborhood where they were less likely to be recognized. One offender also observed that residency restrictions do not prevent offenders from living near children.<sup>73</sup>

Evidence also suggests that residency restrictions actually compromise public safety by making it more difficult for offenders to re-integrate into society. Residency restrictions often force offenders to live in areas where there are few opportunities for employment, few social services, poor access to transportation, and few housing options. One researcher has used mapping software to show that the 2,000-foot residency restrictions that were ushered in by California's version of Jessica's Law leave almost no place for a sex offender to live in the entire city of San Francisco.<sup>74</sup> Similarly, a mapping study in Orange County, Florida, concluded that 95 percent of residential dwellings are within 100 feet of a school, park, daycare center, or bus stop, and that 99.6 percent are within 2,500 feet of these locations.<sup>75</sup> As a result, it appears that more and more offenders are becoming homeless or going "underground" by not reporting their whereabouts. In

---

<sup>72</sup> Jill Levenson, "Sex Offender Residence Restrictions," *Sex Offender Law Report*, in press.

<sup>73</sup> Jill S. Levenson and Leo P. Cotter, "The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step From Absurd?" *International Journal of Offender Therapy and Comparative Criminology* 49 (2): 2005, 168-178.

<sup>74</sup> Meghan Stromberg, "Locked Up, then Locked Out," *Planning, Journal of the American Planning Association*: January 2007, 19-25.

<sup>75</sup> P.A. Zandbergen and T.C. Hart, "Reducing Housing Options for Convicted Sex Offenders: Investigating the Impact of Residency Restriction Laws Using GIS." *Justice Research and Policy*, 8 (2), 2006: 1-24.

the two years since it passed its version of Jessica's Law, California has seen a 44 percent increase in sex offenders reporting that they are transient.<sup>76</sup>

## CONCLUSION

There is little empirical evidence that residency restrictions, as currently implemented, protect public safety. Residency restrictions push sex offenders to the fringes of communities, making it less likely that they will be able to obtain housing, find a job, and receive social support. Restrictions may also make it difficult for otherwise law-abiding offenders to comply with registration requirements—especially those that involve frequent, in-person reporting.

As more is learned about this subject, it may turn out that residency restrictions *can* be effective when imposed on a case-by-case basis. It is also possible that effective electronic monitoring of people who pose a high risk of predatory behavior could reduce the perceived need for stringent residency restrictions. Finally, the finding that most children are abused by someone they know and trust rather than a stranger in the park suggests that better public education should play a role in keeping children safe.

## Electronic Monitoring

### SUMMARY

Recent advances in technology have inspired a growing number of states to pass legislation either requiring or authorizing electronic monitoring of sex offenders in the community. There are no federal guidelines for electronic monitoring. Electronic monitoring is expensive in terms of both equipment and staff time; however, it shows promise in being able to improve supervision, particularly of high-risk offenders. Research results to date have been mixed, with a few studies showing decreased recidivism (and some

---

<sup>76</sup> Michael Rothfield, "Jessica's Law May Increase Crime Risk," *Los Angeles Times*, February 22, 2008.

anecdotal accounts of improved supervision) but most showing no significant advantage. Some of the lack of improved results may be due to problems in implementing new technology; in addition, offenders (especially those who are compliant) are resistant to wearing the device, which is conspicuous and prone to malfunction. It is still an emerging technology and is a policy that deserves continued study.

## OVERVIEW

Electronic monitoring (EM) is a technology that makes it possible to track a person's whereabouts by means of a portable electronic device, usually an ankle bracelet combined with a cell-phone-sized transmitter. It is used in a variety of law enforcement applications. There are two types of EM technology: passive (the unit simply records the person's movements and is downloaded at regular intervals) and active (the unit transmits the person's location in real time). Active systems can be modified to transmit an alarm whenever the monitored person violates certain conditions—if he or she leaves the state, for example, or leaves the tracking unit behind, or comes within a certain distance of a victim's residence or a school. Today, global positioning systems (GPS) are gradually replacing the older radio frequency systems (which were typically only able to confirm whether the monitored person was at home.) As an example, in California, GPS tracking equipment in 2007 was leased at a cost of \$8.75 per day for active units and \$5 per day for passive units. There are significant additional personnel costs for reviewing and analyzing data.<sup>77</sup>

Electronic monitoring aims to prevent recidivism by creating a fishbowl effect, in which the monitored person realizes that he or she is (or has the potential to be) under constant surveillance. It can also help detect whether the monitored person is in compliance with the terms of parole or probation (such terms might include

attending therapy sessions and keeping away from a victim's house) and provide law enforcement with a record of the person's movements and activities, should he or she become a suspect in a crime.

## STATE TRENDS

The electronic monitoring of sex offenders has increased dramatically in the past decade. According to the Interstate Commission for Adult Offender Supervision, 35 states now use GPS monitoring technology.<sup>78</sup> In many states, electronic monitoring is statutorily required for sex offenders—particularly high-risk offenders. In other states, judges determine whether to use EM on a case-by-case basis. EM is commonly imposed as a condition of parole or probation as well; in this context it is used for both the short-term monitoring of low-risk people and as a lifetime parole condition for high-risk offenders.

In some states (such as New Jersey), high-risk sex offenders who had already been released from prison and were not subject to civil commitment have been retroactively required to participate in electronic monitoring. In other states, offenders have successfully challenged electronic monitoring that was imposed retroactively. In North Carolina, for example, 25 offenders to date have been allowed to remove their EM equipment. In one of the most recent cases, attorneys argued that being forced to wear EM devices represents a form of punishment, in that the devices are heavy, conspicuous (particularly if an audible alarm is set off by accident), and require the monitored person to be in his or her home for six hours every day to recharge the unit.<sup>79</sup> Washington State prohibits the retroactive application of EM.

---

<sup>77</sup> "An Assessment of Current Management Practices of Adult Sex Offenders in California," *California Sex Offender Management Board Report to the Legislature and Governor's Office*, January 2008. This report also includes excellent information on registration, community notification, and residency restrictions.

---

<sup>78</sup> "GPS Supervision Update," *Interstate Commission for Adult Offender Supervision*, <http://www.interstatecompact.org/LinkClick.aspx?fileticket=IU6GvRmuPwM%3d&tabid=105&mid=431>. The California Assessment cited above places this figure slightly higher.

<sup>79</sup> "Monitors Taken Off Four Sex Offenders," *The News & Observer*, April 29, 2008.

## FEDERAL GUIDELINES

There are no federal guidelines that govern the application of electronic monitoring devices to registered sex offenders. The Adam Walsh Act authorized (but did not appropriate funding for) a measure that would assist states, local governments, and Indian tribes in carrying out EM programs for sex offenders.

## ANALYSIS OF IMPACTS

Researchers are currently studying the impact of EM—especially the new GPS systems—on sex offender recidivism rates. Thus far, the results are mixed. In one recent survey, officials in seven states said that GPS technology had improved the quality of supervision of sex offenders; however, most states indicated they were still evaluating this technology.<sup>80</sup> In a recent report to the New Jersey governor and legislature, the New Jersey State Parole Board indicated that during the initial pilot phase of the state’s GPS monitoring program, 19 monitored people had been charged with a new, non-sexual crime or a technical violation of parole conditions (including the refusal to wear or maintain the GPS equipment). Only one monitored offender had been charged with a new sexual offense (rape); data from the monitoring device will be used to aid in the investigation. These figures suggest a reduction in recidivism rates, although the scope of the reduction is not clear.

Another Georgia study of violent male offenders who were placed on EM after being released from prison also found a positive impact on sex offense recidivism rates. While being subject to EM appeared to have little effect on recidivism rates among the general population of offenders (both sex offenders and other violent offenders), sex offenders who were monitored were less likely to return to prison than those who were not monitored.<sup>81</sup> And Florida offenders (including sex

offenders) who were electronically monitored showed a statistically significant reduction in absconding, technical violations, and re-offending. The Florida study was different from most earlier ones in that it concentrated on people who had committed more serious offenses and followed them over a longer period of time. The authors concluded that their finding “bodes well for EM’s anticipated use for sex offenders.”<sup>82</sup>

In its first six months, California’s new GPS program showed virtually no difference in recidivism between a group of high-risk sex offenders on GPS monitoring and a group that was not; the GPS group, in fact, showed a slightly higher rate of absconding and assault crimes.<sup>83</sup> During the study period, however, there were significant challenges in implementing the program. These ranged from slow Internet connections and a lack of proper computer equipment for parole officers, to difficulty forming collaborative relationships between parole and law enforcement, to false readings from equipment. While there were reports of parole officers using GPS data to identify problematic behavior (frequenting youth events, for instance), officers also expressed concern that they might be held liable if, following a criminal incident, they were accused of incorrectly analyzing GPS data that indicated an offense was imminent.

In Tennessee, researchers did not find any statistically significant differences between a control group and those on EM with regard to number of violations, new charges, or days before violation. While officers believed that EM was a useful tool in monitoring offenders, offenders themselves experienced morale issues while on EM. Those who had been in compliance prior to being placed on EM felt unjustly punished when they were then compelled to wear the

<sup>80</sup> Interstate Compact data. Table did not indicate in what way officials believed their supervision to be improved.

<sup>81</sup> Mary A. Finn and Suzanne Muirhead-Steves, “The Effectiveness of Electronic Monitoring with Violent Male Parolees,” *Justice Quarterly* 19, No. 2: 2002, 293-312.

<sup>82</sup> “Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring,” *Criminology and Public Policy* 5, No. 1: 2006, 61-92.

<sup>83</sup> Implementation and Early Outcomes for the San Diego High Risk Sex Offender GPS Pilot Program,” *UC Irvine Center for Evidence-Based Corrections*, Working Paper, Nov. 2007.

monitoring device; some may have acted out as a result.<sup>84</sup>

## CONCLUSION

While longer sentences and the increasing use of civil commitment are likely to delay the release of many sex offenders, most will eventually be released. EM holds the promise of protecting public safety while avoiding many of the negative effects of other policies—especially as the technology develops. It is also possible that advances in technology will make EM systems less intrusive for offenders, thus boosting morale and improving compliance.

On the other hand, it is also possible that EM will be used to “widen the net”—supervising offenders who could be successfully supervised in the community without this technology. This would likely raise costs without improving public safety. As California’s Sex Offender Management Board emphasized in a recent report, EM is most cost-effective when restricted to high-risk sex offenders, such as those with a history of violent offenses, male pedophilia, drug or alcohol use associated with sexual offending, arousal around children, high impulsivity, offense planning, fixation, or multiple victims. Recidivism for this relatively small but very high-risk group in California is currently over 50 percent.<sup>85</sup>

As a recent high-profile incident in Washington State shows, however, that EM is not a panacea: In April 2008, a convicted rapist was released from prison and told to live under a bridge after state officials were unable to find housing for the man. The man subsequently removed his EM device and absconded. A former victim learned of the incident on the evening news and contacted the authorities, as neither state or local law nor department of corrections policies required that former victims be notified in cases when EM

equipment is removed.<sup>86</sup> And in a recent interview, the Director of Downstate Operations for New York State Division of Parole reported that due to the many areas (like subways and tunnels) unreachable by GPS and the interference from the multitude of electronic and radio devices, they have abandoned the use of GPS monitoring of sex offenders in New York City.<sup>87</sup> Given the fallibility of EM equipment and the possibility of noncompliance, EM technology is probably best viewed as an enhancement to—rather than a replacement for—traditional supervision, monitoring, and risk assessment methods.

## Civil Commitment

### SUMMARY

Faced with releasing offenders whom they felt could not be safely managed in the community, policymakers in many states have enacted laws to have violent sexual offenders at the end of their sentence “civilly committed” to an extended detention if they are declared to have a mental condition that makes re-offending likely. Such civil commitment, although effective in incapacitation, is expensive, as its constitutionality rests on the provision of treatment during confinement. Few civilly committed offenders have ever been deemed sufficiently treated to be returned to the community. Given the opposition of professional groups such as the American Psychiatric Association and persistent legal challenges, changes in civil commitment processes, treatment protocols, and sentencing will likely be necessary. Advances in treatment and monitoring may also improve the ability to manage high risk offenders in the community.

---

<sup>84</sup> “Monitoring Tennessee’s Sex Offenders Using Global Positioning Systems: A Project Evaluation.” *Tennessee Board of Parole and Probation and Middle Tennessee State University*, April 2007.

<sup>85</sup> “Assessment of Current Management Practices,” *Ibid.*

---

<sup>86</sup>

[http://www.king5.com/topstories/stories/NW\\_042508WAB\\_rape\\_victim\\_KC.9e417065.html](http://www.king5.com/topstories/stories/NW_042508WAB_rape_victim_KC.9e417065.html)

<sup>87</sup> Interview with Angela Jimenez, Manhattan office of New York State Division of Parole, August 27, 2008.

## OVERVIEW

People who are mentally ill and an imminent danger to themselves or others have long been subject to involuntary commitment to a psychiatric facility, regardless of whether they are criminally involved. Civil commitment of sex offenders differs from this type of involuntary commitment in several ways. First, the person must already have committed a violent sexual offense. Second, he or she must be deemed to have a mental or psychological condition (which does not need to meet standard definitions of mental illness) that makes them unable to control their sex offending behavior.

The policy of civilly committing sex offenders is in its second incarnation in the United States. It was first used in the late 1930s, beginning with Illinois' "act to provide for the commitment and detention of criminal sexual psychopathic persons," which focused on people diagnosed by psychiatrists to be "criminally sexually psychopathic."<sup>88</sup> Following this diagnosis, an offender would be given a jury hearing. If found to be a criminal sexual psychopath with a propensity to commit sex offenses, he or she would be committed to the psychiatric division of the Illinois State Penitentiary "until such person shall have fully and permanently recovered from such psychopathy." By 1960, 26 states and the District of Columbia had some version of a "sexually dangerous person" statute that included provisions for civil commitments rather than punishment.<sup>89</sup> Most of these states had rescinded these laws by the 1980s, however. This was due to a number of factors, including a growing awareness that sexual offenders were not per se mentally ill and that offenders' right to a criminal trial were being side-stepped. There was also a general shift in attitude which saw incarceration as more appropriate.

---

<sup>88</sup> "Recent Statutes: Criminal Law-Sex Offenders-Civil Commitment for Psychiatric Treatment," *Columbia Law Review* 39, no. 3: 1939, 534-544.

<sup>89</sup> Raquel Blacher, "Historical Perspective of the 'Sex Psychopath' Statute: From Revolutionary Era to the Present Federal Crime Bill," *Mercer Law Review* 46: 1995, 889-920.

In 1990, Washington State launched the new era of civil commitment when it revamped its existing civil commitment statute as part of a sweeping overhaul of the state's sex offender laws. In the revision, as in all civil commitment statutes enacted since then, civil commitment was imposed following, rather than instead of, a criminal penalty. Offenders in Washington and elsewhere become eligible for civil commitment if they are deemed to be sexually violent criminals who have a psychological or behavioral condition that increases their risk of committing sexual violence upon release into the community. This is determined through a risk assessment process. Generally, there is a hearing as well, during which the offender may present evidence that he or she can live in the community without re-offending. Although states differ on whether committed offenders are confined to a psychiatric facility, a correctional facility, or some hybrid, in all cases committed people must receive some form of sex offender treatment.

## LEGAL CHALLENGES

The constitutionality of civil commitment has been tested several times. In 1996, an offender in Kansas successfully appealed his civil commitment on due process grounds; the state did not show he suffered from a volitional impairment rendering him dangerous beyond his control. A year later, the U.S. Supreme Court reversed a separate decision of the Kansas Supreme Court. The Kansas Court declared the state was required to prove the person was both mentally ill and a danger to himself or others. It then determined that the Act's definition of "mental abnormality" did not satisfy what it perceived to be the "mental illness" requirement in the civil commitment context. Upon appeal, however, the U.S. Supreme Court disagreed, ruling that Kansas' definition of "mental abnormality" satisfied substantive due process requirements for civil commitment.<sup>90</sup>

The U.S. Supreme Court also indicated that its decision hinged on whether the Kansas Act was punitive—as Justice Kennedy stated in his concurring

---

<sup>90</sup> *Kansas v. Hendricks*, 521 U.S. 346 (1997).

opinion, “whether civil confinement were to become a mechanism for retribution or general deterrence.”<sup>91</sup> If it were punitive, then the Act would constitute double jeopardy (tried/punished twice for same crime) or be unconstitutional on *ex post facto* (a retroactive new punishment) grounds. In his majority opinion, Justice Thomas used “legislative intent” to determine that the Act was not punitive, as the provision of treatment was included in the law. In his minority dissent, Justice Breyer indicated that he believed the court should look at both purpose and effect, noting that treatment was not begun until years after the crime was committed and that the state must consider less restrictive alternatives if the intent truly was not punitive.<sup>92</sup> To date, the Supreme Court has continued to uphold the majority opinion.

Stated legislative intent aside, a recent research study explored whether civil commitment primarily serves to ensure that offenders receive the punishment they are perceived to deserve. Study participants were given different hypothetical scenarios involving a sex offender about to be released; most participants chose civil commitment when they perceived the offender didn’t receive a sufficiently long sentence, independent of the stated likelihood of re-offending.<sup>93</sup> This appears to be in line with actual efforts to institute civil commitment in Vermont in 2006. The bill was opposed by the Vermont Psychiatric Association (VPA), which said it was “a way to keep people locked up who had completed their jail terms” and a “misuse of a process long used to treat people with mental illness.”<sup>94</sup> According to the VPA, the bill was a reaction to a recent case in which the sentence of a person convicted of child molestation was felt by the general public and policymakers to be too short, rather than as a treatment

modality. Vermont lawmakers ultimately rejected the sex offender civil commitment legislation.

Another civil commitment case from Kansas reached the U.S. Supreme Court in 1996. In this case, the Supreme Court vacated a decision in which the state said it was sufficient to show the offender had an antisocial personality. The Court disagreed, stating that “there must be proof of serious difficulty in controlling behavior.”<sup>95</sup> This decision has led states to move toward more robust assessments and documentation in civil commitment cases.

## STATE TRENDS

Before 1998, only eight states had civil commitment statutes specific to sex offenders; the number is now up to 20. The per person costs of civil commitment for sex offenders in 2006 ranged from a low of about \$42,000 in Florida to \$166,000 in California. The average cost per inmate in jails and prisons generally is roughly a fourth of the civil commitment costs.<sup>96</sup> California recently built a 1,500 bed facility at an estimated cost of \$400 million; this construction predates the implementation of Jessica’s Law, which expanded the list of offenses that could result in civil commitment. Since then, the number of people referred for civil commitment evaluations in California has risen from about 50 to 750 per month.<sup>97</sup>

New York’s new civil commitment law, signed in March 2007, also applies to a very broad range of offenses. How many of those offenders will be recommended for commitment, and therefore how much it will cost the state, has yet to be seen. The new law also has several notable provisions. Treatment is mandated earlier in the process, during incarceration. People who committed a “sexually motivated felony,” a new crime, are also subject to civil commitment. Finally, the burden of proof in New York is “clear and convincing evidence” of a likelihood to re-offend; based on prior court decisions, this portion of the legislation

<sup>91</sup> *Ibid*, at 373 (Kennedy, J., concurring).

<sup>92</sup> Edward P. Ra, “The Civil Confinement of Sexual Predators: A Delicate Balance,” *St. John’s Journal of Legal Commentary* 22, No. 1, 2007:335-372.

<sup>93</sup> Kevin Carlsmith, John Monahan, and Alison Evans, “The Function of Punishment in the ‘Civil’ Commitment of Sexually Violent Predators,” *Behavioral Sciences and the Law* 25: 2007, 437-448.

<sup>94</sup> Rich Daly, “Lawmakers Reject Civil Commitment for Sex Offenders,” *Psychiatric News* 41: no. 6: 2006, p. 21. The Vermont Psychiatric Association’s stance was in line with their national affiliate; the American Psychiatric Association has called civil commitment a “misuse of psychiatry.”

<sup>95</sup> *State v. Crane*, 918 P.2d 1256, 1258 (Kan. 1996).

<sup>96</sup> “A Profile of Civil Commitment Around the Country,” *New York Times*, map and graph, March 3, 2007.

<sup>97</sup> Laura Mansnerus, “Locked up in Limbo,” *The Nation*: December 31, 2007.

may come under judicial scrutiny, particularly as the law applies both to those convicted and to those who were not convicted due to mental incompetence.<sup>98</sup>

All civil commitment facilities offer treatment, although there have been few people who have been “cured”: only about 12 percent of those who have been held for evaluation or committed have been discharged or released. Between 1990 and 2006, only 250 civilly committed offenders were released; however, about half of those were discharged not due to progress on their treatment but because of legal or technical grounds.<sup>99</sup> In keeping with the non-punitive intent of civil commitment, many states are moving toward placing and treating offenders in the least restrictive manner appropriate. Texas, for example, uses only outpatient civil commitment.

## FEDERAL GUIDELINES

There are no federal guidelines for states on civil commitment of sex offenders. Although the 2006 Adam Walsh Act authorized civil commitment for federal prisoners deemed to be “sexually dangerous people suffering from a serious mental illness, abnormality, or disorder which causes him to have serious difficulty in refraining from sexually violent conduct or child molestation if released,” a federal district judge subsequently held that Congress did not have the authority to confine people leaving federal prisons.<sup>100</sup> This decision was based on the view that civil commitment was not a necessary and proper extension of Congress’ power to prosecute federal crimes. In addition, the Supreme Court concluded that the statute violated due process: the law required proof of appropriateness for civil commitment to be based on “clear and convincing evidence,” but the court ruled that the standard of “beyond a reasonable doubt” applies to all federal prisoners.<sup>101</sup>

<sup>98</sup> Peter Dunne, “New York’s New Sex Offender Management and Treatment Act,” *New York Criminal Law Newsletter* 06, No. 1: 2008, 11-14.

<sup>99</sup> Monica Davey and Abby Goodnough, “Doubts Rise as States Hold Sex Offenders After Prison,” *New York Times*, 3/24/2007.

<sup>100</sup> “Locked up in Limbo.”

<sup>101</sup> *U.S. v. Comstock*, Case 5:06-hc-02195-BR: 2007.

## ANALYSIS OF IMPACTS

Civil commitment is intended to incapacitate offenders who are most likely to commit sexually violent crimes upon their release. As of the fall of 2006, approximately 2,700 people (cumulative) had been civilly committed across 18 states.<sup>102</sup> Of these, about 400 have ever been discharged or granted conditional, supervised, or transitional release, and many states have discharged no or very few civilly committed offenders. Community placements for those who have been released are difficult to find: The Kansas offender whose case became Supreme Court precedent was first moved to a group home upon his release. After neighbors complained, he was relocated to a rural house near a horse pasture, then back to a facility on the campus of the state mental hospital. California houses some men leaving civil commitment in trailers outside prisons.<sup>103</sup>

One question that arises is whether the “right” people are being civilly committed. A study of Florida’s system concludes that the answer there appears to be yes. This review of the process by which offenders are referred to Florida’s Sexually Violent Predator Program indicated that the state was appropriately recommending those most likely to recidivate, based on comparisons to several widely used risk assessments. Of 5,931 potential candidates for civil commitment, about 6.5 percent were referred to the next stage of evaluation.<sup>104</sup> A subsequent study that found the more dangerous offenders among this population were in fact recommended for commitment.<sup>105</sup>

Washington State also sought to examine whether people recommended for civil commitment represented the highest risk for re-offending. Its 2003 study looked at new arrests for those who had been referred for civil commitment but for whom no petition had been filed (usually because the attorney general or prosecuting

<sup>102</sup> *New York Times*, *ibid*. The figure given in *The Nation* at the end of 2007 was 4,000.

<sup>103</sup> “Doubts Rise,” *ibid*.

<sup>104</sup> Karen Lucken and William Bales, “Florida’s Sexually Violent Predator Program: An Examination of Risk and Civil Commitment Eligibility,” *Crime and Delinquency* 54, no. 1: 2008, 95-127.

<sup>105</sup> Jill Levenson, “Reliability of Sexually Violent Predator Civil Commitment Criteria,” *Law & Human Behavior*, 28(4): 2004, 357-369.



attorney felt that he or she would not be able to prove one or more of the statutory criteria for commitment). From 1990 through 2002, more than 8,000 cases were reviewed. Of these, more than 400 were referred to prosecutors and just under 200 petitions were ultimately filed. The study found that candidates for civil commitment did in fact have a higher rate of recidivism. More than half had a new felony case, and almost a fourth (24 percent) committed a felony sex offense. The same percentage failed to register.<sup>106</sup>

## CONCLUSION

Keeping people who are unable to control their criminal impulses from re-offending is vital to public safety. Civil commitment statutes are increasingly being used to reduce recidivism among sex offenders, both through incapacitation and treatment. Yet civil commitment has also been criticized. Some see it as an attempt to “impose punishment after the State makes an improvident plea bargain on the criminal side.”<sup>107</sup> Others have complained that it is inappropriately used to settle a score when prosecutors feel cheated out of a longer sentence or to avoid public or media outcry over the release of a sex offender who has completed a sentence.<sup>108</sup>

Several published articles have suggested ways to improve outcomes and ensure that civil commitment statutes meet tests of constitutionality:

- Return to the first iteration of civil commitment, in which an offender goes through either civil commitment or criminal proceedings but not both. This would make civil commitments less likely to be used or seen as punishment, since the focus from the start of institutionalization

would be on timely, evidence-based treatment.<sup>109</sup>

- Enact criminal sentences that reflect more accurately the need for longer incapacitation, and ensure that current sentencing ranges are being used effectively. Another possibility would be more flexible sentencing, which takes into account dynamic factors such as age of offenders, whether they have completed treatment, etc.<sup>110</sup>
- Ensure that there are effective individualized treatment plans for civilly committed offenders so they will have the best chance to be rehabilitated to a point where they can safely return to the community.<sup>111</sup>
- Use least restrictive alternatives wherever possible.<sup>112</sup> This might include expanding outpatient commitment or using outpatient commitment as an intermediate step for patients returning to the community. States might also explore the possibility of using outpatient commitment as an alternative to prison in suitable cases.<sup>113</sup>
- Ensure that civilly committed people have a mechanism to petition for their release and have their status re-evaluated regularly.<sup>114</sup>

Even with advances in treatment and monitoring, there will likely be a population of offenders who should remain confined indefinitely. The chair of the American Psychological Association’s Task Force on Sexually Dangerous Offenders has recommended that “societal concern about the protection from dangerous sex offenders be met through customary sentencing alternatives within the criminal justice system” rather

---

<sup>106</sup> Cheryl Milloy, “Sexually Violent Predators in Washington State: Recidivism of Sex Offenders Recommended But Not Accepted for Civil Commitment Filing,” *Washington State Institute for Public Policy*,

<sup>107</sup> *Kansas v. Hendricks* (Kennedy, J. concurring),

<sup>108</sup> Peter C. Pfaffenroth, “The Need for Coherence: States’ Civil Commitment of Sex Offenders in the Wake of *Kansas v. Crane*,” *Stanford Law Review* 55: 2003, 2229-2266. The author cites the transcript of *Kansas v. Crane*.

---

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*

<sup>111</sup> “Civil Commitment: A Delicate Balance,” *ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> “Outpatient Commitment’s Next Frontier: Sexual Predators,” *Psychology, Public Policy and Law* 9, No. 1/2: 2003, 159-182.

<sup>114</sup> “Civil Commitment: A Delicate Balance,” *ibid.*

than though civil commitment.<sup>115</sup> But what about when the sentence has already been decided and is subsequently deemed inadequate to protect public safety? Some people in this position themselves feel that they cannot be trusted to be in the community: “I’m very afraid of just being out there,” stated one offender in a California civil commitment facility in an interview.<sup>116</sup>

Better treatments, including chemical and pharmaceutical options to reduce urges to re-offend, may one day transform civil commitment from a dead end to a way station on the path to reentry. Until then, however, policymakers will likely continue struggling to manage the most dangerous offenders when they come to the end of their sentences.

## In Pursuit of Safety: Are We Safer?

As rates of violent sex crimes have fallen over the past 20 years, so too have rates for all violent crime. This is good news for public safety but confounding when it comes to discerning the impact of sex offender legislation—especially as violent sex offenses appear to have been in decline prior to the implementation of most sex offender laws.

The success of sex offender laws is also difficult to determine because they are generally aimed at protecting children from convicted sexual predators—a category of offense that represents a small fraction of the total number of offenses committed.

As this report has shown, current sex offender policies appear to have only modest impacts on deterring would-be offenders or reducing recidivism of convicted offenders. Longer sentences keep offenders incapacitated but only delay recidivism (and are very expensive). Registration appears to slightly reduce re-offenses by acquaintance offenders. Community

notification seems to have a modest deterrent effect and possibly a positive effect on recidivism, but it also has a negative effect on reentry. Several studies have shown residency restrictions to have no impact on recidivism and to cause major problems for sex offenders trying to find viable places to live and work. Electronic monitoring holds promise for improving supervision, but it is too early to tell whether it will reduce recidivism. Finally, civil commitment, although successful at incapacitating dangerous offenders (again, at a very high cost), has shown little success in “curing” offenders.

Sex offender policies involve a complex mix of criminal justice, psychology, sociology, and politics. This makes it hard to determine to what extent current approaches are creating safer communities and developing the right mix of sanctions and supports for offenders, or whether they are part of a wave of “punitive populism” that is reaching high tide and destined to ebb.

It is hard to deny the cyclical nature of sex offender laws in America, at least in the 20<sup>th</sup> and 21<sup>st</sup> centuries. The current cycle may be different, as advances in both monitoring technology and behavioral science may increase the percent of offenders who can be successfully and safely re-integrated into the community. Such policies, though, are still downstream responses. The next challenge will be to go upstream and develop policies to discover precursors to offending behavior and create appropriate interventions. These, in the end, may be the most successful at reducing sex offense rates.

That the public continues to focus on a small minority of sex offenses—those committed by strangers—and overestimate the risk that most offenders pose is a genuine public policy concern. It is hoped that the growing body of research on sex offenses will help move this important field of criminal justice forward toward fair and effective public policies.

<sup>115</sup> Karin L. Moran, “Civil Commitment for Sexually Violent Predators: A Growing Debate in New York State,” *The Bulletin of the New York Psychiatric Association*, Winter 2005-06.

<sup>116</sup> Abby Goodnough and Monica Davey, “For Sex Offenders, a Dispute Over Therapy’s Benefits,” *New York Times*, March 6, 2007.

## Guide to the Appendices

The first appendix contains a guide to the federal Sex Offender Registration and Notification Act of 2006 (SORNA). While not exhaustive, this guide provides information on most of the significant guidelines with which states must comply to remain eligible for all of their allotted Justice Assistance Grant funding.

The appendices that follow are intended to summarize the laws relating to sex offenders across the 50 states. In order to keep them to a manageable length, not all details are included and statutory language may be simplified or summarized. For complete information please see the full state statutes (references are provided at the beginning of each section.) The appendices are based on registerable offenses.

Part A contains information on all of the laws that, if violated, require registration. The penalties for violating these laws are also included. Certain offenses only result in registration under particular circumstances—in those cases, only those circumstances are listed. In addition, in cases where registration is only required for a second or subsequent violation, only the penalty for the second violation is included. Finally, affirmative defenses are not included.

Part B contains information on risk assessment as it relates to registration and community notification. Information is not provided when risk levels are determined only by reference to offense. Administrative use of risk assessments not outlined in statute is not included.

Part C contains the basic registration requirements including any additional offenses for which registration is required, information collected, duration of the registration requirement, and penalties for non-compliance.

Part D summarizes the community notification laws. Notification requirements relating to law enforcement agencies are not included.

Parts E and F note any *required* state residency and employment restrictions on registered offenders.

Restrictions that are allowed but not required are not included, nor are county or municipal restrictions.

Part G addresses electronic monitoring of sex offenders. Again, this section covers only offenses and/or offenders for which electronic monitoring is statutorily *required*.

Part H provides brief information on civil commitment laws.

Part I includes any other restrictions that apply to sex offenders. These include prohibitions on loitering and other restrictions that do not relate to residency or employment.

Because of the fluid nature of sex offense-related legislation, changes to state laws that occurred after January 1, 2008, may not be included; again, please refer to state statutes for the most up-to-date information.

## Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act of 2006

### Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act of 2006

*States must comply with sections B,C & D in order to remain eligible for full funding of Justice Assistance Grants.*

Crimes classified as “sex offenses” which results in classification as a “sex offender” for the purposes of the Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act of 2006
Criminal offense that has an element involving a sexual act or sexual contact with another
The following specified offenses against a minor: kidnapping or false imprisonment (unless committed by a parent or guardian); solicitation to engage in sexual conduct; use in a sexual performance; solicitation to practice prostitution; video voyeurism; possession, production or distribution of child pornography; criminal sexual conduct involving a minor, or use of the Internet to facilitate such an attempt; or any conduct that by its nature is a sex offense against a minor.
The following federal offenses: Sex trafficking of children or by force, fraud, or coercion; aggravated sexual abuse; sexual abuse; sexual abuse of a minor or ward; abusive sexual contact; sexual abuse resulting in death; sexual exploitation of children; selling or buying of children; certain activities relating to material involving the sexual exploitation of minors; certain activities relating to material constituting or containing child pornography; misleading domain names on the Internet (with the intent to deceive a person into viewing material constituting obscenity); production of sexually explicit depictions of a minor for importation into the United States; transportation for illegal sexual activity and related crimes (including child pornography)

**Included:**

- Any state, local, tribal, foreign, or military offense.
- Any U.S. jurisdiction, including states, the District of Colombia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and federal recognized Indian tribes (tribes must either agree to implement the act or submit to having the state in which they are located implement the act on Indian lands).
- Adults and juveniles adjudicated as delinquent if the offender is age 14 or older, and offense was comparable to or more severe than aggravated sexual abuse.

**Not Included:**

- Foreign conviction if it was not obtained with significant safeguards for due process and fairness
- Consensual conduct, either if the victim was an adult (unless it was an adult under custodial authority of offender) or if victim was at least 13 and offender was not more than 4 years older than victim.

### SORNA Changes in Sex Offense Penalties for Crimes Adjudicated in Federal Courts

Crime	Penalty
<b>Murder of a child</b>	Life, 30 year minimum, or death
<b>Kidnapping or maiming a child</b>	Life or 25 year minimum
<b>Serious bodily injury of a child or use of a dangerous weapon in relation to crime of violence</b>	Life or 10 year minimum
<b>Coercion and enticement</b>	Life or 10 year minimum
<b>Child prostitution offenses</b>	Life or 10 year minimum
<b>Sexual Abuse</b>	Life or any term of years
<b>Aggravated sexual abuse of children</b>	Life or 30 year minimum

## Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act of 2006

Crime	Penalty
<b>Abusive sexual contact with children constituting a sexual act</b>	Life or any term
<b>Offenses resulting in death</b>	Life, any term, or death
<b>Aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, sex trafficking of children, or production, possession, receipt, mailing or shipping, sale, distribution, or transportation of child pornography</b>	Life or 30 year minimum
<b>Misleading domain name</b>	10 year minimum
<b>Repeat offender, sex offense against a child</b>	Life (unless first conviction was death, then that stands)
<b>Sex abuse involving a ward</b>	15 year minimum
<b>Sex trafficking of children</b>	Victim under 14: 15 year minimum; victim aged 14-17: 10 year minimum or life
<b>Failure to report child abuse (not registerable offense)</b>	Up to 1 year
<b>Internet sale of “date rape” drugs</b>	Up to 20 years

Note: all registered sex offenders on probation must as a condition of their parole submit his person, property, house, computer, data storage devices, and media to search at any time, with or without warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of condition of probation or unlawful conduct. The court may order those under supervised release to submit to searches as outlined above.

**Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act of 2006**

**B. Registration**

<b>Registration</b>	
<b>Requirements for Jurisdictions</b>	Must maintain jurisdiction-wide sex offender registry (on penalty of reduction in federal funding; federal government cannot make them comply with registration or notification requirements of act). Must immediately provide any updated information from offender to all other jurisdictions.
<b>Where Offenders Must Register</b>	Each jurisdiction where offender resides, is an employee, is a student, and where convicted.
<b>Eligible Offenses/Statutes</b>	All those listed in Section A. SORNA applies to all sex offenders, including those convicted of their registration offenses prior to the enactment of SORNA or prior to particular jurisdictions' incorporation of the SORNA requirements into their programs.
<b>Information Collected</b>	<ol style="list-style-type: none"> <li>1) Name, aliases and remote communication identifiers and addresses. This includes: Internet identifiers and addresses; telephone numbers, both land lines and cell phones; and Social Security number.</li> <li>2) Residence, lodging and travel information. This includes: permanent residence address; other residence information for those without a fixed abode, such as habitual locale, park, shelter or other spots and identifying rural locations without a street address; and temporary lodging places where a sex offender stays for seven or more days; travel and immigration documents, including passports and immigration status documents of resident aliens.</li> <li>3) Employment information, including: employer name and address, including places where the sex offender works as a volunteer or otherwise without remuneration; other employment information, such as travel routes of a mobile job and locations to which self-employment might take the offender; and professional licenses authorizing the registrant to engage in an occupation or carry on a trade or business.</li> <li>4) School information, including the name and address of any place where the sex offender is a student or plans to be a student.</li> <li>5) Vehicle information, including: license plate and description of any vehicle owned or operated by the sex offender; any vehicle the sex offender regularly drives in the course of employment (except for employer fleet vehicles); watercraft and aircraft license plates and descriptions, in addition to land vehicles; and information on where the registrant's vehicle or vehicles are habitually parked, docked or otherwise kept.</li> <li>6) Date of birth.</li> <li>7) Physical description, including general appearance and characteristics, as well as identifying marks, such as scars or tattoos.</li> <li>8) Electronic text of the registration offense, including the relevant statutory provision. May include in the registration database link to or citation of the statute defining the registration offense, so long as the link and citation are kept current.</li> <li>9) Criminal history and other criminal justice information, including: dates of all arrests and convictions; status of parole, probation or supervised release; registration status, if in violation of registration and location not known; and any outstanding arrest warrants.</li> <li>10) Current digital photograph of the sex offender.</li> <li>11) Digital fingerprints and palm prints.</li> <li>12) DNA sample for purposes of analysis and entry into CODIS.</li> </ol>
<b>Reporting Frequency</b>	Tier I: annually in person Tier II: in person every six months Tier III: in person every three months Must appear in at least one jurisdiction where registered within 3 days of change in name, residence, employment or student status.

## Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act of 2006

<b>Duration of registration</b>	Tier I: 15 years	Tier II: 25 years	Tier III: Life
<b>Reduction in duration of registration for clean record:</b> Offender may petition to have their duration reduced if they have a clean record for period of time listed at right. Clean record is defined as: not been convicted of an offense for which imprisonment of more than 1 year may be imposed; not being convicted of any sex offense; completing supervised release, probation and parole; and completing certified sex offender treatment.	Tier I minimum period of clean record: 10 years. Reduction in registration: five years.	No reduction in registration available.	Only for juveniles adjudicated delinquent of sex offense for which they must register. Tier III adults not eligible for reduction in duration.  Minimum period of clean record for juvenile: 25 years. Reduction in sentence: to that period for which clean record is maintained.
<b>Penalties for Non-Compliance</b>	State penalty: each state must have a maximum term of imprisonment greater than 1 year. Federal penalty: If the individual is a sex offender convicted under federal law (or the District of Columbia, territories or possessions, or Indian tribal law), and fails to register initially or upon traveling between states, between the U.S. and foreign countries or Indian country: up to 10 years.		

### C. Risk Assessment

Risk Assessment	
<b>Applies to</b>	Community Notification and registration
<b>Responsible Agency</b>	State must develop within federal guidelines listed below.
<b>Assessment Tool/Scale Used</b>	Defined by crimes committed
<b>Appealable?</b>	No
<b>Risk Levels Utilized</b>	<p>Tier I (Low): All those required to register as sex offenders who do not meet criteria listed below for tier II or III.</p> <p>Tier II (Moderate): Sex offender whose offense is punishable by imprisonment for more than 1 year AND is comparable to or more severe than the following offenses, when committed or attempted against a minor: sex trafficking; coercion and enticement; transportation with intent to engage in criminal sexual activity; abusive sexual contact; or involves use of a minor in a sexual performance; or solicitation of a minor to practice prostitution; or production or distribution of child pornography; or occurs after the offender becomes a tier I sex offender.</p> <p>Tier III (High): Sex offender whose offense is punishable by imprisonment for more than 1 year AND</p>

## Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act of 2006

	<ol style="list-style-type: none"> <li>1) Is comparable to or more severe than the aggravated sexual abuse or sexual abuse or abusive sexual contact against a minor who has not attained the age of 13 years; or</li> <li>2) Involves kidnapping of a minor (unless committed by a parent or guardian); or</li> <li>3) Occurs after the offender becomes a tier II sex offender.</li> </ol>
<b>Assessment Details</b>	Community notification is based on the risk levels assigned by the Sex Offender Board of Review. Only those who are deemed “sexually violent predators” likely to re-offend through their offense, the assessment tool results, and the evaluation of a psychiatrist are subject to community notification. Local law enforcement develops fact sheet templates for each level of offender, which are utilized as described in Part C.

Note: The Attorney General shall conduct a study of risk-based sex offender classification systems.

### D. Community Notification

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public internet registry maintained by each state and linked to national registry. Must be searchable by zip code or chosen geographic radius.	General public	All registered sex offenders. States may choose to not include Tier 1 offenders (unless offense was specified against minor)	All registration information about each sex offender, except: identity of victim; social security number; and reference to arrests that did not result in conviction. States may choose to withhold the name of offender’s employer or school. Must include warning that info. cannot be used to injure, harass or commit a crime against an offender.
Mandatory community	Law enforcement, appropriate jurisdictions, agencies that conduct background searches, child welfare social service agencies and volunteer organizations that deal with children and vulnerable populations; any organization or individual who requests notification per jurisdictional standards (with 5 day reporting if they choose).	All sex offenders.	All registration information with above exceptions.

### E. Required Residency Restrictions

No requirements.

### F. Required Employment Restrictions

No requirements. However, registered sex offenders are prohibited from becoming foster parents.

### G. Electronic Monitoring



## **Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act of 2006**

No requirements. U.S. Attorney General shall make grants to states, local governments and Indian tribes to assist them in carrying out programs to outfit sex offenders with electronic monitoring units. \$5 million per year are authorized (though not appropriated) for this function.

### **H. Civil Commitment**

No requirements. The U.S. Attorney General shall make grants to states that have or plan to have civil commitment programs. \$10 million are authorized (though not appropriated) for this function. In addition, the act outlines civil commitment proceedings for those convicted of sex offenses in federal court.

## ALABAMA

### ALABAMA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Alabama Statutes, Title 13A, Chapters 6 and 12, and Title 15, Chapter 20)

Crime	Description	Penalty
<b>Rape</b>	<b>First Degree:</b> 1) Engaging in sexual intercourse with a member of the opposite sex by forcible compulsion	Life or 10-99 years
	2) Engaging in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated	
	3) Being 16 years or older, engaging in sexual intercourse with a member of the opposite sex who is less than 12 years	
	4) First degree rape where victim is less than 12 years	Life or 20-99 years and mandatory 10 years post-release supervision
	<b>Second Degree:</b> 5) Being 16 years or older, engaging in sexual intercourse with member of the opposite sex under 16 years and more than 12 years, and at least 2 years younger than perpetrator	2-20 years
	6) Engaging in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective	
	7) Second degree rape where victim is less than 12 years	10-20 years
<b>Sodomy</b>	<b>First Degree:</b> 1) Engaging in deviate sexual intercourse with another person by forcible compulsion	Life or 10-99 years
	2) Engaging in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated	
	3) Being 16 years or older, engaging in deviate sexual intercourse with a person who is less than 12 years	
	4) First degree sodomy where victim is less than 12 years	Life or 20-99 years and mandatory 10 years post-release supervision

## ALABAMA

Crime <sup>117</sup>	Description	Penalty
	<p><b>Second Degree:</b></p> <p>5) Being 16 years or older, engaging in deviate sexual intercourse with another person less than 16 years and more than 12 years</p> <p>6) Engaging in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective</p>	2-20 years
	7) Second degree sodomy where victim is less than 12 years	10-20 years
<b>Sexual Misconduct*</b>	<p>1) Being a male, engaging in sexual intercourse with a female without her consent, under circumstances other than rape, or with her consent where consent was obtained by the use of any fraud or artifice</p> <p>2) Being a female, engaging in sexual intercourse with a male without his consent</p> <p>3) Engaging in deviate sexual intercourse with another person under circumstances other than sodomy</p>	Up to 1 year in county jail
<b>Sexual Torture</b>	<p>1) Penetrating the vagina, anus or mouth of another person with an inanimate object by forcible compulsion with the intent to sexually abuse / torture</p> <p>2) Penetrating the vagina, anus or mouth of a person who is incapable of consent by reason of physical helplessness or mental incapacity with an inanimate object, with the intent to sexually torture/abuse</p> <p>3) Penetrating the vagina, anus or mouth of a person who is less than 12 years with an inanimate object, by a person who is 16 years or older with the intent to sexually torture/abuse</p>	Life or 10-99 years
	4) Sexual torture where victim is less than 12 years	Life or 20-99 years and mandatory 10 years post-release supervision
<b>Sexual Abuse</b>	<p><b>First Degree:</b></p> <p>1) Subjecting another person to sexual contact by forcible compulsion</p> <p>2) Subjecting another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated</p>	1-10 years

<sup>117</sup> Offenses marked with an asterisk (\*) are not defined as criminal sex offenses, but registration is specifically required.

## ALABAMA

Crime	Description	Penalty
	<p><b>Second Degree:</b> 3) Subjecting another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years</p> <p>4) Being 19 years or older, subjecting another person to sexual contact who is less than 16 years, but more than 12 years</p>	<p>1<sup>st</sup> Offense: Up to 1 year in county jail</p> <p>2<sup>nd</sup> Offense (within 1 year of another sexual offense): 1-10 years</p>
<b>Indecent Exposure*</b>	With intent to arouse/gratify sexual desire of himself or of any person other than his spouse, exposing his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm in any public place or on/near the private premises of another	Up to 1 year in county jail
<b>Enticing a Child</b>	With lascivious intent, enticing, alluring, persuading, or inviting (or attempting to) any child under 16 years to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of sexual intercourse or sodomy, for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person	1-10 years
<b>Promoting Prostitution</b>	<p><b>First Degree:</b> 1) Knowingly advancing prostitution by compelling a person by force or intimidation to engage in prostitution, or profiting from such coercive conduct by another</p> <p>2) Knowingly advancing or profiting from prostitution of a person less than 16 years 3) Promoting prostitution where victim is less than 12 years</p> <p><b>Second Degree:</b> 4) Knowingly advancing or profiting from prostitution by managing, supervising, controlling or owning, alone or in association with others, a house of prostitution, a prostitution business, or enterprise involving prostitution activity by 2 or more prostitutes other than the defendant</p> <p>5) Knowingly advancing or profiting from prostitution of a person less than 18 years</p>	<p>2-20 years</p> <p>10-20 years 1-10 years</p>
<b>Obscenity*</b>	Displaying in public any bumper sticker, sign or writing which depicts obscene language descriptive of sexual or excretory activities	Up to 3 months in county jail
<b>Child Pornography</b>	<p><b>Dissemination or public display of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts:</b> 1) Knowingly disseminating or displaying publicly any obscene matter containing a visual depiction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct</p> <p>2) Child pornography as described in 1) above where victim is less than 12 years</p>	<p>2-20 years</p> <p>10-20 years</p>

## ALABAMA

Crime	Description	Penalty
<b>Child Pornography (cont.)</b>	<b>Possession and possession with intent to disseminate obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts:</b>	
	3) Knowingly possessing with intent to disseminate any obscene matter that contains a visual depiction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct	2-20 years
	4) Child pornography as described in 3) above where victim is less than 12 years	10-20 years
	5) Knowingly possessing any obscene matter that contains a visual depiction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, genital nudity, or other sexual conduct	1-10 years
	<b>Parents or guardians permitting children to engage in production of obscene matter:</b>	
	6) Being a parent or guardian, knowingly permitting/allowing their child, ward, or dependent under the age of 17 years to engage in the production of any obscene matter containing a visual depiction of such child, ward, or dependent engaged in any act of sado-masochistic abuse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct	Life or 10-99 years
	7) Child pornography as described in 6) above where victim is less than 12 years	Life or 20-99 years and mandatory 10 years post-release supervision
	<b>Production of obscene matter containing visual depiction of person under 17 years of age involved in obscene acts:</b>	
	8) Knowingly filming, printing, recording, photographing or otherwise producing any obscene matter that contains a visual depiction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct	Life or 10-99 years
9) Child pornography as described in 8) above where victim is less than 12 years	Life or 20-99 years and mandatory 10 years post-release supervision	
<b>Kidnapping</b>	<b>First Degree:</b> Abducting another person who is a minor with intent to	Life or 10-99 years
	1) Hold him for ransom or reward	
	2) Use him as a shield or hostage	
	3) Accomplish or aid the commission of any felony or flight therefrom	
	4) Inflict physical injury upon him, or to violate or abuse him sexually	
	5) Terrorize him or a third person	
	6) Interfere with the performance of any governmental or political function	

## ALABAMA

Crime	Description	Penalty
	7) First degree kidnapping where victim is less than 12 years	Life or 20-99 years and mandatory 10 years post-release supervision
	<b>Second Degree:</b>	2-20 years
	8) Abducting another person who is a minor	
	9) Second degree kidnapping where victim is less than 12 years	10-20 years
<b>Incest<sup>111</sup></b>	Marrying or engaging in sexual intercourse with a person known to be 1) his ancestor or descendant by blood or adoption, 2) his brother or sister of the whole or half-blood or by adoption, 3) his stepchild or stepparent, while the marriage creating the relationship exists, or 4) his aunt, uncle, nephew or niece	1-10 years
<b>Soliciting Child by Computer</b>	1) Being 19 years or older knowingly, with the intent to commit an unlawful sex act, enticing, inducing, persuading, seducing, prevailing, advising, coercing, or ordering, by means of a computer, a child who is less than 16 years and at least 3 years younger than the defendant, to meet with the defendant or any other person for the purpose of engaging in sexual intercourse, sodomy, or to engage in a sexual performance, obscene sexual performance, or sexual conduct for his or her benefit	2-20 years
	2) Soliciting a child by computer where child is less than 12 years	10-20 years
<b>Transmitting Obscene Material to a Child by Computer</b>	1) Transmitting by means of any computer communication system allowing the input, output, examination, or transfer of computer programs from one computer to another, material which, in whole or in part, depicts actual or simulated nudity, sexual conduct, or sadomasochistic abuse, for the purpose of initiating or engaging in sexual acts with the child	2-20 years
	2) Transmitting obscene material to a child by computer where child is less than 12 years	10-20 years

### B. Risk Assessment

- No Statutory Provisions

<sup>111</sup> Individuals convicted of incest are always required to register but incest is only defined as a “criminal sex offense” where the perpetrator is an adult and the victim is a minor.

## ALABAMA

### C. Registration

(For complete information, see Alabama Statutes, Title 13A, Chapter 11 and Title 15, Chapter 20)

Registration	
<b>Year Enacted</b>	1967
<b>Responsible Agency</b>	Department of Public Safety
<b>Eligible Offenses/Statutes</b>	<p>1) There is a general registration requirement for those convicted of (or attempt, solicitation or conspiracy to commit) offenses that include any act of sexual perversion involving a member of the same or opposite sex, or any sexual abuse of any member of the same or opposite sex or any attempt to commit any of these acts, specifically including (but not limited to): rape, sodomy, sexual misconduct, indecent exposure, promoting prostitution, obscenity, and incest; this registration does not trigger public notification.</p> <p>2) As part of the community notification law, there are registration requirements imposed on all those convicted of a criminal sex offense (listed in Part A) or attempt to commit a criminal sex offense.</p>
<b>Information Collected</b>	<p>For those who must register under the community notification law: current address, fingerprints, photograph and DNA sample, name of institution of higher education where employed or a student,</p> <p>Non-resident sex offenders: information on place of employment/school attended, home state residence address, current address, other information necessary to complete Community Notification Flyer (see Part D, below)</p>
Registration	
<b>Reporting Frequency</b>	<p>Semi-annually and 30 days prior to any residence change and 7 days prior to any employment change and within 5 days of becoming employed/enrolling at an institution of higher education or any change in employment/enrollment status there</p> <p>Sexually Violent Predators:<sup>118</sup> Quarterly</p> <p>Juvenile Sex Offenders:<sup>119</sup> Annually</p>
<b>Duration</b>	<p>Adult Sex Offenders: Life</p> <p>Juvenile Sex Offenders: 10 years</p>
<b>Penalties for Non-Compliance</b>	1-10 years

### D. Community Notification

(For complete information, see Alabama Statutes, Title 15, Chapter 20)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	1) In Birmingham, Mobile, Huntsville and Montgomery,	All Adult Sex Offenders and Juvenile Sex Offenders	Community Notification Flyer: Name, address, sex, date of birth, complete physical description, including distinguishing features such

<sup>118</sup> Any sex offender who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory criminal sex offenses.

<sup>119</sup> A youthful offender adjudicated delinquent of a criminal sex offense who has not previously been adjudicated or convicted of a criminal sex offense.

## ALABAMA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
	persons living within 1000 feet of residence of sex offender and schools and child care facilities within 3 miles of sex offender residence	where risk of re-offense is high (determined by sentencing court)	as scars, birth marks, or any identifying physical characteristics, current photograph, statement of the criminal sex offense of conviction, including the age and gender of the victim, the geographic area where the offense occurred, and the date upon which the criminal sex offender will be released
	2) In cities with population greater than 5000, persons living within 1500 feet of residence of sex offender and schools and child care facilities within 3 miles of sex offender residence	Sexually Violent Predators	All of the above and: 1) A full history of criminal offenses committed by the offender 2) Documentation of any treatment received for the mental abnormality or personality disorder of the offender
	3) Elsewhere, persons living within 2000 feet of residence of sex offender AND schools and child care facilities within 3 miles of sex offender residence		
<b>Juvenile Sex Offender Notification</b>	Principal of the school the juvenile sex offender will attend	Juvenile Sex Offenders where risk of re-offense is low (court determined)	Name, living address, date of birth, and statement of the criminal sex offense for which he/she was adjudicated delinquent, including the age and gender of the victim
	All schools and child care facilities within 3 miles of juvenile sex offender residence	Juvenile Sex Offenders where risk of re-offense is moderate (court determined)	Community Notification Flyer as describe above

### E. Required Residency Restrictions

(For complete information, see Alabama Statutes, Title 15, Chapter 20)

Restriction Applies To	Type of Restriction
All Adult Sex Offenders	Within 2000 feet of school or child care facility
	Within 1000 feet of residence of former victim or victim's immediate family
	Where a minor resides unless the sex offender is the parent, grandparent or stepparent of the minor (certain exceptions apply)



## ALABAMA

### **F. Required Employment Restrictions**

(For complete information, see Alabama Statutes, Title 15, Chapter 20)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All Adult Sex Offenders	Prohibition from employment/vocation within 500 feet of school, child care facility, playground, park, athletic field or business/facility having a principal purpose of caring for, educating, or entertaining minors

### **G. Required Electronic Monitoring**

(For complete information, see Alabama Statutes, Title 15, Chapter 20)

<b>Type of Monitoring</b>	<b>Applicable To</b>	<b>Duration</b>
Passive and Active Electronic Monitoring	Sexually Violent Predators Those convicted of Class A felony criminal sex offenses where victim is under 12 years	<b>At least 10 years</b>

### **H. Civil Commitment**

- No Statutory Provisions

## ALASKA

### ALASKA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Alaska Statutes Annotated, Title 11, Chapters 41, 61 and 66 and Title 12)

Crime	Description	Penalty
<b>Sexual Assault in the First Degree</b>	1) Engaging in sexual penetration with another person without their consent	1 <sup>st</sup> Offense: 20-25 years and fine of up to \$500,000
	2) Attempting to engage in sexual penetration with another person without their consent and causing serious physical injury to that person	2 <sup>nd</sup> Felony Offense: 30-40 years 2 <sup>nd</sup> Felony Sex Offense: 35-45 years
	3) Engaging in sexual penetration with another person who the offender knows is mentally incapable and who is in the offender's care by authority of law, or in a facility or program that is required by law to be licensed by the state	3 <sup>rd</sup> Felony Offense: 40-60 years 3 <sup>rd</sup> Felony Sex Offense: 99 years
	4) Engaging in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed where the offender is a health care worker and the offense takes place during the course of professional treatment of the victim	
	5) Sexual assault in the first degree where the victim is under 13 years	1 <sup>st</sup> Offense: 25-35 years and fine of up to \$500,000
	6) Sexual assault in the first degree where the offender possessed a firearm, used a dangerous instrument or caused serious physical injury	2 <sup>nd</sup> and Subsequent Offenses: As above
<b>Sexual Assault in the Second Degree</b>	1) Engaging in sexual contact with another person without their consent	1 <sup>st</sup> Offense: 5-15 years and fine of up to \$100,000
	2) Engaging in sexual contact with a person who the offender knows is mentally incapable and who is in the offender's care by authority of law or in a facility or program that is required by law to be licensed by the state	2 <sup>nd</sup> Felony Offense: 10-25 years 2 <sup>nd</sup> Felony Sex Offense: 15-30 years
	3) Engaging in sexual contact with a person who the offender knows is mentally incapable, incapacitated, or unaware that a sexual act is being committed	3 <sup>rd</sup> Felony Offense: 20-35 years 3 <sup>rd</sup> Felony Sex Offense: 99 years
	4) Engaging in sexual contact with a person who the offender knows is unaware that a sexual act is being committed where the offender is a health care worker and the offense takes place during the course of professional treatment of the victim	

## ALASKA

<p><b>Sexual Assault in the Third Degree</b></p>	<p>1) Engaging in sexual contact with a person who the offender knows is mentally incapable, incapacitated, or unaware that a sexual act is being committed</p> <p>2) While employed in a state correctional facility engaging in sexual penetration 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</p> <p>3) Engaging in sexual penetration 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 and the</p>	<p>1<sup>st</sup> Offense: 2-12 years and fine of up to \$50,000                  2<sup>nd</sup> Felony Offense: 8-15 years                  2<sup>nd</sup> Felony Sex Offense: 12-20 years                  3<sup>rd</sup> Felony Offense: 15-25 years                  3<sup>rd</sup> Felony Sex Offense:</p>
<p><b>Sexual Assault in the Fourth Degree</b></p>	<p>1) While employed in a state correctional facility engaging 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</p> <p>2) Engaging 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 and the offender is the legal guardian of the person</p>	<p>Up to 1 year and fine of up to \$10,000</p>
<p><b>Sexual Abuse of a Minor in the First Degree</b></p>	<p>1) Being 16 years or older, engaging in sexual penetration with a person who is under 13 years or aiding, inducing, causing, or encouraging a person who is under 13 years to engage in sexual penetration with another person</p> <p>2) Being 18 years or older, engaging in sexual penetration with a person who is under 18 years, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian</p> <p>3) Being 18 years or older, engaging in sexual penetration with a person who is under 16 years, and either</p> <p style="margin-left: 40px;">a) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim, or</p> <p style="margin-left: 40px;">b) the offender occupies a position of authority in relation to the victim</p> <p>4) Sexual abuse of a minor in the first degree where the victim is under 13 years</p> <p>5) Sexual abuse of a minor in the first degree where the offender possessed a firearm, used a dangerous instrument or caused serious physical injury</p>	<p>1<sup>st</sup> Offense: 20-25 years and fine of up to \$500,000                  2<sup>nd</sup> Felony Offense: 30-40 years                  2<sup>nd</sup> Felony Sex Offense: 35-45 years                  3<sup>rd</sup> Felony Offense: 40-60 years                  3<sup>rd</sup> Felony Sex Offense: 99 years</p> <hr/> <p>1<sup>st</sup> Offense: 25-35 years and fine of up to \$500,000                  2<sup>nd</sup> and Subsequent Offenses: As above</p>

## ALASKA

Crime	Description	Penalty
<b>Sexual Abuse of a Minor in the Second Degree</b>	<p>1) Being 17 years or older, engaging in sexual penetration with a person who is 13, 14, or 15 years and at least 4 years younger than the offender, or aiding, inducing, causing, or encouraging a person who is 13, 14, or 15 years and at least 4 years younger than the offender to engage in sexual penetration with another person</p> <p>2) Being 16 years or older, engaging in sexual contact with a person who is under 13 years, or aiding, inducing, causing, or encouraging a person under 13 years to engage in sexual contact with another person</p> <p>3) Being 18 years or older, engaging in sexual contact with a person who is under 18 years, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian</p> <p>4) Being 16 years or older, aiding, inducing, causing, or encouraging a person who is under 16 years to engage in conduct amounting to Unlawful Exploitation of a Minor</p> <p>5) Being 18 years or older, engaging in sexual contact with a person who is under 16 years and either</p> <ul style="list-style-type: none"> <li>a) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim, or</li> <li>b) the offender occupies a position of authority in relation to the victim</li> </ul> <p>6) Being 18 years or older, engaging in sexual penetration with a person who is 16 or 17 years and at least 3 years younger than the offender, and the offender occupies a position of authority in relation to the victim</p> <p>7) Being under 16 years, engaging in sexual penetration with a person who is under 13 years and at least 3 years younger than the offender</p>	<p>1<sup>st</sup> Offense: 5-15 years and fine of up to \$100,000</p> <p>2<sup>nd</sup> Felony Offense: 10-25 years</p> <p>2<sup>nd</sup> Felony Sex Offense: 15-30 years</p> <p>3<sup>rd</sup> Felony Offense: 20-35 years</p> <p>3<sup>rd</sup> Felony Sex Offense: 99 years</p>
<b>Sexual Abuse of a Minor in the Third Degree</b>	Being 17 years or older, engaging in sexual contact with a person who is 13, 14, or 15 years and at least 4 years younger than the offender	<p>1<sup>st</sup> Offense: 0-2 years and fine of up to \$50,000</p> <p>2<sup>nd</sup> Offense: 2-4 years</p> <p>3<sup>rd</sup> Offense: 3-5 years</p>
<b>Sexual Abuse of a Minor in the Fourth Degree</b>	Being 18 years or older, engaging in sexual contact with a person who is 16 or 17 years and at least 3 years younger than the offender, and the offender occupies a position of authority in relation to the victim	Up to 1 year and fine of up to \$10,000

## ALASKA

Crime	Description	Penalty
<b>Incest</b>	Being 18 years or older, engaging in sexual penetration with another who is related, either legitimately or illegitimately, as an ancestor or descendant of the whole or half blood, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece by blood	1 <sup>st</sup> Offense: 2-12 years and fine of up to \$50,000 2 <sup>nd</sup> Felony Offense: 8-15 years 2 <sup>nd</sup> Felony Sex Offense: 12-20 years 3 <sup>rd</sup> Felony Offense: 15-25 years 3 <sup>rd</sup> Felony Sex Offense: 99 years
<b>Online Enticement of a Minor</b>	1) Being 18 years or older, knowingly using a computer to communicate with another person to entice, solicit, or encourage the person to engage in an act amounting to Unlawful Exploitation of a Minor where the other person is a child under 16 years of age or the person believes that the other person is a child under 16 years of age 2) Online enticement of a minor where the defendant was, at the time of the offense, required to register as a sex offender	1 <sup>st</sup> Offense: 0-2 years and fine of up to \$50,000 2 <sup>nd</sup> Offense: 2-4 years 3 <sup>rd</sup> Offense: 3-5 years 1 <sup>st</sup> Offense: 1-3 years and fine of up to \$100,000 2 <sup>nd</sup> Offense: 4-7 years 3 <sup>rd</sup> Offense: 6-10 years
<b>Unlawful Exploitation of a Minor</b>	1) Being in the state, and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed below, knowingly inducing or employing a child under 18 years to engage in, or photographing, filming, recording, or televising a child under 18 years engaged in, the following actual or simulated conduct: 1) sexual penetration, 2) the lewd touching of another person's genitals, anus, or breast, 3) the lewd touching by another person of the child's genitals, anus, or breast, 4) masturbation, 5) bestiality, 6) the lewd exhibition of the child's genitals, or 7) sexual masochism or sadism  2) Being a parent, legal guardian, or person having custody or control of a child under 18 years, permitting the child to engage in conduct described above knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct	1 <sup>st</sup> Offense: 5-15 years 2 <sup>nd</sup> Felony Offense: 10-25 years 2 <sup>nd</sup> Felony Sex Offense: 15-30 years 3 <sup>rd</sup> Felony Offense: 20-35 years 3 <sup>rd</sup> Felony Sex Offense: 99 years

## ALASKA

Crime	Description	Penalty
<b>Indecent Exposure in the First Degree</b>	Knowingly exposing the offender's genitals in the presences of another person with reckless disregard for the offensive, insulting, or frightening effect the act may have where the offense occurs within the observation of a person under 16 years of age, and either: 1) While committing the act constituting the offense, the offender knowingly masturbates, or 2) The offender has been previously convicted of indecent exposure	1 <sup>st</sup> Offense: 2-12 years and fine of up to \$50,000 2 <sup>nd</sup> Felony Offense: 8-15 years 2 <sup>nd</sup> Felony Sex Offense: 12-20 years 3 <sup>rd</sup> Felony Offense: 15-25 years 3 <sup>rd</sup> Felony Sex Offense: 99 years
<b>Indecent Exposure in the Second Degree</b>	Knowingly exposing the offender's genitals in the presence of another person with reckless disregard for the offensive, insulting, or frightening effect the act may have and the offense is before a person under 16 years and the offender has a previous conviction for that offense	Up to 1 year and fine of up to \$10,000
<b>Distribution of Child Pornography</b>	Bringing or causing to be brought into the state for distribution, or in the state distributing, or in the state possessing, preparing, publishing, or printing with intent to distribute, any material that visually or aurally depicts conduct amounting to Unlawful Exploitation of a Minor knowing that the production of the material involved the use of a child under 18 years who engaged in the conduct	1 <sup>st</sup> Offense: 5-15 years 2 <sup>nd</sup> Felony Offense: 10-25 years 2 <sup>nd</sup> Felony Sex Offense: 15-30 years 3 <sup>rd</sup> Felony Offense: 20-35 years 3 <sup>rd</sup> Felony Sex Offense: 99 years
<b>Possession of Child Pornography</b>	Knowingly possessing any material that visually or aurally depicts conduct amounting to Unlawful Exploitation of a Minor knowing that the production of the material involved the use of a child under 18 years who engaged in the conduct	1 <sup>st</sup> Offense: 2-12 years and fine of up to \$50,000 2 <sup>nd</sup> Felony Offense: 8-15 years 2 <sup>nd</sup> Felony Sex Offense: 12-20 years 3 <sup>rd</sup> Felony Offense: 15-25 years 3 <sup>rd</sup> Felony Sex Offense: 99 years
<b>Promoting Prostitution in the First Degree</b>	1) Inducing or causing a person to engage in prostitution through the use of force  2) Induces or causing a person in the offender's legal custody to engage in prostitution	1 <sup>st</sup> Offense: 5-8 years and fine of up to \$250,000 2 <sup>nd</sup> Offense: 10-14 years 3 <sup>rd</sup> Offense: 15-20 years

## ALASKA

Crime	Description	Penalty
<b>Promoting Prostitution in the First Degree (cont.)</b>	3) As other than a patron of a prostitute, inducing or causing a person under 18 years to engage in prostitution	1 <sup>st</sup> Offense: 20-25 years 2 <sup>nd</sup> Felony Offense: 30-40 years 2 <sup>nd</sup> Felony Sex Offense: 35-45 years 3 <sup>rd</sup> Felony Offense: 40-60 years 3 <sup>rd</sup> Felony Sex Offense: 99 years
	4) Promoting prostitution in the first degree where the victim is under 13	1 <sup>st</sup> Offense: 25-35 years 2 <sup>nd</sup> and Subsequent Offenses: As above
	5) Promoting prostitution in the first degree where the offender possessed a firearm, used a dangerous instrument or caused serious physical injury	
<b>Promoting Prostitution in the Third Degree</b>	As other than a patron of a prostitute, inducing or causing a person aged 16 or 17 years to engage in prostitution	1 <sup>st</sup> Offense: 0-2 years and fine of up to \$50,000 2 <sup>nd</sup> Offense: 2-4 years 3 <sup>rd</sup> Offense: 3-5 years

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Alaska Statutes Annotated, Title 12)

Registration	
<b>Year Enacted</b>	1994

## ALASKA

<b>Responsible Agency</b>	Department of Corrections and Department of Public Safety
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt, solicitation, or conspiracy to commit an offense listed in Part A above 3) Murder in the First Degree in which the person committed or attempted to commit a sexual offense 4) Murder in the Second Degree in which the person committed or attempted to commit sexual assault in the first or second degree or sexual abuse of a minor in the first or second degree 5) Child Kidnapping <sup>120</sup>
<b>Registration</b>	
<b>Information Collected</b>	At a minimum: name, address, place of employment, date of birth, each conviction with date, place and court of conviction, whether the offender has been unconditionally discharged from the conviction and the date of the unconditional discharge, all aliases used, driver's license number, description, license numbers, and vehicle identification numbers of motor vehicles the offender has access to, any identifying features of the offender, anticipated changes of address, and a statement concerning whether the offender has had treatment for a mental abnormality or personality disorder since the date of conviction
<b>Reporting Frequency</b>	Annually and within a day of any change in address Those required to register for life: Quarterly and within a day of any change in address
<b>Duration</b>	1 <sup>st</sup> Offense: 15 years 2 <sup>nd</sup> Registrable Offense: life Life: Those convicted of an aggravated sex offense <sup>121</sup>
<b>Penalties for Non-Compliance</b>	First Degree: Failure to register for the second time or failure to register with the intent to escape detection and thereby facilitate the person's commission of a registrable offense 1 <sup>st</sup> Offense: 0-2 years and fine of up to \$50,000 2 <sup>nd</sup> Offense: 2-4 years 3 <sup>rd</sup> Offense: 3-5 years Second Degree: Up to 1 year and fine of up to \$10,000

### D. Community Notification

(For complete information, see Alaska Statutes Annotated Title 18, Chapter 65)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
<b>Public Notification</b>	Members of the public upon request	All sex offenders	Name, aliases, address, photograph, physical description, description of motor vehicles, license numbers of motor vehicles, and vehicle

<sup>120</sup> Includes: 1) Murder in the First Degree involving kidnapping (or the attempt to kidnap) a child under 16 years, 2) Murder in the Second Degree involving kidnapping (or the attempt to kidnap) a person under 18 years, or 3) Kidnapping if the victim was under 18 years at the time of the offense.

<sup>121</sup> Includes: 1) Murder in the First Degree in which the person committed or attempted to commit a sexual offense, 2) Murder in the Second Degree in which the person committed or attempted to commit Sexual Assault in the First or Second Degree or Sexual Abuse of a Minor in the First or Second Degree, 3) Sexual Assault in the First or Second Degree and Sexual Abuse of a Minor in the First or Second Degree.



## ALASKA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
			identification numbers of motor vehicles, place of employment, date of birth, crime for which convicted, date of conviction, place and court of conviction, length and conditions of sentence, and a statement as to whether the offender is in compliance with registration requirements or cannot be located
<b>Public Internet Registry</b>	Members of the public	All sex offenders	As above

### E. Required Residency Restrictions

- No Statutory Provisions

### F. Required Employment Restrictions

- No Statutory Provisions

### G. Required Electronic Monitoring

- No Statutory Provisions

### H. Civil Commitment

- No Statutory Provisions

## ARIZONA

### ARIZONA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Arizona Revised Statutes Annotated, Title 13, Chapters 13, 14, 32, 35 and 38)

Crime <sup>122</sup>	Definition	Penalty <sup>123</sup>
<b>Sexual Abuse</b>	1) Intentionally or knowingly engaging in sexual contact with any person at least 15 years but under 18 years without consent of that person	1.5 years
	2) Intentionally or knowingly engaging in sexual contact with any person who is under 15 years if the sexual contact involves only the female breast	1 <sup>st</sup> Offense: 5 years 2 <sup>nd</sup> Offense (predicate felony): <sup>124</sup> 15 years
<b>Sexual Conduct with a Minor*</b>	1) Intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years	1 year
	2) Sexual conduct with a minor who is at least 15 years if the perpetrator is the minor's parent, stepparent, adoptive parent, legal guardian or foster parent	5 years
	3) Sexual conduct with a minor aged 13 or 14 years where the perpetrator is at least 18 years	1 <sup>st</sup> Offense: 20 years 2 <sup>nd</sup> Offense (predicate felony): 30 years
	4) Sexual conduct with a minor aged 12 years or younger where the perpetrator is at least 18 years	Life (35 year mandatory minimum)
<b>Sexual Assault*</b>	1) Intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person	1 <sup>st</sup> Offense: 5.25-14 years 2 <sup>nd</sup> Offense (any prior felony conviction): 7-21 years 3 <sup>rd</sup> Offense (any prior felony conviction): 14-28 years
	2) Sexual assault involving the intentional or knowing administration of flunitrazepam, gamma hydroxy butyrate or ketamine hydrochloride without the victim's knowledge	As above with 3 year increase to minimum and maximum sentence
	3) Sexual assault where the victim is aged 13 or 14 years and the perpetrator is at least 18 years	1 <sup>st</sup> Offense: 20 years 2 <sup>nd</sup> Offense (predicate

<sup>122</sup> Offenses marked with an asterisk (\*) are classified as sexually violent offenses.

<sup>123</sup> Offenses involving deadly weapons or the infliction of serious physical injury result in higher penalties; fines of up to \$150,000 for felonies and up to \$2,500 for misdemeanors may also be imposed.

<sup>124</sup> Predicate felony means any felony involving child abuse, any sex offense, or conduct involving the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.

## ARIZONA

Crime <sup>122</sup>	Definition	Penalty <sup>123</sup>
		felony): 30 years
<b>Sexual Assault (cont.)</b>	4) Sexual assault involving the intentional or knowing infliction of serious physical injury	Life (25 year mandatory minimum)
	5) Sexual assault where the perpetrator is at least 18 years and the victim is 12 years or younger	Life (35 year mandatory minimum)
<b>Child Molestation*</b>	Intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a person under 15 years	1 <sup>st</sup> Offense: 17 years 2 <sup>nd</sup> Offense (predicate felony): 28 years
<b>Continuous Sexual Abuse of a Child*</b>	Engaging in 3 or more acts of sexual conduct, sexual assault or molestation with a person under 14 over a period of 3 months or more	1 <sup>st</sup> Offense: 20 years 2 <sup>nd</sup> Offense (predicate felony): 30 years
<b>Taking a Child for the Purpose of Prostitution</b>	1) Taking away any minor from such person's father, mother, guardian or other person having the legal custody of such person, for the purpose of prostitution	2.5 years
	2) Taking a child under 15 years for the purpose of prostitution	1 <sup>st</sup> Offense: 20 years 2 <sup>nd</sup> Offense (predicate felony): 30 years
<b>Child Prostitution</b>	1) Knowingly causing any minor to engage in prostitution	1 <sup>st</sup> Offense: 7-21 years 2 <sup>nd</sup> Offense (any prior felony conviction): 14-28 years 3 <sup>rd</sup> Offense (any prior felony conviction): 21-35 years
	2) Knowingly using any minor for the purposes of prostitution	
	3) Knowingly permitting a minor who is under the person's custody or control to engage in prostitution	
	4) Knowingly receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution	
	5) Knowingly receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor	
	6) Knowingly financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor	
	7) Knowingly transporting or financing the transportation of any minor with the intent that the minor engage in prostitution	
	8) Knowingly engaging in prostitution with a minor	
	9) Child prostitution where the victim is under 15 years	5 years
		1st Offense: 20 years 2nd Offense (predicate felony): 30 years

## ARIZONA

Crime <sup>122</sup>	Definition	Penalty <sup>123</sup>
<b>Commercial Sexual Exploitation of a Minor</b>	1) Knowingly using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct	5 years
	2) Knowingly using, employing, persuading, enticing, inducing or coercing a minor to expose the genitals or anus or the areola or nipple of the female breast for financial or commercial gain	
	3) Knowingly permitting a minor under such person's custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct	
	4) Knowingly transporting or financing the transportation of any minor through or across this state with the intent that the minor engage in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual depiction or live act depicting such conduct	
	5) Commercial sexual exploitation of a minor under 15 years	
<b>Sexual Exploitation of a Minor</b>	1) Knowingly recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct	3.5 years
	2) Knowingly distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct	
	3) Sexual exploitation of a minor under 15 years	
<b>Luring a Minor for Sexual Exploitation</b>	1) Offering or soliciting sexual conduct with another person knowing or having reason to know that the other person is a minor	3.5 years
	2) Luring a minor under 15 years for sexual exploitation	
<b>Sex Trafficking of a Minor</b>	1) Knowingly recruiting, enticing, harboring, transporting, providing or obtaining by any means another person who is 18 years of age with the intent of causing the other person to engage in prostitution by force, fraud or coercion	5 years
	2) Recruiting, enticing, harboring, transporting, providing or obtaining by any means another person who is under 18 years of age with the intent of causing the other person to engage in prostitution	

## ARIZONA

Crime	Definition	Penalty
<b>Sex Trafficking of a Minor (cont.)</b>	3) Sex trafficking of a minor under 15 years	1 <sup>st</sup> Offense: 20 years 2 <sup>nd</sup> Offense (predicate felony): 30 years
<b>Indecent Exposure<sup>125</sup></b>	1) Exposing his or her genitals or anus or (if female) her areola or nipple of her breast or breasts and another person under 15 years is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act	1 year
	2) Exposing his or her genitals or anus or (if female) her areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act	6 months
<b>Public Sexual Indecency<sup>126</sup></b>	1) Intentionally or knowingly engaging in sexual contact, oral sexual contact, sexual intercourse, or bestiality, if another person under 15 years is present, and the defendant is reckless about whether a minor under the age of fifteen years is present	1.5 years
	2) Intentionally or knowingly engaging in sexual contact, oral sexual contact, sexual intercourse, or bestiality, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act	6 months

### **B. Risk Assessment**

(For complete information, see Arizona Revised Statutes Annotated, Title 13, Chapter 38, Article 3)

Risk Assessment	
<b>Applies to</b>	Community Notification
<b>Responsible Agency</b>	Community Notification Guidelines Committee
<b>Assessment Tool/Scale Used</b>	Arizona Risk Assessment
<b>Appealable?</b>	Yes
<b>Risk Levels Utilized<sup>127</sup></b>	Level 1
	Level 2
	Level 3

<sup>125</sup> Only those convicted for the second time of part 1) or for the third time of part 2) are required to register.

<sup>126</sup> Only those convicted for the second time of part 1) or for the third time of part 2) are required to register.

<sup>127</sup> According to the Department of Public Safety, a risk assessment screening profile is completed for each sex offender. This instrument evaluates 19 criteria that are considered to be significant factors contributing to sex offender recidivism. Each criterion is given a score, which is then totaled to arrive at the recommended risk level. All criminal justice agencies must use the standardized Arizona Risk Assessment; however, occasionally law enforcement discovers information which can affect an offender's risk level. As such, law enforcement is given the discretion to either accept the recommended risk level or complete another risk assessment.

## ARIZONA

Risk Assessment	
<b>Assessment Details</b>	Committee has a number of duties including 1) to adopt community notification guidelines that provide for levels of notification based on the risk that a particular sex offender poses to the community, 2) monitor the implementation of the community notification guidelines that the committee adopts, 3) develop and recommend a process for a sex offender to request a notification level review and for the court to determine if a sex offender notification level may be reduced or the offender is no longer required to register, and 4) study whether there is uniform and consistent application of the community notification guidelines on a statewide basis, including whether offenders who pose similar risks are assigned similar notification levels in different jurisdictions

### C. Registration

(For complete information, see Arizona Revised Statutes Annotated, Title 13, Chapter 38, Article 3)

Registration	
<b>Year Enacted</b>	1983
<b>Responsible Agency</b>	Department of Public Safety
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Unlawful Imprisonment or Kidnapping where the victim is under 18 years and the crime was not committed by the child's parent 3) Non-compliance with registration requirements
<b>Information Collected</b>	Such information as is required by the Department including all names by which the person is known, any required online identifier and the name of any website or internet communication service where the identifier is being used; fingerprints and photograph; the physical location of the person's residence and the person's address (or where no permanent address, a description and physical location of any temporary residence); DNA sample; risk assessment; date of release from confinement or, if the offender is sentenced to probation without jail time, the date the sentence is imposed
<b>Reporting Frequency</b>	Annually, within 72 hours of any change in name, address or required online identifier, and where applicable upon any change in enrollment or employment status at an institution of postsecondary education Transients: Every 90 days
<b>Duration</b>	Juvenile Adjudications: When the person reaches 25 years Those convicted of Unlawful Imprisonment of Kidnapping of a Minor: 1 <sup>st</sup> Offense: 10 years 2 <sup>nd</sup> Offense: Life
<b>Penalties for Non-Compliance</b>	1-2.5 years depending on violation

# ARIZONA

## D. Community Notification

(For complete information, see Arizona Revised Statutes Annotated, Title 13, Chapter 38, Article 3)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
<b>Discretionary Notification</b>	People with whom the offender resides	Level 1 Offenders	Information contained in the registry
<b>Mandatory Notification</b>	Surrounding neighborhood, area schools, appropriate community groups and prospective employers	Level 2 and 3 Offenders	The notification shall include a flyer with a photograph and exact address of the offender as well as a summary of the offender's status and criminal background
<b>Public Internet Registry</b>	Members of the public	Level 2 and 3 Offenders	Name, address, age, a current photograph, the offense committed and notification level; a separate database containing required online identifiers shall also be available

## E. Required Residency Restrictions

- No Statutory Provisions

## F. Required Employment Restrictions

- No Statutory Provisions

## G. Required Electronic Monitoring

- No Statutory Provisions

## H. Civil Commitment

(For complete information, see Arizona Revised Statutes Annotated, Title 36, Chapter 37)

Commitment Applies To	Treatment Setting	Period of Confinement
Those who commit a sexually violent offense who have a mental disorder that makes them likely to engage in acts of sexual violence	Licensed facility under the supervision of the superintendent of the Arizona State Hospital	Indeterminate (offenders may petition annually for release)

## ARKANSAS

### ARKANSAS

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Arkansas Code Annotated, Title 5, Chapters 14, 26, 27, 70, and 71; and Title 12, Chapter 12)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Rape</b>	1) Engaging in sexual intercourse or deviate sexual activity with another person by forcible compulsion	10-40 years or Life
	2) Engaging in sexual intercourse or deviate sexual activity with another person who is incapable of consent because he or she is physically helpless, mentally defective, or mentally incapacitated	
	3) Engaging in sexual intercourse or deviate sexual activity with another person who is less than 14 years except where the actor was no more than 3 years older than the victim	
	4) Engaging in sexual intercourse or deviate sexual activity with another person who is less than 18 years and the actor is the victim's guardian, uncle, aunt, grandparent, step-grandparent, grandparent by adoption, brother, sister, nephew, niece, or first cousin except where the actor was no more than 3 years older than the victim	
	5) Rape involving a victim who is less than 14 years	
<b>Sexual Indecency with a Child</b>	1) Being 18 years or older, soliciting another person who is (or is represented to be) less 15 years to engage in sexual intercourse, deviate sexual activity, or sexual contact	25-40 years or Life Up to 6 years
	2) With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of any other person, purposely exposing his or her sex organs to another person who is less than 15 years except where the actor is within 3 years of age of the victim	
	3) With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of any other person, purposely exposing his or her sex organs to another person who is less than 18 years, and the actor is: a) 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 b) a professional and is in a position of trust or authority over the minor, or c) 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 and authority over the minor	



## ARKANSAS

Crime	Description	Penalty
<b>Sexual Indecency with a Child (cont.)</b>	<p>4) With the purpose to arouse or gratify his or her sexual desire or a sexual desire of another person, being 18 years or older, causing or coercing another person who is less than 18 years to expose his or her sex organs to another person where the actor is:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) a professional and is in a position of trust or authority over the minor, or</li> <li>c) 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 and authority over the minor</li> </ul> <p>5) Being 18 years or older, causing or coercing another person who is less than 14 years to expose his or her sex organs or the breast of a female with the purpose to arouse or gratify a sexual desire of himself, herself, or another person</p>	Up to 6 years
<b>Sexual Assault in the First Degree</b>	<p>Engaging in sexual intercourse or deviate sexual activity with another person who is less than 18 years of age and is not the actor's spouse and the actor is:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) a professional 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</li> <li>c) except where the actor was no more than 3 years older than the victim</li> </ul>	6-30 years
<b>Sexual Assault in the Second Degree</b>	<p>1) Engaging in sexual contact with another person by forcible compulsion</p> <p>2) Engaging in sexual contact with another person who is incapable of consent because he or she is physically helpless, mentally defective, or mentally incapacitated</p> <p>3) Being 18 years or older, engaging in sexual contact with another person who is less than 14 years and not the person's spouse</p> <p>4) Engaging in sexual contact with another person who is less than 18 years and the actor is:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) a professional and is in a position of trust or authority over the minor, or</li> <li>c) 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</li> </ul>	5-20 years

## ARKANSAS

Crime	Description	Penalty
<b>Sexual Assault in the Second Degree (cont.)</b>	5) Being less than 18 years, engaging in sexual contact with another person who is less than 14 years and not the person's spouse except where the actor was: a) not more than 3 years older than the victim if the victim is less than 12 years b) not more than 4 years older than the victim if the victim is twelve 12 years or older, or c) a teacher in a public school in a grade K-12 and engages in sexual contact with another person who is a student enrolled in the public school who is less than 21 years	5-20 years
	6) Sexual assault in the second degree where the actor is less than 18 years and the victim is less than 14 years and not the actor's spouse	Up to 6 years
<b>Sexual Assault in the Third Degree</b>	1) Engaging in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse, and the actor is: a) employed with the Department of Correction, Department of Community Correction, Department of Health and 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 Health and Human Services, or any city or county jail b) a professional 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	3-10 years
	2) Being under 18 years, engaging in sexual intercourse or deviate sexual activity with another person who is less than 14 years and not the person's spouse except where the actor is no more than 3 years older than the victim	
<b>Sexual Assault in the Fourth Degree</b>	1) Being 20 years or older, engaging in sexual intercourse or deviate sexual activity with another person who is less than 16 years and not the person's spouse	Up to 6 years
	2) Engaging in sexual contact with another person who is less than 16 years and not the person's spouse	Up to 1 year
<b>Incest</b>	Being 16 years or older, purporting to marry, having sexual intercourse with, or engaging in deviate sexual activity with another person 16 years or older whom the actor knows to be an ancestor or a descendant; a stepchild or adopted child; a brother or sister of the whole or half blood; an uncle, aunt, nephew, or niece; or a step-grandchild or adopted grandchild	3-10 years
<b>Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Medium</b>	1) Employing, using, persuading, inducing, enticing, or coercing any child to engage in or having a child assist any other person to engage in any sexually explicit conduct for the purpose of producing any visual or print medium depicting the sexually explicit conduct	1 <sup>st</sup> Offense: 5-20 years 2 <sup>nd</sup> Offense: 6-30 years
	2) Being any parent, legal guardian, or person having custody or control of a child, knowingly permitting the child to engage in or to assist any other person to engage in sexually explicit conduct for the purpose of producing any visual or print medium depicting the sexually explicit conduct	1 <sup>st</sup> Offense: 5-20 years 2 <sup>nd</sup> Offense: 6-30 years

## ARKANSAS

Crime	Description	Penalty
<b>Transportation of Minors for Prohibited Sexual Conduct</b>	Transports, financing in whole or part the transportation of, or otherwise causing or facilitating the movement of any minor, if the actor knows or has reason to know that prostitution or sexually explicit conduct involving the minor will be commercially exploited by any person and intends that the minor engage in prostitution or sexually explicit conduct	6-30 years
<b>Employing or Consenting to Use of a Child in a Sexual Performance</b>	1) Knowing the character and content of the performance, employing, authorizing, or inducing a child under 17 years to engage in a sexual performance  2) Being a parent or legal guardian or custodian of a child under 17 years, consenting to the participation by the child in a sexual performance	1 <sup>st</sup> Offense: 3-10 years 2 <sup>nd</sup> Offense: 5-20 years
<b>Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct Involving a Child</b>	1) With knowledge of the character of the visual or print medium involved, knowingly advertising for sale or distribution, selling, distributing, transporting, shipping, exhibiting, displaying, or receiving for the purpose of sale or distribution any visual or print medium depicting a child participating or engaging in sexually explicit conduct  2) With knowledge of the character of the visual or print medium involved, knowingly soliciting, receiving, purchasing, exchanging, possessing, viewing, distributing, or controlling any visual or print medium depicting a child participating or engaging in sexually explicit conduct	1 <sup>st</sup> Offense: 3-10 years 2 <sup>nd</sup> Offense: 5-20 years
<b>Producing, Directing, or Promoting a Sexual Performance by a Child</b>	Knowing the character and content of the material, producing, directing, or promoting a performance that includes sexual conduct by a child under 17 years	5-20 years
<b>Promoting Prostitution in the First Degree</b>	1) Knowingly advancing prostitution by compelling a person by physical force or intimidation to engage in prostitution or profiting from such coercive conduct by another  2) Knowingly advancing prostitution or profiting from prostitution of a person less than 18 years	Up to 6 years
<b>Stalking<sup>128</sup></b>	<b>Stalking in the First Degree:</b> 1) Purposely engaging in a course of conduct that harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family and the person: a) does so in contravention of an order of protection or a no contact order protecting the same victim, or any other order issued by any court protecting the same victim b) has been convicted within the previous 10 years of stalking in the second degree, terroristic threatening, terroristic acts, or stalking or threats against another person's safety under the statutory provisions of any other state jurisdiction, or c) is armed with a deadly weapon or represents by word or conduct that he or she is armed with a deadly weapon	5-20 years

<sup>128</sup> Stalking is only a registrable offense when the offender has been ordered by the sentencing court to register as a sex offender.

## ARKANSAS

Crime	Description	Penalty
<b>Stalking (cont.)</b>	<b>Stalking in the Second Degree:</b> 2) Purposely engaging in a course of conduct that harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family	3-10 years
<b>Indecent Exposure</b>	With the purpose to arouse or gratify a sexual desire of himself or herself or of any other person, the person exposes his or her sex organs a) in a public place or in public view, or b) under circumstances in which the person knows the conduct is likely to cause affront or alarm	4 <sup>th</sup> or 5 <sup>th</sup> Offense (within 10 years): Up to 6 years 6 <sup>th</sup> Offense (within 10 years): 3-10 years
<b>Knowingly Transmitting AIDS/HIV<sup>129</sup></b>	Knowing he or she has tested positive for human immunodeficiency virus and exposing another person to human immunodeficiency virus infection through the parenteral transfer of blood or a blood product or engaging in sexual penetration with another person without first having informed the other person of the presence of human immunodeficiency virus	6-30 years
<b>Permitting Abuse of a Minor</b>	1) Being a parent, guardian, or person legally charged with the care or custody of a minor, recklessly failing to take action to prevent the abuse of a minor where the abuse consists of sexual intercourse, deviate sexual activity, or caused serious physical injury or death to the minor	5-20 years
	2) Being a parent, guardian, or person legally charged with the care or custody of a minor, recklessly failing to take action to prevent the abuse of a minor where the abuse consists of sexual contact or caused physical injury to the minor	Up to 6 years
<b>Computer Child Pornography</b>	1) Knowingly compiling, entering into, or transmitting by means of computer, making, printing, publishing, or reproducing by other computerized means, knowingly causing or allowing to be entered into or transmitted by means of computer or buying, selling, receiving, exchanging, or disseminating any notice, statement, or advertisement or any child's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexually explicit conduct of or with any child or another individual believed by the person to be a child, or the visual depiction of the conduct  2) Utilizing a computer online service, internet service, or local bulletin board service to seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child or another individual believed by the person to be a child, to engage in sexually explicit conduct	5-20 years
<b>Computer Exploitation of a Child</b>	<b>Computer Exploitation of a child in the First Degree:</b> 1) Causing or permitting a child to engage in sexually explicit conduct where the actor knows, has reason to know, or intends that the prohibited conduct may be photographed, filmed, reproduced, reconstructed in any manner, including on the internet, or part of an exhibition or performance	1 <sup>st</sup> Offense: 5-20 years 2 <sup>nd</sup> Offense: 6-30 years

<sup>129</sup> Knowingly transmitted AIDS/HIV is only a registrable offense when the offender has been ordered by the sentencing court to register as a sex offender.

## ARKANSAS

Crime	Description	Penalty
<b>Computer Exploitation of a Child (cont.)</b>	<p><b>Computer Exploitation of a Child in the Second Degree:</b></p> <p>2) Photographing or filming a child engaged in sexually explicit conduct</p> <p>3) Using any device, including a computer, to reproduce or reconstruct the image of a child engaged in sexually explicit conduct</p>	3-10 years
<b>Distributing, Possessing, or Viewing of Matter Depicting Sexually Explicit Conduct Involving a Child</b>	<p>1) Knowingly receiving for the purpose of selling or knowingly selling, procuring, manufacturing, giving, providing, lending, trading, mailing, delivering, transferring, publishing, distributing, circulating, disseminating, presenting, exhibiting, advertising, offering, or agreeing to offer through any means, including the internet, any photograph, film, videotape, computer program or file, video game, or any other reproduction or reconstruction that depicts a child or incorporates the image of a child engaging in sexually explicit conduct</p> <p>2) Possessing or viewing through any means, including on the internet, any photograph, film, videotape, computer program or file, computer-generated image, video game, or any other reproduction that depicts a child or incorporates the image of a child engaging in sexually explicit conduct</p>	<p>1<sup>st</sup> Offense: 3-10 years</p> <p>2<sup>nd</sup> Offense: 5-20 years</p>
<b>Internet Stalking of a Child</b>	<p>Being 21 years of age or older, knowingly using a computer online service, internet service, or local internet bulletin board service to:</p> <p>1) Seduce, solicit, lure, or entice a child 15 years or younger in an effort to arrange a meeting with the child for the purpose of engaging in sexual intercourse, sexually explicit conduct, or deviate sexual activity</p> <p>2) Seduce, solicit, lure, or entice an individual that the person believes to be 15 years or younger in an effort to arrange a meeting with the individual for the purpose of engaging in sexual intercourse, sexually explicit conduct, or deviate sexual activity</p> <p>3) Compile, transmit, publish, reproduce, buy, sell, receive, exchange, or disseminate the name, telephone number, electronic mail address, residence address, picture, physical description, characteristics, or any other identifying information on a child 15 years or younger in furtherance of an effort to arrange a meeting with the child for the purpose of engaging in sexual intercourse, sexually explicit conduct, or deviate sexual activity</p> <p>4) Compile, transmit, publish, reproduce, buy, sell, receive, exchange, or disseminate the name, telephone number, electronic mail address, residence address, picture, physical description, characteristics, or any other identifying information on an individual that the person believes to be 15 years or younger in furtherance of an effort to arrange a meeting with the individual for the purpose of engaging in sexual intercourse, sexually explicit conduct, or deviate sexual activity</p> <p>5) Internet stalking of a child where the actor arranges a meeting with a child 15 years or younger and an actual meeting with the child takes place, even if the person fails to engage the child in the prohibited activity</p>	<p>5-20 years</p> <p>6-30 years</p>

## ARKANSAS

Crime	Description	Penalty
<b>Video Voyeurism</b>	Using any camera, videotape, photo-optical, photoelectric, or any other image recording device for the purpose of secretly observing, viewing, photographing, filming, or videotaping a person present in a residence, place of business, school, or other structure, or any room or particular location within that structure, if that person is in a private area out of public view, has a reasonable expectation of privacy, and has not consented to the observation	Up to 6 years
<b>Voyeurism</b>	<p>For the purpose of sexual arousal or gratification and where the victim is under 17 years and the actor holds a position of trust or authority over the victim, knowingly:</p> <p>1) Without the consent of each person who is present in the private place, looking into a private place that is, or is part of, a public accommodation and in which a person may reasonably be expected to be nude or partially nude</p> <p>2) Entering another person's private property without the other person's consent and looks into any person's dwelling unit if all of the following apply: a) the person looks into the dwelling with the intent to intrude upon or interfere with a person's privacy, b) the person looks into a part of the dwelling in which an individual is present, the individual present has a reasonable expectation of privacy in that part of the dwelling, and the individual present does not consent to the person's looking into that part of the dwelling</p>	Up to 6 years

### **B. Risk Assessment:<sup>130</sup>**

(For complete information, see Arkansas Code Annotated, Title 12, Chapter 12)

Risk Assessment	
<b>Applies to</b>	Registration and Community Notification
<b>Responsible Agency</b>	Sex Offender Assessment Committee
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	Yes
<b>Risk Levels Utilized<sup>131</sup></b>	<p>Level 1: Typically offenders in this category have no prior history of sexual offending and the community can be protected with notification inside the home and to local law enforcement authorities</p> <p>Level 2: Typically offenders in this category have a history of sexual offending where notification inside the home is insufficient</p> <p>Level 3: Typically offenders in this category have a history of repeat sexual offending, and/or strong antisocial, violent or predatory personality characteristics.<sup>132</sup></p>

<sup>130</sup> Juvenile sex offenders are only assessed if they have been adjudicated delinquent of rape, sexual assault in the first or second degree, incest or engaging children in sexually explicit conduct for use in visual or print medium.

<sup>131</sup> According to the Sex Offender Assessment Committee Guidelines and Procedures 2007.

<sup>132</sup> Offenders who appear for the assessment under the influence of alcohol, illegal drugs or who fail to timely disclose the use of medications, individuals who fail to appear for any phase of the assessment, individuals who are aggressive, threatening, or disruptive to the point that SOSRA staff cannot proceed with the assessment process, and individuals who voluntarily terminate the assessment process having been advised of the potential consequences will be classified as being a Level 3 or referred to SOAC for Sexually Violent Predator status.

## ARKANSAS

Level 4: Sexually Violent Predator refers to a person who has been adjudicated guilty of a sex offense or acquitted on the grounds of mental disease or defect of a sex offense that makes the person likely to engage in predatory sex offenses. The designation indicates that the highest and most visible means of community notification is required.

### **Risk Assessment**

<b>Assessment Details</b>	Community notification assessments are conducted to determine the most appropriate level of public notification and the Sex Offender Assessment Committee acts based on guidelines specified in the statute and its own policies and procedures.
---------------------------	--

## **C. Registration**

(For complete information, see Arkansas Code Annotated, Title 12, Chapter 12)

### **Registration**

<b>Year Enacted</b>	1997
<b>Responsible Agency</b>	Arkansas Crime Information Center
<b>Eligible Offenses/Statutes</b>	<ol style="list-style-type: none"> <li>1) All offenses listed in Part A above</li> <li>2) Kidnapping where the victim is a minor and the offender is not the parent of the victim</li> <li>3) False Imprisonment in the first or second degree where the victim is a minor and the offender is not the parent of the victim</li> <li>4) Permanent detention or restraint when the offender is not the parent of the victim</li> <li>5) Felony-homicide where the felony is a sex offense, except internet stalking of a child, video voyeurism, or voyeurism</li> <li>6) Attempt, solicitation, or conspiracy to commit an offense listed above</li> <li>7) Any other sex offense where the Court orders registration</li> </ol>
<b>Information Collected</b>	Full name and all aliases, date of birth, sex, race, height, weight, hair and eye color, address of any temporary residence, anticipated address of legal residence, driver's license number or state identification number, if available, social security number, place of employment, education, or training, photograph, fingerprints, if not already obtained, 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, a brief description of the crime or crimes for which registration is required, the registration status of the offender as a sexually violent predator, aggravated sex offender, or sex offender, a statement in writing signed by the offender acknowledging that the offender has been advised of the duty to register imposed by this subchapter, and any other information that the center deems necessary, including, but not limited to: criminal and corrections records, nonprivileged personnel records, treatment and abuse registry records, and evidentiary genetic marker
<b>Reporting Frequency</b>	<p>Every 6 months (address verification) and within 10 days of any change in residency in-state or name change (only allowed incident to a change in the marital status of the sex offender; or where necessary to effect the exercise of the religion of the sex offender) and 3 days of any change of residency to another state or entrance into another state for employment/to attend school</p> <p>Those required to register for life: Every 6 months and as above</p> <p>Sexually Violent Predators: Every 3 months and as above</p>

## ARKANSAS

<b>Registration</b>	
<b>Duration</b>	15 years (after which application for termination of obligation to register may be made) Life: Sexually violent predators, those convicted of an aggravated sex offense, <sup>133</sup> and those convicted of more than one separate sex offenses
<b>Penalties for Non-Compliance</b>	3-10 years

### **D. Community Notification<sup>134</sup>**

(For complete information, see Arkansas Code Annotated, Title 12, Chapter 12)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public	All registered offenders	Relevant and necessary information
Public Internet Registry	Members of the Public	Level 3 and 4 Offenders and Level 2 Offenders aged 18 years or older at time of the offense and the victim was 14 years or younger	Name, as well as any alias, date of birth, any sex offense committed, the street name and block number, county, city, and zip code where the sex offender resides, race and gender, date of the last address verification, photograph, parole or probation office

### **E. Required Residency Restrictions**

(For complete information, see Arkansas Code Annotated, Title 5, Chapter 14)

Restriction Applies To	Type of Restriction
Level 3 and 4 Offenders	Prohibition from residing within 2,000 feet of a public or private elementary or secondary school

<sup>133</sup> Defined by reference to the federal offense of aggravated sexual abuse and includes: 1) causing another person to engage in a sexual act by using force against that other person or by threatening or placing, or attempting to threaten or place, that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping; 2) knowingly rendering another person unconscious and then engaging in a sexual act with that other person; 3) knowingly administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or similar substance and thereby: substantially impairing the ability of that other person to appraise or control conduct and engaging or attempting to engage in a sexual act with that other person; or 4) crossing a state line with intent to a) engage or attempt to engage in a sexual act with a person who has not attained 12 years, b) knowingly engage or attempt to engage in a sexual act with another person who has not attained 12 years, or c) knowingly engage or attempt to engage in a sexual act under the circumstances described in 1), 2) or 3) with another person who has attained 12 years but has not attained 16 years and is at least 4 years younger than the alleged offender.

<sup>134</sup> Most of the community notification rules are not specified in the statute and instead the Sex Offender Assessment Committee issues notification guidelines under which 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.



# ARKANSAS

## **F. Required Employment Restrictions**

- No Statutory Provisions

## **G. Required Electronic Monitoring**

(For complete information, see Arkansas Code Annotated, Title 12, Chapter 12)

<b>Type of Monitoring</b>	<b>Applicable To</b>	<b>Duration</b>
Active Monitoring	Sexually Violent Predators	At least 10 years

## **H. Civil Commitment**

- No Statutory Provisions

## CALIFORNIA

### CALIFORNIA

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see California Penal Code, Part 1, Title 8: Chapter 9; Title 9: Chapters 1, 2, 5, 7.5; Title 15: Chapter 2)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Rape</b>	Sexual intercourse with a person who is not the spouse of the perpetrator under any of the following circumstances: 1) Where person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and the perpetrator knew/should have known of this incapacity  2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another  3) Where person is prevented from resisting by drugs or alcohol and the perpetrator knew/should have known of this condition  4) Where person is unconscious of the nature of the act because the person was unconscious or asleep, did not know the act occurred, was not aware of the nature of the act due to fraud in fact or due to the perpetrator's fraudulent representation that the sexual intercourse served a professional purpose when it served no professional purpose and this is known to the person committing the act  5) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat	3, 6 or 8 years
<b>Rape of a Spouse</b>	Sexual intercourse accomplished against a spouse's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another	3, 6 or 8 years
<b>Sexual Battery</b>	1) Any touching of an intimate part of another person against their will for the purpose of sexual arousal, sexual gratification, or sexual abuse under the following circumstances: a) while that person is unlawfully restrained by the accused or an accomplice b) the person is institutionalized for medical treatment and who is seriously disabled or medically incapacitated c) while the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose  2) For the purpose of sexual arousal, sexual gratification, or sexual abuse, causing another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a	Up to one year in county jail and fine of up to \$2,000 OR 2, 3, or 4 years in state prison and fine of up to \$10,000

## CALIFORNIA

Crime	Description	Penalty
	third person	
<b>Sexual Battery (cont.)</b>	3) Any touching of an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse	Up to 6 months and/or a fine of up to \$2,000 (up to \$3,000 if victim is employee of the defendant)
<b>Rape in Concert with Force or Violence</b>	Rape, rape of a spouse, or penetration by a foreign object by force or violence and against the will of the victim where defendant voluntarily acts in concert with another person	5, 7 or 9 years
<b>Entice Minor Female for Prostitution; Procurement</b>	1) Enticement (or aiding enticement) of an unmarried female under 18 years into a brothel or elsewhere for the purpose of prostitution	Up to 1 year and/or fine of up to \$2,000
<b>Induce Sexual Acts by False Representation</b>	2) Procurement through fraud of any female for prostitution Inducing a person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear and causes victim to act against his/her will	Up to 1 year in county jail or 2, 3, or 4 years
<b>Pimping a Minor</b>	1) Knowingly living from or deriving support or maintenance from the earnings or proceeds of the prostitution of a minor or soliciting or receiving compensation for soliciting for a minor prostitute where minor is over 16 years 2) Knowingly living from or deriving support or maintenance from the earnings or proceeds of the prostitution of a minor or soliciting or receiving compensation for soliciting for a minor prostitute where minor is under 16 years	3, 4, or 6 years 3, 6, or 8 years
<b>Pandering with a Minor</b>	Where the minor is over 16 years: 1) Procuring another person for the purpose of prostitution  2) By promises, threats, violence, or by any device or scheme, causing another person to become a prostitute  3) Procuring for another person a place as an inmate in a house of prostitution  4) By promises, threats, violence or by any device or scheme, causing an inmate of a house of prostitution to remain therein as an inmate  5) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procuring another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution  6) Receiving or giving, or agreeing to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution 7) Pandering with a minor who is under 16 years	3, 4, or 6 years          3, 6, or 8 years

## CALIFORNIA

Crime	Description	Penalty
<b>Procurement of a Child for Lewd and Lascivious Acts</b>	Giving, transporting, providing, or making available, or offering to give, transport, provide, or make available to another person, a child under the age of 16 for the purpose of any lewd or lascivious act	3, 6, or 8 years and fine of up to \$15,000
<b>Abducting a Minor for Prostitution</b>	Taking away any person under the age of 18 from his/her legal guardian, without their consent, for the purpose of prostitution	Term of imprisonment and fine of up to \$2,000
<b>Aggravated Sexual Assault of a Child</b>	Rape, sodomy, oral copulation, or sexual penetration of a child who is under 14 years and 7 or more years younger than the perpetrator	15 years to life
<b>Incest</b>	Intermarriage of or (for persons 14 years or older) fornication or adultery between persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void	Term of imprisonment
<b>Sodomy</b>	1) Sexual contact between the penis of one person and the anus of another person when one of the participants is under the age of 18	Up to 1 year
	2) Sexual contact between the penis of one person and the anus of another person when one of the participants is under the age of 16 and the other person is over the age of 21	Term of imprisonment
	3) Sexual contact between the penis of one person and the anus of another when one person is under the age of 14 and more than 10 years younger than the other person	3, 6, or 8 years
	4) Sexual contact between the penis of one person and the anus of another when such contact is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person	
	5) Sexual contact between the penis of one person and the anus of another when such contact is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat	3, 6, or 8 years
	Sexual contact as described in 5) above where defendant voluntarily acts in concert with another person	5, 7 or 9 years
	6) Sexual contact between the penis of one person and the anus of another of any person while confined in any state prison	Up to 1 year
	7) Sexual contact between the penis of one person and the anus of another while the victim is at the time unconscious of the nature of the act	3, 6, or 8 years
	8) Sexual contact between the penis of one person and the anus of another while the victim is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and the perpetrator knew/should know of this incapacity	3, 6, or 8 years
	9) Sexual contact as described in 8) above where victim and defendant are confined in state or other mental facility	Up to 1 year
10) Sexual contact between the penis of one person and the anus of another while the victim is prevented from resisting by drugs or alcohol, and this condition was known/should have been known by the accused	3, 6, or 8 years	

## CALIFORNIA

Crime	Description	Penalty
<b>Sodomy (cont.)</b>	11) Sexual contact between the penis of one person and the anus of another where the victim submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief	3, 6, or 8 years
	12) Sexual contact between the penis of one person and the anus of another where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official	
<b>Lewd or Lascivious Conduct</b>	1) Commission of any lewd or lascivious act upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the perpetrator or the child	3, 6, or 8 years
	2) Commission of any lewd or lascivious act upon or with the body, or any part or member thereof, by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person	
	3) Commission of any lewd or lascivious act by a caretaker upon or with the body, or any part or member thereof, of a dependent person with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the perpetrator or victim by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person	
	4) Commission of any lewd or lascivious act with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the perpetrator or victim where the victim is a child of 14 or 15 years, and the perpetrator is at least 10 years older than the child	Up to 1 year in county jail or 1, 2, or 3 years
	5) Commission of any lewd or lascivious act with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the perpetrator or victim by a caretaker upon a dependant person	
<b>Oral Copulation</b>	Copulating the mouth of one person with the sexual organ or anus with another person where either:	Up to 1 year
	1) The other person is under 18 years of age	
	2) The person is confined in state prison/detention facility	
	3) The victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known/should be known to the person committing the act, and both the defendant and the victim are at the time confined in a mental hospital/facility	
	4) One person is over 21 years of age and the other person is under 16 years of age	Term of Imprisonment

## CALIFORNIA

Crime	Description	Penalty	
<b>Oral Copulation (cont.)</b>	5) One person is under 14 years age and more than 10 years younger than the other person	3, 6, or 8 years	
	6) The act is accomplished against the victim's will by means of force, duress, menace or fear of immediate and unlawful bodily injury on the victim or another person		
	7) The act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat		
	8) The victim is at the time unconscious of the nature of the act and this is known to the person committing the act because the victim was unconscious or asleep, did not know the act occurred or was not aware of the nature of the act due to fraud		
	9) The victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known/should be known to the person committing the act		
	10) The victim is prevented from resisting by drugs/alcohol, and this was known/should have been known by the accused		
	11) The victim submits under the belief that the perpetrator is the victim's spouse, and this belief is intentionally induced by any artifice, pretense, or concealment practiced by the accused		
	12) The act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official		
	13) While voluntarily acting in concert with another person:		5, 7, or 9 years
	a) the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person		
	b) the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or		
	c) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known/ should be known to the person committing the act		
<b>Continuous Sexual Abuse of a Child</b>	Being any person who either resides in the same home with the minor child or has recurring access to the child, who over a period of at least three months, engaging in three or more acts of substantial sexual conduct or lewd or lascivious conduct with a child under the age of 14 years at the time of the commission of the offense	6, 12, or 16 years.	

## CALIFORNIA

Crime	Description	Penalty
<b>Sexual Intercourse, Sodomy, Oral Copulation or Sexual Penetration with a Child 10 Years of Age or Younger</b>	1) Being 18 years or older, engaging in sexual intercourse or sodomy with a child who is 10 years or younger	25 years to life
	2) Being 18 years or older, engaging in oral copulation or sexual penetration with a child who is 10 years or younger	15 years to life
<b>Sexual Penetration</b>	1) Sexual penetration against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person	3, 6, or 8 years
	2) Sexual penetration against the victim's will by threatening to retaliate in the future against the victim or another person with a reasonable possibility that the perpetrator will execute the threat	
	3) Sexual penetration, where the victim is at the time incapable of giving legal consent, because of a mental disorder or developmental or physical disability, and this is known/should be known to the perpetrator	
	4) Sexual penetration where the victim is at the time unconscious of the nature of the act because the victim was unconscious or asleep, did not know the act occurred, was not aware of the nature of the act due to fraud in fact or due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose and this is known to the person committing the act	
	5) Sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known/should have been known by the accused	
	6) Sexual penetration where the victim submits under the belief that the person committing the act or causing the act to be committed is the victim's spouse, and this belief is intentionally induced by any artifice, pretense, or concealment practiced by the accused	
	7) Sexual penetration against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official	
	8) Sexual penetration with another person who is under 14 years who is more than 10 years younger than the perpetrator	
	9) Sexual penetration, where the victim is at the time incapable of giving legal consent, because of a mental disorder or developmental or physical disability, and this is known/should be known to the perpetrator and both the defendant and the victim are at the time confined in a mental hospital/facility	Up to 1 year
	10) Sexual penetration with another person who is under 18 years	

## CALIFORNIA

Crime	Description	Penalty
<b>Sexual Penetration (cont.)</b>	11) Sexual penetration by any person over 21 years with another person who is under 16 years	Term of Imprisonment
<b>Obscene Matter Depicting a Minor</b>	Knowingly sending or bringing into the state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating or printing with intent to distribute/exhibit or exchange with others, obscene matter depicting a person under 18 years engaging in or simulating sexual conduct	Up to one year in county jail and/or fine of up to \$2,000 OR Term of Imprisonment in state prison and/or fine of up to \$10,000
<b>Sale/Distribution of Obscene Matter Depicting a Minor</b>	1) Knowingly sending or bringing into the state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating or printing with intent to distribute/exhibit or exchange with others for commercial consideration, obscene matter depicting a person under 18 years engaging in or simulating sexual conduct	2, 3, or 6 years and/or fine of up to \$100,000
	2) Knowingly sending or bringing into the state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating or printing with intent to distribute/exhibit or exchange with a person 18 years or older, obscene matter depicting a person under 18 years engaging in or simulating sexual conduct	Up to one year in county jail and/or fine of up to \$2,000 OR Term of Imprisonment in state prison and/or fine of up to \$10,000
	3) Knowingly sending or bringing into the state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating or printing with intent to distribute/exhibit or exchange with a person under 18 years, obscene matter depicting a person under 18 years engaging in or simulating sexual conduct	Term of Imprisonment
<b>Sexual Exploitation of a Child</b>	Knowingly developing, duplicating, printing or exchanging any representation of information, data, or image that contains or incorporates in any manner, any film or filmstrip that depicts a person under 18 years engaged in sexual conduct	Up to one year and/or fine of up to \$2,000
<b>Employment/Use of Minor to Perform Prohibited Acts</b>	1) Knowingly hiring, employing, or using a minor to sell/distribute, etc., obscene matter depicting a minor	Up to one year and/or fine of up to \$2,000 (\$50,000 for second offense)
	2) Knowing (or should have known) that a person is a minor under 18 years, knowingly promoting, employing, using, persuading, inducing, or coercing a minor under 18 years (or permitting if perpetrator is the parent or guardian) to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image that contains or incorporates in any manner, any film, filmstrip, or a live performance involving sexual conduct by a minor under 18 years for commercial purposes	3, 6, or 8 years
	3) Knowing (or should have known) that a person is a minor under 18 years, knowingly promoting, employing, using, persuading, inducing, or coercing a minor under 18 years (or permitting if perpetrator is the parent or guardian) to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image that contains or incorporates in any manner, any film, filmstrip, or a live performance involving sexual conduct by a minor under 18 years	Term of Imprisonment



## CALIFORNIA

Crime	Description	Penalty
<b>Advertise Obscene Matter Depicting a Minor</b>	Advertising for sale or distribution any obscene matter knowing that it depicts a person under 18 years engaging in or simulating sexual conduct	2, 3, or 4 years and/or fine of up to \$50,000
<b>Possess/Control Obscene Matter Depicting a Minor</b>	Knowingly possessing or controlling any matter, representation of information, data, or image that contains or incorporates in any manner, any film or filmstrip, the production of which involves the use of a person under 18 years, knowing that the matter depicts a person under 18 years engaging in or simulating sexual conduct	Up to one year and/or fine of up to \$2,000; 2, 3, or 4 years where prior conviction for any sex offense
<b>Annoy/Molest Children</b>	<p>1) Annoying or molesting any child under 18 years</p> <p>2) Being motivated by an unnatural or abnormal sexual interest in children, engaging in conduct with an adult believing he/she to be a child under 18 years, which conduct, if directed toward a child under 18 years, would be a violation of this section</p>	Up to one year and/or fine of up to \$5,000 (mandatory fine where violation occurs in inhabited dwelling house); 2, 4, or 6 years where prior felony conviction for certain sex offenses involving minors
<b>Lewd or Obscene conduct</b>	1) Willfully and lewdly, exposing his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby	Misdemeanor
	2) Willfully and lewdly, exposing his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby where violation occurs in inhabited dwelling house	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: Term of Imprisonment
	3) Willfully and lewdly, procuring, counseling, or assisting any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts	Misdemeanor
<b>Soliciting Commission of Certain Sex Offenses</b>	Soliciting another, with the intent that the crime be committed, to commit rape by force or violence, sodomy by force or violence, oral copulation by force or violence, rape in concert with force or violence, lewd or lascivious acts with a child or sexual penetration	2, 3, or 4 years
<b>Harmful Matter</b>	<p>1) With knowledge that a person is a minor, knowingly distributing, sending, causing to be sent, exhibiting, or offering to distribute or exhibit by any means, including, but not limited to, live or recorded telephone messages, any harmful matter to a minor with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of a minor, and with the intent or for the purpose of seducing a minor</p> <p>2) With knowledge that a person is a minor, knowingly distributing, sending, causing to be sent, exhibiting, or offering to distribute or exhibit by electronic mail, the Internet, any harmful matter to a minor with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of a minor, and with the intent, or for the purpose of seducing a minor</p>	2 <sup>nd</sup> Offense: Term of Imprisonment

# CALIFORNIA

## B. Risk Assessment

- No Statutory Provisions<sup>135</sup>

## C. Registration

(For complete information, see California Penal Code, Part I, Title 9, Chapter 5.5)

Registration	
<b>Year Enacted</b>	1985
<b>Responsible Agency</b>	California Department of Justice Sex Offender Tracking Program
<b>Eligible Offenses/Statutes</b>	1) All Offenses Listed in Part A above 2) The attempt to commit any offense listed in Part A above 3) Murder during perpetration/attempt to perpetrate rape, sodomy, lewd or lascivious acts involving children, oral copulation, or penetration by a foreign object 4) Kidnapping (including for ransom) to commit rape, sodomy, lewd or lascivious acts involving children, oral copulation, or penetration by a foreign object 5) Assault with intent to commit rape, sodomy, oral copulation, rape in concert with force or violence, lewd or lascivious acts involving children, or penetration by a foreign object 6) Contributing to the delinquency of a minor (involving lewd or lascivious conduct) 7) Contact or communication with a minor with intent to commit sexual offense
<b>Information Collected</b>	Signed statement with name and address of employer and place of employment; fingerprints and current photograph; license plate number; adequate proof of residence
<b>Reporting Frequency</b>	Annually and within 5 days of any change in address, name change Sexually Violent Predators: <sup>136</sup> Every 90 days Transients: Every 30 days for the first year; thereafter annually
<b>Duration</b>	Lifetime
<b>Penalties for Non-Compliance</b>	Registrable misdemeanor: Up to 1 year in County Jail Registrable felony/juvenile adjudication: 16 months, 2 years, or 3 years 2 <sup>nd</sup> Offense: 16 months, or two or three years Mentally disordered Sex Offenders (Not Guilty by Reason of Insanity): 1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: 16 months, or two or three years. Sexually Violent Predator: Term of Imprisonment or Up to 1 year in County Jail

<sup>135</sup> California has a State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) Review Committee which is responsible for selecting an assessment tool to be used on sex offenders. The Committee is also authorized to define tiers of risk but has yet to do so.

<sup>136</sup> A sexually violent predator is a person who has been convicted of a sexually violent offense against two or more victims and who has been diagnosed with a mental disorder that makes the person a danger to the health and safety of others in that it is likely that he will engage in sexually violent criminal behavior.

## CALIFORNIA

### Registration

<b>Penalties for Non-Compliance (cont.)</b>	Transient Sex Offenders: 30 days – 6 months 3 <sup>rd</sup> Offense: Registrable misdemeanor: Up to 1 year in County Jail 3 <sup>rd</sup> Offense: Registrable felony/juvenile adjudication: 16 months, 2 years, or 3 years Failure to provide proof of residence: Up to 6 months in County Jail
---	---

### D. Community Notification

(For complete information, see California Penal Code, Part I, Title 9, Chapter 5.5 and California Health and Safety Code, Division 2, Chapter 3)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Community Notification	Members of the Public upon request	All Sex Offenders whose information is listed in the Public Internet Registry	Whether a named individual is required to register as a sex offender and is subject to public notification; any information available on the Public Internet Registry
	Members of the Public when necessary to ensure the public safety	All Sex Offenders whose information is listed in the Public Internet Registry	Includes, but is not limited to, the offender's name, known aliases, gender, race, physical description, photograph, date of birth, verified address, description and license plate number of the offender's vehicles or vehicles the offender is known to drive, type of victim targeted by the offender, relevant parole or probation conditions, crimes resulting in classification under this section, and date of release from confinement, but excluding information that would identify the victim
Special Notification by Community Care Facilities	Individuals who reside or operate a business within a 1-mile radius of the facility, current clients or family members of clients of the facility, individuals applying for placement in the facility, or placement of a family member in the facility, individuals arranging for a client to be placed in the facility; law enforcement officers	All Sex Offenders	Must confirm or deny whether any client is a registered sex offender; if a physical description is given and it matches any client, facility must disclose the name of that client

## CALIFORNIA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	All Sex Offenders	Name and known aliases, a photograph, physical description including gender and race, date of birth, crime for which registration required, prior adjudication as a sexually violent predator, address or community of residence and Zip Code in which person resides or county in which person is registered as a transient (prior adjudication as a sexually violent predator and address information to be disclosed varies by offense of conviction) and any other information deemed relevant by Department of Justice (excluding information identifying the victim, name or address of person's employer, and criminal history other than offense(s) for which registration required)

### **E. Required Residency Restrictions**

(For complete information, see California Health and Safety Code, Section 1564)

Restriction Applies To	Type of Restriction
Individuals convicted of a sex offense against a minor	Prohibition from residing in community care facilities within 1 mile of an elementary school

### **F. Required Employment Restrictions**

(For complete information, see California Business and Professions Code, Division 2, Chapter 6.6; California Education Code, Title 2, Division 3, Part 25, Chapters 1 and 3, Title 3, Division 3, Part 51, Chapter 4)

Restriction Applies To	Type of Restriction
All Sex Offenders	Ineligible for licensure or registration by the Board of Psychology
All Sex Offenders	Revocation of any credential issued by the State Board of Education or the Commission on Teacher Credentialing (no possibility of reinstatement where offense is a felony)
Certain sex offenders (determined by statute) and Sexually Violent Predators	May not be employed by community college districts

### **G. Required Electronic Monitoring**

- No statutory provisions

# CALIFORNIA

## **H. Civil Commitment**

(For complete information, see California Welfare and Institutions Code, Section 6600 et. seq.)

<b>Commitment Applies To</b>	<b>Treatment Setting</b>	<b>Period of Confinement</b>
Sexually Violent Predators	Hospital	2 years; can be extended by court with additional petition and trial

## COLORADO

### COLORADO

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Colorado Revised Statutes, Title 16, Article 22 and Title 18, Articles 1.3, 3, 6 and 7)

<b>Crime</b>	<b>Description</b>	<b>Penalty<sup>137</sup></b>
<b>Enticement of a Child</b>	Inviting or persuading, or attempting to invite or persuade, a child under 15 years to enter any vehicle, building, room, or secluded place with the intent to commit sexual assault or unlawful sexual contact upon said child	1 <sup>st</sup> Offense: 2-6 years and \$2,000-\$500,000 fine 2 <sup>nd</sup> Offense (including for sexual assault): 4-12 years and \$3,000-\$750,000 fine
<b>Sexual Assault</b>	Knowingly inflicting sexual intrusion or sexual penetration on a victim where: 1) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will	2-6 years and \$2,000-\$500,000 fine
	2) The actor knows that the victim is incapable of appraising the nature of the victim's conduct	
	3) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse	
	4) At the time of the commission of the act, the victim is under 15 years and the actor is at least 4 years older than the victim and is not the spouse of the victim	
5) 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		
6) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices		
7) At the time of the commission of the act, the victim is at least 15 years but less than 17 years and the actor is at least 10 years older than the victim and is not the spouse of the victim	6 months – 2 years and/or fine of \$500-\$5,000	
8) The victim is physically helpless and the actor knows this and the victim has not consented	4-12 years and \$3,000-\$750,000 fine	

<sup>137</sup> Certain sex offenses where the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim are classified as crimes of violence and are subject to special mandatory sentences; those convicted for a second time of certain sex offense against children are classified as habitual sex offenders against children and are also subject to special mandatory sentences; sex offenders are eligible for lifetime community supervision.

## COLORADO

Crime	Description	Penalty
<b>Sexual Assault (cont.)</b>	9) Sexual assault where: a) the actor causes submission of the victim through the actual application of physical force or physical violence b) the actor causes submission of the victim by threat of imminent death, serious bodily injury, extreme pain, or kidnapping, to be inflicted on anyone, and the victim believes that the actor has the present ability to execute these threats c) the actor causes submission of the victim by threatening to retaliate in the future against the victim, or any other person, and the victim reasonably believes that the actor will execute this threat, or d) the actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission	4-12 years and \$3,000-\$750,000 fine
	10) Sexual assault where: a) in the commission of the sexual assault, the actor is physically aided or abetted by one or more other persons b) the victim suffers serious bodily injury, or c) the actor is armed with a deadly weapon or an article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon or represents verbally or otherwise that the actor is armed with a deadly weapon and uses the deadly weapon, article, or representation to cause submission of the victim	8-24 years and \$5,000-\$5,000,000 fine
<b>Unlawful Sexual Contact</b>	1) Subjecting a victim to any sexual contact where: a) the actor knows that the victim does not consent b) the actor knows that the victim is incapable of appraising the nature of the victim's conduct c) the victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented d) the actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission e) 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, unless incident to a lawful search, to coerce the victim to submit, or f) the actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices 2) Knowingly observing or takes a photograph of another person's intimate parts without that person's consent, in a situation where the person observed has a reasonable expectation of privacy, for the purpose of the observer's own sexual gratification	6 months – 2 years and/or fine of \$500-\$5,000

## COLORADO

Crime	Description	Penalty
<b>Unlawful Sexual Contact (cont.)</b>	3) Inducing or coercing a child under 18 years to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor's own sexual gratification	2-6 years and \$2,000-\$500,000 fine
	4) Unlawful sexual contact where the actor compels the victim to submit by use of force, intimidation, or threat	
<b>Sexual Assault on a Child</b>	1) Knowingly subjecting another not his or her spouse to any sexual contact if the victim is less than 15 years and the actor is at least 4 years older than the victim	2-6 years and \$2,000-\$500,000 fine
	2) Sexual assault on a child where: a) the actor applies force against the victim in order to accomplish or facilitate sexual contact b) the actor, in order to accomplish or facilitate sexual contact, threatens imminent death, serious bodily injury, extreme pain, or kidnapping against the victim or another person, and the victim believes that the actor has the present ability to execute the threat c) the actor, in order to accomplish or facilitate sexual contact, threatens retaliation by causing in the future the death or serious bodily injury, extreme pain, or kidnapping against the victim or another person, and the victim believes that the actor will execute the threat, or d) the actor commits the offense as a part of a pattern of sexual abuse	4-12 years and \$3,000-\$750,000 fine
<b>Sexual Assault on a Child by one in a Position of Trust</b>	1) Knowingly subjecting a child 15 years or older but under 18 years not his or her spouse to any sexual contact where the actor is in a position of trust with respect to the victim (and the offense is not committed as part of a pattern of sexual abuse)	2-6 years and \$2,000-\$500,000 fine
	2) Knowingly subjecting a child under 15 years not his or her spouse to any sexual contact where the actor is in a position of trust with respect to the victim and the actor commits the offense as a part of a pattern of sexual abuse	4-12 years and \$3,000-\$750,000 fine
<b>Internet Sexual Exploitation of a Child</b>	Being at least four years older than a child who is under 15 years of age, knowingly importuning, inviting, or enticing the child through communication via a computer network or system to: 1) Expose or touch the child's own or another person's intimate parts while communicating with the person via a computer network or system, or 2) Observe the person's intimate parts while communicating with the person via a computer network or system	2-6 years and \$2,000-\$500,000 fine
<b>Sexual Assault on a Client by a Psychotherapist</b>	<b>Aggravated Sexual Assault on a Client:</b> Knowingly inflicting sexual penetration or sexual intrusion on a victim where: 1) The actor is a psychotherapist and the victim is a client of the psychotherapist, or 2) The actor is a psychotherapist and the victim is a client and the sexual penetration or intrusion occurred by means of therapeutic deception	2-6 years and \$2,000-\$500,000 fine



## COLORADO

Crime	Description	Penalty
<b>Sexual Assault on a Client by a Psychotherapist</b>	<p><b>Sexual Assault on a Client:</b> Knowingly subjecting a victim to any sexual contact where:</p> <p>3) The actor is a psychotherapist and the victim is a client of the psychotherapist, or</p> <p>4) The actor is a psychotherapist and the victim is a client and the sexual contact occurred by means of therapeutic deception</p>	6-18 months and/or fine of \$500-\$5,000
<b>Incest</b>	Knowingly marrying, inflicting sexual penetration or sexual intrusion on, or subjecting to sexual contact, an ancestor or descendant, including a natural child, child by adoption, or stepchild twenty-one years of age or older, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood	2-6 years and \$2,000-\$500,000 fine
<b>Aggravated Incest</b>	<p>1) Knowingly marrying his or her natural child (under 21 years) or inflicting sexual penetration or sexual intrusion on or subjecting to sexual contact, his or her natural child, stepchild, or child by adoption (unless legally married to the stepchild or child by adoption)</p> <p>2) Knowingly marrying, inflicting sexual penetration or sexual intrusion on, or subjecting to sexual contact, a descendant, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood who is under 10 years of age</p>	4-12 years and \$3,000-\$750,000 fine
<b>Trafficking in Children</b>	<p>1) Selling, exchanging, bartering, or leasing a child under 16 years and receiving any money or other consideration or thing of value for the child as a result of such transaction</p> <p>2) Receiving a child under 16 years as a result of a transaction described in 1) above</p>	4-12 years and \$3,000-\$750,000 fine
<b>Sexual Exploitation of a Child</b>	1) Knowingly causing, inducing, enticing, or permitting a child to engage in, or be used for, any explicit sexual conduct for the making of any sexually exploitative material	4-12 years and \$3,000-\$750,000 fine
	2) Knowingly preparing, arranging for, publishing (including through digital or electronic means), producing, promoting, making, selling, financing, offering, exhibiting, advertising, dealing in, or distributing (including through digital or electronic means) any sexually exploitative material	
	3) Knowingly possessing with the intent to deal in, sell, or distribute, including but not limited to distributing through digital or electronic means, any sexually exploitative material	
	4) Knowingly causing, inducing, enticing, or permitting a child to engage in, or be used for, any explicit sexual conduct for the purpose of producing a performance	
	5) Knowingly possessing or controlling any sexually exploitative material for any purpose	1st Offense: 12-18 months and \$1,000-\$100,000 fine 2nd Offense: 2-6 years and \$2,000-\$500,000 fine
	6) Knowingly possessing or controlling more than twenty different items of sexually exploitative material for any purpose	2-6 years and \$2,000-\$500,000 fine

## COLORADO

Crime	Description	Penalty
<b>Procurement of a Child for Sexual Exploitation</b>	Intentionally giving, transporting, providing, or making available, or offering to give, transport, provide, or make available, to another person a child for the purpose of sexual exploitation of a child	4-12 years and \$3,000-\$750,000 fine
<b>Indecent Exposure</b>	Knowingly exposing his genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person	1 <sup>st</sup> Offense: 6-18 months and/or fine of \$500-\$5,000 3 <sup>rd</sup> Offense: 12-18 months and \$1,000-\$100,000 fine
<b>Soliciting for Child Prostitution</b>	<ol style="list-style-type: none"> <li>1) Soliciting another for the purpose of prostitution of a child or by a child</li> <li>2) Arranging or offering to arrange a meeting of persons for the purpose of prostitution of a child or by a child</li> <li>3) Directing another to a place knowing such direction is for the purpose of prostitution of a child or by a child</li> </ol>	4-12 years and \$3,000-\$750,000 fine
<b>Pandering of a Child</b>	1) For money or other thing of value, inducing a child by menacing or criminal intimidation to commit prostitution	8-24 years and \$5,000-\$5,000,000 fine
	2) For money or other thing of value, knowingly arranging or offering to arrange a situation in which a child may practice prostitution	4-12 years and \$3,000-\$750,000 fine
<b>Procurement of a Child</b>	Intentionally giving, transporting, providing, or making available, or offering to give, transport, provide, or make available, to another person a child for the purpose of prostitution	4-12 years and \$3,000-\$750,000 fine
<b>Keeping a Place of Child Prostitution</b>	Having or exercising control over the use of any place which offers seclusion or shelter for the practice of prostitution and either: <ol style="list-style-type: none"> <li>1) Knowingly granting or permitting the use of such place for the purpose of prostitution of a child or by a child, or</li> <li>2) Permitting the continued use of such place for the purpose of prostitution of a child or by a child after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of such prostitution</li> </ol>	4-12 years and \$3,000-\$750,000 fine
<b>Pimping of a Child</b>	Knowingly living on being supported or maintained in whole or in part by money or other thing of value earned, received, procured, or realized by a child through prostitution	4-12 years and \$3,000-\$750,000 fine
<b>Inducement of Child Prostitution</b>	By word or action, other than pandering, inducing a child to engage in an act which is prostitution by a child	4-12 years and \$3,000-\$750,000 fine
<b>Patronizing a Prostituted Child</b>	<ol style="list-style-type: none"> <li>1) Engaging in an act which is prostitution of a child or by a child (not his spouse)</li> <li>2) Entering or remaining in a place of prostitution with intent to engage in an act which is prostitution of a child or by a child</li> </ol>	4-12 years and \$3,000-\$750,000 fine

## COLORADO

Crime	Description	Penalty
<b>Internet Luring of a Child</b>	1) Knowingly communicating a statement over a computer or computer network to a person who the actor knows or believes is under 15 years, describing explicit sexual conduct, and, in connection with the communication, making a statement persuading or inviting the person to meet the actor for any purpose, and the actor is more than 4 years older than the person or than the age the actor believes the person to be	1-3 years and \$1,000-\$100,000 fine
	2) Internet luring of a child if committed with the intent to meet for the purpose of engaging in sexual exploitation or sexual contact	2-6 years and \$2,000-\$500,000 fine
<b>Sexual Conduct in a Penal Institution</b>	1) Being an employee or contract employee of a criminal justice facility or for the department of corrections who engages in sexual intrusion or sexual penetration with a person who is in lawful custody in a criminal justice facility	1-3 years and \$1,000-\$100,000 fine
	2) Being an employee or contract employee of a criminal justice facility or for the department of corrections who engages in sexual contact with a person who is in lawful custody in a criminal justice facility	12-18 months and \$1,000-\$100,000 fine
	3) Being a volunteer at a criminal justice facility or for the department of corrections who engages in sexual intrusion or sexual penetration with a person who is in lawful custody in a criminal justice facility	
	4) Being a volunteer at a criminal justice facility or for the department of corrections who engages in sexual contact with a person who is in lawful custody in a criminal justice facility	6-18 months and/or fine of \$500-\$5,000
<b>Wholesale Promotion of Obscenity to a Minor</b>	Knowing its content and character, wholesale promoting to a minor or possessing with intent to wholesale promote to a minor any obscene material	12-18 months and \$1,000-\$100,000 fine
<b>Promotion of Obscenity to a Minor</b>	1) Knowing its content and character, promoting to a minor or possessing with intent to promote to a minor any obscene material	12-18 months and \$1,000-\$100,000 fine
	2) Knowing its content and character, producing, presenting, or directing an obscene performance involving a minor or participating in a portion thereof that is obscene or that contributes to its obscenity	

### B. Risk Assessment

- No Statutory Provisions<sup>138</sup>

<sup>138</sup> Colorado law provides for a Sex Offender Management Board that is responsible for risk assessment of sex offenders. However, this assessment is related to sentencing and treatment only and does not affect risk levels for registration or community notification.

## COLORADO

### C. Registration

(For complete information, see Colorado Revised Statutes, Title 16, Article 22)

Registration	
<b>Year Enacted</b>	1998
<b>Responsible Agency</b>	Colorado Bureau of Investigation
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Attempt, solicitation or conspiracy to commit an offense listed in Part A 3) The former offenses of sexual assault in the first, second, or third degree where the victim was under 15 years
<b>Information Collected</b>	Name (including aliases and all legal names), date of birth, address, and place of employment, and, if the place of employment is (or if the person volunteers) at an institution of postsecondary education, all addresses and locations of the institution of postsecondary education at which the person may be physically located; If the person's place of residence is a trailer or motor home, the address at which the trailer or motor home is lawfully located and the vehicle identification number, license tag number, registration number, and description, including color scheme, of the trailer or motor home; If the person enrolls or is enrolled in an institution of a postsecondary education, all addresses and locations of the institution of postsecondary education at which the person attends classes or otherwise participates in required activities; For temporary residents, the person's address in his or her state of permanent residence and the person's place of employment in this state or the educational institution in which he or she is enrolled in this state and, if the temporary resident is enrolled in, employed by, or volunteers at an institution of postsecondary education, all addresses and locations of the institution of postsecondary education at which the temporary resident attends classes or otherwise participates in required activities or works or performs volunteer activities; Name, address, and location of any institution of postsecondary education where the person required to register is enrolled or volunteers; The vehicle identification number, license tag number, registration number, and description, including color scheme, of any motor vehicle owned or leased by the person; Current photograph and fingerprints; For those convicted of a child sex crime, all email addresses, instant-messaging identities, or chat room identities
<b>Reporting Frequency</b>	Annually and upon any change in address, establishment of an additional residence, name change, employment or change in employment or employment location, if employed at an institution of postsecondary education, enrollment or change in enrollment in an institution of postsecondary education, or changes the location of enrollment, volunteering or change in the volunteer work location, if volunteering at an institution of postsecondary education, or change in email address, instant messaging identity, or chat room identity, if the person is required to register that information Sexually Violent Predators <sup>139</sup> and individuals required to register for life: Every 90 days
<b>Duration<sup>140</sup></b>	Life: Those convicted of felony sexual assault, sexual assault on a child, sexual assault on a child by one in a position of trust, sexual assault on a client by a psychotherapist, incest, or aggravated incest 20 years: Those convicted of a class 1, 2 or 3 felony sex offense 10 years: Those convicted of a class 4, 5 or 6 felony sex offense or of misdemeanor unlawful sexual conduct 5 years: Those convicted of a misdemeanor sex offense

<sup>139</sup> An offender who is 1) 18 years or older or who is less than 18 years but is tried as an adult; 2) who has been convicted of (includes attempt, solicitation, or conspiracy) sexual assault, unlawful sexual contact, in violation of section 18-3-404 (1.5) or (2), sexual assault on a child, or sexual assault on a child by one in a position of trust; 3) whose victim was a stranger to the offender or a person with whom the offender established or promoted a relationship primarily for the purpose of sexual victimization; and 4) who has been assessed likely to subsequently commit one or more of the offenses specified in 2) above under the circumstances described in 3) above.

<sup>140</sup> Except for those required to register for life, after the time periods specified, offenders must petition the court to be released from the registration requirements.

## COLORADO

<b>Registration</b>	
<b>Penalties for Non-Compliance</b>	Where registrable offense is a felony: 1 <sup>st</sup> Offense: 12-18 months and \$1,000-\$100,000 fine 2 <sup>nd</sup> Offense: 1-3 years and \$1,000-\$100,000 fine
	Where registrable offense is a misdemeanor: 6 months- 2 years and/or fine of \$500-\$5,000
	Juvenile Offender where registrable offense is a felony: 1 <sup>st</sup> Offense: 45 days detention 2 <sup>nd</sup> Offense: 1 year detention
	Juvenile offenders where registrable offense is a misdemeanor: 1 <sup>st</sup> Offense: 30 days detention 2 <sup>nd</sup> Offense: 45 days detention

### D. Community Notification

(For complete information, see Colorado Revised Statutes, Title 16, Article 22)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public, upon request (including as part of a criminal background check)	All sex offenders	Name, address, and aliases of the registrant, date of birth; a photograph of the registrant, if requested and readily available, and a history of the convictions resulting in the registrant being required to register; other information may be released except for any concerning victims
Discretionary Notification	Members of the Public via a discretionary local internet registry	1) All adult felony sex offenders 2) Adult misdemeanor sex offenders convicted of a second or subsequent offense of sexual assault, unlawful sexual contact, sexual assault on a client, sexual exploitation of a child by possession of sexually exploitive material, indecent exposure, or sexual conduct in a penal institution 3) Juvenile sex offenders with a second or subsequent adjudication involving unlawful sexual behavior or for a crime of violence 4) Juvenile felony sex offenders who have failed to register as required	Includes but is not limited to the name, address, and physical description (including sex, height, weight, and any other identifying characteristics, and a digitized photograph or image); no reference to any victims of the offenses

## COLORADO

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	1) Sexually violent predator 2) Sex offenders convicted as an adult of two or more of the following offenses: a) a felony sex offense b) a crime of violence 3) Felony sex offenders who have failed to register as required	Name, address, physical description (including sex, height, weight, any identifying characteristics, and a digitized photograph or image) and descriptions of the offenses committed; No reference to any victims of the offenses
		4) All felony sex offenders	Includes but is not limited to the name, address, and physical description (including sex, height, weight, and any other identifying characteristics); No reference to any victims of the offenses

### **E. Required Residency Restrictions**

- No Statutory Provisions

### **F. Required Employment Restrictions**

- No Statutory Provisions

### **G. Required Electronic Monitoring**

- No Statutory Provisions

### **H. Civil Commitment**

- No Statutory Provisions

## CONNECTICUT

### CONNECTICUT

#### **A1. Crimes classified as “criminal offense against a victim who is a minor.”**

(For complete information, see Connecticut General Laws Sec. 54-250, and statutes referred to therein)

Crime	Description	Penalty <sup>141</sup>
<b>Injury or Risk of Injury to, or Impairing Morals of, Children; Sale of Children</b>	Having contact with the intimate parts of a child under age 16, (or subjecting child to contact) in a sexual and indecent manner	1-20 years
<b>Sexual Assault in the First Degree</b>	1) Engaging in sexual intercourse with another person under age 13, when offender is more than 2 years older	25 years – Life (5 year mandatory minimum)
	2) Sexual assault in the first degree if the victim is under 10	25 years – Life (10 year mandatory minimum)
<b>Sexual Assault in the Second Degree</b>	1) Engaging in sexual intercourse with another person and: a) victim is 13 – 16 years old and offender is 2 or more years older b) victim is under age 18 and offender is person's guardian or otherwise responsible for the general supervision of such person's welfare c) offender is a school employee in person's school d) offender is a coach or provides intensive, ongoing instruction and victim is under age 18 and a recipient of coaching or instruction from offender e) offender is at least 20 years old and in a position of power, authority or supervision over a juvenile victim in a program or activity, or f) offender is a coach or provides intensive, ongoing instruction and victim is a secondary school student and receiving such coaching or at school	1-10 years (9 months mandatory minimum)
	2) Sexual assault in the second degree where victim is under age 16	1-20 years (9 month mandatory minimum)
<b>Sexual Assault in the Third Degree</b>	1) Engaging in sexual intercourse with another person to whom offender is related	1-5 years
	2) Sexual assault in the third degree where victim is under age 16	1-10 years
<b>Promoting Prostitution in the First Degree</b>	Advancing or profiting from prostitution of a person under age 16	1-20 years
<b>Promoting Prostitution in the Second Degree</b>	Advancing or profiting from prostitution of a person under age 18	1-10 years
<b>Enticing a Minor</b>	Using computer to knowingly persuade, induce, entice or coerce any person under age 16 to engage in prostitution or sexual activity for which the offender may be charged with a criminal offense	1 <sup>st</sup> Offense: 1-5 years 2 <sup>nd</sup> Offense: 1-10 years 3 <sup>rd</sup> Offense: 1-20 years
<b>Employing a Minor in an Obscene Performance</b>	Employing (or permitting to be employed) any minor (regardless whether it is child offender), to promote any material or performance which is obscene to minors	25 years – Life

<sup>141</sup> In addition to specified penalties, any sex offender, who has been imprisoned for at least one year as a result of a conviction of sexual assault (first or third degree, aggravated in first degree or with firearm) who commits a second offense (of the same or certain other crimes) is a persistent dangerous sex offender and the sentencing court may order prison term plus special parole which together constitute Life.

## CONNECTICUT

Crime	Description	Penalty
<b>Promoting a Minor in an Obscene Performance</b>	Promoting any material or performance in which a minor is employed, and such material or performance is obscene to minors	1-20 years
<b>Importing Child Pornography</b>	Importing or causing to be imported into the state 3 or more visual depictions of child pornography	1-20 years
<b>Possessing Child Pornography in the First Degree</b>	Possessing 50 or more visual depictions of child pornography	1-20 years
<b>Possessing Child Pornography in the Second Degree</b>	Possessing 20-49 or visual depictions of child pornography	1-10 years
<b>Possessing Child Pornography in the Third Degree</b>	Possessing less than 20 visual depictions of child pornography	1-5 years
<b>Kidnapping in the First Degree</b>	1) Abducting another person with intent to compel a third person to pay ransom or engage (or refrain from engaging) in particular conduct  2) Abducting another person and restraining the person abducted with intent to inflict physical injury upon him or violate or abuse him sexually; accomplish or advance the commission of a felony; terrorize him or a third person; or interfere with the performance of a government function	25 years – Life
<b>Kidnapping in the First Degree with a Firearm</b>	Kidnapping in the first degree, in the commission of which offender uses a firearm or claims or appears to be armed and threatens the use of a firearm	25 years – Life (1 year mandatory minimum); 8 year additional minimum for use of firearm
<b>Kidnapping in the Second Degree</b>	Abducting another person	1-20 years (3 year mandatory minimum)
<b>Kidnapping in the Second Degree with a Firearm</b>	Kidnapping in the second degree, in the commission of which offender uses a firearm or claims or appears to be armed and threatens the use of a firearm	1-20 years (3 year mandatory minimum)
<b>Unlawful Restraint in the First Degree</b>	Restraining another person under circumstances which expose such other person to a substantial risk of physical injury	1-5 years
<b>Unlawful Restraint in the Second Degree</b>	Restraining another person	Up to 1 year, up to \$2,000 fine
<b>Public Indecency</b>	Performing any of the following acts in a public place: sexual intercourse; lewd exposure of the body; or a lewd fondling or caress of the body of another person	Up to 6 months, up to \$1,000 fine



## CONNECTICUT

### A2. Crimes for which conviction results in classification as a “sex offender.”

(For complete information, see Connecticut General Laws Sec. 54-250, and statutes referred to therein)

Crime	Definition	Penalty
<b>Sexual Assault in the First Degree</b>	1) Compelling another person to engage in sexual intercourse by the use of force (or threat thereof) against such other person or a third person	5-20 years, 2 years without suspension
	2) Committing sexual assault in the second degree aided by two or more other persons	
	3) Engaging in sexual intercourse with person who cannot consent due to being mentally incapacitated	
	4) Sexual assault in the first degree where victim is under age 16	
<b>Aggravated Sexual Assault in the First Degree</b>	1) Sexual assault in the first degree: <ul style="list-style-type: none"> <li>a) involving a firearm</li> <li>b) with intent to disfigure the victim seriously and permanently</li> <li>c) causing serious injury and risking death of the victim, or</li> <li>d) aided by two or more other persons actually present</li> </ul>	1-20 years; period of special parole (5 year mandatory minimum); 8 year additional minimum for use of firearm <sup>142</sup>
	2) Aggravated sexual assault in the first degree where victim is under age 16	25 years – Life ( <b>5 year mandatory minimum</b> )
	3) Aggravated sexual assault in the first degree where victim is under age 16 and a firearm was used	20 years without parole or suspension
<b>Sexual Assault in Spousal or Cohabiting Relationship</b>	Forcing a spouse or cohabitor to engage in sexual intercourse	1-20 years
<b>Sexual Assault in the Second Degree</b>	Engaging in sexual intercourse with another person who:	1-10 years (9 month mandatory minimum)
	1) Cannot consent due to mental deficiency	
	2) Is physically helpless	
	3) Is institutionalized where offender has supervisory or disciplinary authority over such victim	
	4) Is a past or current psychotherapy patient of offender and: the sexual intercourse occurs during the psychotherapy session; the victim is emotionally dependent upon the offender; or offender presents to victim that sexual intercourse is part of treatment	
5) Sexual assault in the second degree where victim is under age 16	1-20 years (9 month mandatory minimum)	

<sup>142</sup> The Board of Pardons and Paroles may establish special provisions for the parole of a sex offender.

## CONNECTICUT

Crime	Definition	Penalty
<b>Sexual Assault in the Third Degree</b>	1) Compelling another person to submit to sexual contact by the use of force (or threat thereof) against such other person or a third person	1-5 years
	2) Sexual assault in the third degree where the victim is under age 16	1-10 years
<b>Sexual Assault in the Third Degree with a Firearm</b>	1) Sexual assault in the third degree involving a firearm	1-10 years
	2) Sexual assault in the third degree with a firearm where the victim is under age 16	1-20 years; 2 years without suspension, plus period of special parole which together constitute a sentence of 10 years
<b>Kidnapping in the First Degree</b>	Abducting another person with intent to sexually violate or abuse the victim	25 years – Life
<b>Kidnapping in the First Degree with a Firearm</b>	Kidnapping in the first degree (with intent to sexually violate or abuse the victim) using a firearm	25 years – Life (1 year mandatory minimum)
<b>Sexual Assault in the First Degree</b>	1) Compelling another person to engage in sexual intercourse by the use of force (or threat thereof) against such other person or a third person	1-20 years (2 year mandatory minimum)
	2) Committing sexual assault in the second degree aided by two or more other persons	
	3) Engaging in sexual intercourse with person who cannot consent due to being mentally incapacitated	
	4) Sexual assault in the first degree where victim is under age 16	25 years – Life (5 year mandatory minimum)

### **A3. Crimes classified as “nonviolent sex offense.”**

(For complete information, see Connecticut General Laws Sec. 54-250, and statutes referred to therein)

Crime	Definition	Penalty
<b>Sexual Assault in the Fourth Degree</b>	1) Subjecting another person to sexual contact who is: <ul style="list-style-type: none"> <li>a) under 15 years</li> <li>b) unable to consent due to mental deficiency</li> <li>c) physically helpless</li> <li>d) under 18 years and the offender is their guardian</li> <li>e) institutionalized and under supervision of offender</li> </ul>	Up to 1 year, up to \$2,000 fine
	2) Subjecting another person to sexual contact without consent	
	3) Engaging in sexual contact with an animal or dead body	

## CONNECTICUT

Crime	Definition	Penalty
<b>Sexual Assault in the Fourth Degree (cont.)</b>	4) Sexual contact where victim is a past or current psychotherapy patient of offender and the sexual contact occurs during the psychotherapy session, the victim is emotionally dependent upon the offender, or offender presents to victim that sexual contact is part of treatment	Up to 1 year, up to \$2,000 fine
	5) Sexual contact when offender is a coach or provides intensive, ongoing instruction and victim is a secondary school student and receiving such coaching or at school, the victim is under age 18 and offender over age 20	
	6) Sexual assault in the fourth degree where victim is under age 16	1-5 years
<b>Voyeurism</b>	Photographing, filming or otherwise recording the image of another person while such other person is not in plain view and under circumstances where such other person has a reasonable expectation of privacy	1-5 years

### B. Risk Assessment

- No Statutory Provisions<sup>143</sup>

### C. Registration

(For complete information, see Connecticut General Laws Sec. 54-251)

Registration	
<b>Year Enacted</b>	1999
<b>Responsible Agency</b>	Commissioner of Public Safety
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Parts A1-3 above 2) Any felony committed for a sexual purpose
<b>Information Collected</b>	Name, identifying factors, criminal history record, residence address and photo; Sexually violent predators <sup>144</sup> also must have collected documentation of any treatment received for mental abnormality or personality disorder
<b>Reporting Frequency</b>	Every 90 days and within 5 days of changes in address, name, job, school; Photo retaken every five years
<b>Duration</b>	10 years (those under 19 years at time of offense, or who committed a nonviolent sexual offense, can be exempted, following victim notification and comment and a determination that registration is not required for public safety) Life: Those convicted of sexual assault where the victim is under 13 years
<b>Penalties for Non-Compliance</b>	1-5 years

<sup>143</sup> Connecticut law provides for a Risk Assessment Board but as yet risk levels have no effect on registration or community notification requirements.

<sup>144</sup> Person convicted of or charged with a sexually violent crime (see above) who suffers from a mental abnormality or personality disorder which makes the person likely to engage in repeat acts of sexual violence

# **CONNECTICUT**

## **D. Community Notification**

(For complete information, see Connecticut General Laws Sec. 54-251.)

<b>Type of Notification</b>	<b>Individual/Group to whom Notification is Available</b>	<b>Notification Applies To:</b>	<b>Information Available</b>
Public Internet Registry	Members of the Public	All offenders; Court may restrict dissemination to protect identity of victim; Some offenders whose conviction was prior to 1999 can also petition to be removed from registry	Name, aliases, birthdate, registration, address, race, eyes and color, gender, height, weight, scars, tattoos, date registered, date last verified, crime requiring registration and description thereof, date convicted
Discretionary	Government agencies, private organizations, individuals if judicial department or law enforcement believes it is necessary to protect public or individuals	All offenders	All information collected

## **E. Required Residency Restrictions**

- No statutory provisions

## **F. Required Employment Restrictions**

- No statutory provisions

## **G. Required Electronic Monitoring**

- No statutory provisions

## **H. Civil Commitment**

- No statutory provisions

## DELAWARE

### DELAWARE

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Delaware Code, Title 11, Chapters 5 and 42)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Indecent Exposure in the First Degree</b>	1) If male, exposing his genitals or buttocks to a person who is under 16 years under circumstances in which he knows his conduct is likely to cause affront or alarm  2) If female, exposing her genitals, breast or buttocks to a person who is under 16 years of age under circumstances in which she knows her conduct is likely to cause affront or alarm	Up to 1 year and fine of up to \$2,300
<b>Indecent Exposure in the Second Degree (Second Offense within 5 years)</b>	1) If male, exposing his genitals or buttocks to another person under circumstances in which he knows his conduct is likely to cause affront or alarm  2) If female, exposing her genitals, breast or buttocks to another person under circumstances in which she knows her conduct is likely to cause affront or alarm	2 <sup>nd</sup> Offense (within 5 years): Up to 30 days and fine of up to \$575
<b>Incest</b>	Engaging in sexual intercourse with another person with whom the person has one of the following relationships (based on either blood or adoption): A male and his child, parent, brother, sister, grandchild, niece or nephew; A male and his father's sister or brother, his mother's sister or brother, his father's wife, his wife's child, or his wife's son or daughter; A female and her parent, child, brother, sister, grandchild, niece or nephew; A female and her father's sister or brother, her mother's sister or brother, her mother's husband, her husband's child, or the child of her husband's son or daughter	Up to 1 year and fine of up to \$2,300
<b>Unlawful Sexual Contact in the Third Degree</b>	Having sexual contact with another person or causing the victim to have sexual contact with the person or a third person knowing that the contact is either offensive to the victim or occurs without the victim's consent	Up to 1 year and fine of up to \$2,300
<b>Unlawful Sexual Contact in the Second Degree</b>	Intentionally having sexual contact with another person who is under 16 years or causing the victim to have sexual contact with the person or a third person	Up to 2 years
<b>Unlawful Sexual Contact in the First Degree</b>	1) In the course of committing unlawful sexual contact in the third or second degree or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime: causing physical injury to the victim or displaying what appears to be a deadly weapon or dangerous instrument or representing that the person is in possession or control of a deadly weapon or dangerous instrument  2) Intentionally having sexual contact with another person under 16 years and the defendant stands in a position of trust, authority or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, authority or supervision over the child	Up to 3 years
<b>Rape in the Fourth Degree</b>	1) Intentionally engaging in sexual intercourse with a person under 16 years  2) Intentionally engaging in sexual intercourse with a person (other than spouse) under 18 years and the defendant is 30 years or older	Class C Felony

## DELAWARE

Crime	Description	Penalty
<b>Rape in the Fourth Degree (cont).</b>	3) Intentionally engaging in sexual penetration with another person where: a) The sexual penetration occurs without the victim's consent, or b) The victim is under 16 years	Up to 15 years
	4) Intentionally engaging in sexual intercourse or sexual penetration with another person aged 16 or 17 years and the defendant stands in a position of trust, authority or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, authority or supervision over the child	
<b>Rape in the Third Degree</b>	1) Intentionally engaging in sexual intercourse with a person under 16 years and the defendant is at least 10 years older than the victim, or the victim is under 14 years and the defendant is at least 19 years (and is not otherwise subject to prosecution for rape in the first or second degree)	2-25 years
	2) Intentionally engaging in sexual penetration with another where: a) The sexual penetration occurs without the victim's consent and during the commission of or immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim, or b) The victim is under 16 years and during the commission of or immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim	1 <sup>st</sup> Offense: 2-25 years 2 <sup>nd</sup> Offense: <sup>145</sup> 25 years – Life
	3) Rape in the third degree as described in 2) above where the victim is under 14 years	25 years – Life
<b>Rape in the Second Degree</b>	1) Intentionally engaging in sexual intercourse with another person without their consent	1 <sup>st</sup> Offense: 10-25 years 2 <sup>nd</sup> Offense: 25 years – Life
	2) Intentionally engaging in sexual penetration with another person where: a) The sexual penetration occurs without the victim's consent and during the commission of or immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim b) The sexual penetration occurs without the victim's consent, and was facilitated by or occurred during the course of the commission or attempted commission of any felony or any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion or criminal trespass in the first, second or third degree c) The victim is under 16 years and during the commission of or immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim	

<sup>145</sup> This penalty applies where the defendant has a prior conviction for any sex offense that is categorized as an A or B Felony; this is also the case for second offense penalties for rape in first and second degree and for continuous sexual abuse against a child and a dangerous crime against a child.

## DELAWARE

Crime	Description	Penalty
<b>Rape in the Second Degree (cont.)</b>	<p>d) The sexual penetration occurs without the victim's consent and during the commission of or immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents that the person is in possession or control of a deadly weapon or dangerous instrument</p> <p>e) The victim is under 16 years and during the commission of or immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents that the person is in possession or control of a deadly weapon or dangerous instrument</p> <p>f) The sexual penetration occurs without the victim's consent, and a principal-accomplice relationship existed between the defendant and another person or persons</p> <p>g) The victim is under 12 years and the defendant is 18 years or older</p> <p>h) The victim is under 16 years and the defendant stands in a position of trust, authority or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, authority or supervision over the child</p>	<p>1<sup>st</sup> Offense: 10-25 years</p> <p>2<sup>nd</sup> Offense: 25 years – Life</p>
<b>Rape in the First Degree</b>	<p>3) Rape in the second degree where the victim is under 14 years</p> <p>1) Intentionally engaging in sexual intercourse with another person where:</p> <p>a) The sexual intercourse occurs without the victim's consent and during the commission of or immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim</p> <p>b) The sexual intercourse occurs without the victim's consent and was facilitated by or occurred during the course of the commission or attempted commission of any felony or any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion; or criminal trespass in the first, second or third degree</p> <p>c) In the course of the commission of rape in the second, third or fourth degree, or while in the immediate flight therefrom, the defendant displayed what appeared to be a deadly weapon or represents that the person is in possession or control of a deadly weapon or dangerous instrument</p> <p>d) The sexual intercourse occurs without the victim's consent, and a principal-accomplice relationship existed between the defendant and another person or persons</p> <p>e) The victim is under 12 years and the defendant is 18 years or older</p> <p>f) The victim is under 16 years and the defendant stands in a position of trust, authority or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, authority or supervision over the child</p>	<p>25 years – Life</p> <p>1<sup>st</sup> Offense: 15 years – Life</p> <p>2<sup>nd</sup> Offense: Life without parole</p>
	<p>2) Rape in the first degree where the victim is under 14 years</p>	<p>25 years – Life</p>

## DELAWARE

Crime	Description	Penalty
<b>Rape in the First Degree (cont.)</b>	3) Rape in the first degree where: a) The victim is under 16 years and the person inflicts serious physical injury on the victim b) The person intentionally causes serious and prolonged disfigurement to the victim permanently, or intentionally destroys, amputates or permanently disables a member or organ of the victim's body c) The person is convicted of rape against 3 or more separate victims	Life without Parole
<b>Sexual Extortion</b>	Intentionally compelling or inducing another person to engage in any sexual act involving contact, penetration or intercourse with the person or another or others by means of instilling in the victim a fear that, if such sexual act is not performed, the defendant or another will: a) Cause physical injury to anyone b) Cause damage to property c) Engage in other conduct constituting a crime d) Accuse anyone of a crime or cause criminal charges to be instituted against anyone e) Expose a secret or publicize an asserted fact, whether true or false, intending to subject anyone to hatred, contempt or ridicule f) Falsely testify or provide information or withhold testimony or information with respect to another's legal claim or defense, or g) Perform any other act which is calculated to harm another person materially with respect to the other person's health, safety, business, calling, career, financial condition, reputation or personal relationships	Up to 5 years
<b>Bestiality</b>	Intentionally engaging in any sexual act involving sexual contact, penetration or intercourse with the genitalia of an animal or intentionally causes another person to engage in any such sexual act with an animal for purposes of sexual gratification	Up to 8 years
<b>Continuous Sexual Abuse of a Child</b>	1) Intentionally engaging in 3 or more acts of sexual conduct (unlawful sexual contact in the first or second degree, rape in the first, second, third, or fourth degree, or sexual exploitation of a child) with a child under 18 years over a period of time, not less than 3 months in duration while either residing in the same home with the minor child or having recurring access to the child 2) Continuous sexual abuse of a child aged under 14 years	1 <sup>st</sup> Offense: 2-25 years 2 <sup>nd</sup> Offense: 25 years – Life  25 years – Life
<b>Dangerous Crime against a Child</b>	Engaging in any criminal sexual conduct (rape, sexual exploitation of children, possessing or unlawfully dealing in child pornography, or sexual solicitation of a child) against a minor under 14 years	25 years – Life
<b>Sex Offender Unlawful Sexual Conduct against a Child</b>	1) Being a registered adult sex offender, knowingly committing any registrable misdemeanor sex offense (other than dealing in children and violation of privacy) against a child 2) Sex offender unlawful sexual conduct against a child where the underlying offense is a class D, E, F, or G Felony 3) Sex offender unlawful sexual conduct against a child where the underlying offense is a class A or B Felony	Up to 2 years  Punished as a felony, one grade higher  Punished as for the underlying offense with double the minimum



## DELAWARE

Crime	Description	Penalty
<b>Female Genital Mutilation</b>	<p>1) Knowingly circumcising, excising or infibulating the whole or any part of the labia majora, labia minora or clitoris of a female minor</p> <p>2) Being a parent, guardian or other person legally responsible or charged with the care or custody of a female minor allowing the circumcision, excision or infibulation, in whole or in part, of such minor's labia majora, labia minora or clitoris</p>	Up to 5 years
<b>Dealing in Children</b>	Intentionally or knowingly trading, bartering, buying or negotiating to trade, barter, buy or sell a child under the age of 18	Up to 5 years
<b>Sexual Exploitation of a Child</b>	<p>1) Knowingly photographing or filming a child engaging in a prohibited sexual act or in the simulation of such an act, or otherwise knowingly creating a visual depiction of a child engaging in a prohibited sexual act or in the simulation of such an act</p> <p>2) Knowingly financing or producing any motion picture, video or other visual depiction of a child engaging in a prohibited sexual act or in the simulation of such an act</p> <p>3) Knowingly publishing or making available for public distribution or sale by any means, including but not limited to computer a) any book, magazine, periodical, pamphlet, photograph, Internet site or web page which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, or b) any other visual depiction of a child engaging in a prohibited sexual act or in the simulation of such an act</p> <p>4) Permitting, causing, promoting, facilitating, financing, producing or otherwise advancing an exhibition, display or performances of a child engaging in a prohibited sexual act or the simulation of such an act</p>	<p>1<sup>st</sup> Offense: 2-25 years</p> <p>2<sup>nd</sup> Offense: Life</p>
<b>Unlawfully Dealing in Child Pornography</b>	<p>1) Knowingly shipping, transmitting, mailing or transporting by any means, including by computer or any other electronic or digital method a) any book, magazine, periodical, pamphlet, video or film depicting a child engaging in a prohibited sexual act or in the simulation of such an act, or b) any other visual depiction of a child engaging in a prohibited sexual act or in the simulation of such an act</p> <p>2) Knowingly receiving for the purpose of selling or selling a) any magazine, photograph or film which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, or b) any other visual depiction of a child engaging in a prohibited sexual act or in the simulation of such an act</p> <p>3) Knowingly distributing or disseminating, by means of computer or any other electronic or digital method, or by shows or viewings, any motion picture, video or other visual depiction of a child engaging in a prohibited sexual act or the simulation of such an act</p>	<p>1<sup>st</sup> Offense: Up to 8 years</p> <p>2<sup>nd</sup> Offense: 2-25 years</p>

## DELAWARE

Crime	Description	Penalty
<b>Unlawfully Dealing in Child Pornography (cont.)</b>	4) By means of a computer, intentionally compiling, entering, accessing, transmitting, receiving, exchanging, disseminating, storing, making, printing, reproduces or otherwise possessing any photograph, image, file, data or other visual depiction of a child engaging in a prohibited sexual act or in the simulation of such an act	1 <sup>st</sup> Offense: Up to 8 years 2 <sup>nd</sup> Offense: 2-25 years
	5) Knowingly advertising, promoting, presenting, describing, transmitting or distributing any visual depiction, exhibition, display or performance with intent to create or convey the impression that such visual depiction, exhibition, display or performance is or contains a depiction of a child engaging in a prohibited sexual act or in the simulation of such an act	
<b>Possession of Child Pornography</b>	1) Knowingly possessing any visual depiction of a child engaging in a prohibited sexual act or in the simulation of such an act	Up to 3 years
	2) Knowingly possessing any visual depiction which has been created, adapted, modified or edited so as to appear that a child is engaging in a prohibited sexual act or in the simulation of such an act	
<b>Sexual Solicitation of a Child</b>	Being 18 years or older, intentionally or knowingly:	Up to 15 years
	1) Soliciting, requesting, commanding, importuning or otherwise attempting to cause any child under 16 years to engage in a prohibited sexual act	
	2) Soliciting, requesting, commanding, importuning or otherwise attempting to cause any child under 16 years to meet with defendant or any other person for the purpose of engaging in a prohibited sexual act	
<b>Violation of Privacy</b>	3) Compiling, entering, accessing, transmitting, receiving, exchanging, disseminating, storing, making, printing, reproduces or otherwise possessing by any means, including by means of computer, any notice, statement, document, advertisement, file or data containing the name, telephone number, address, e-mail address, school address or location, physical characteristics or other descriptive or identifying information pertaining to any child who has under 16 years for the purpose of facilitating, encouraging, offering or soliciting a prohibited sexual act involving such child and such person or any other person	Up to 2 years
	1) Tape recording, photographing, filming, videotaping or otherwise reproducing the image of another person who is getting dressed or undressed or has that person's genitals, buttocks or her breasts exposed, without consent, in any place where persons normally disrobe including but not limited to a fitting room, dressing room, locker room or bathroom, where there is a reasonable expectation of privacy	
	2) Secretly or surreptitiously videotaping, filming, photographing or otherwise recording another person under or through that person's clothing for the purpose of viewing the body of or the undergarments worn by that other person	

## DELAWARE

Crime	Description	Penalty
<b>Promoting Prostitution in the Second Degree</b>	Advancing or profiting from prostitution of a person less than 18 years old	Up to 5 years
<b>Promoting Prostitution in the First Degree</b>	Advancing or profiting from prostitution of a person less than 16 years old	Up to 15 years

### **B. Risk Assessment:**<sup>146</sup>

(For complete information, see Delaware Code, Title 11, Chapter 41)

Risk Assessment	
<b>Applies to</b>	Registration; Community Notification
<b>Responsible Agency</b>	Sex Offender Management Board
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	N/A
<b>Risk Levels Utilized</b>	Risk Assessment Tier III <sup>147</sup> Risk Assessment Tier II <sup>148</sup> Risk Assessment Tier I <sup>149</sup>
<b>Assessment Details</b>	By January 2009, the Board shall consult on and approve a risk assessment screening instrument to assist any sentencing authority in determining the likelihood that an offender would commit one or more sex offenses; In carrying out this duty, the Board shall consider sex offender risk assessment research

<sup>146</sup> The Sex Offender Management Board is required to develop and prescribe a standardized procedure for the evaluation, identification, and classification of adult and juvenile sex offenders by January 1 2009; currently, risk levels are based primarily on offense.

<sup>147</sup> 1) Any sex offender convicted or adjudicated delinquent of (or of attempt to commit) rape in the first or second degree, rape in the third degree involving either a child under 12 or force or threat of physical violence, unlawful sexual contact in the first degree, unlawful sexual intercourse in the first or second degree, unlawful sexual penetration in the first or second degree, unlawful sexual contact in the first degree, continuous sexual abuse of a child, sexual exploitation of a child; or kidnapping in the first or second degree (except where the defendant is a parent, step parent or guardian of the victim), if the purpose of the crime was to facilitate the commission of sex offense; or 2) Upon motion of the State, any person convicted of certain other felony sex offenses against a person under 16 years where the sentencing court determines by a preponderance of the evidence, after it weighs all relevant evidence which bears upon the particular facts and circumstances of the offense and the character and propensities of the offender, that public safety will be enhanced by assigning the offender to Risk Assessment Tier III; or 3) Any person convicted of two or more sex offenses.

<sup>148</sup> 1) Any sex offender convicted or adjudicated delinquent of (or of attempt to commit) rape in the third degree unless the offense involved a child under 12 or force or the threat of physical violence, rape in the fourth degree, unlawful sexual contact in the second degree, unlawful sexual intercourse in the third degree, unlawful sexual penetration in the third degree, sexual extortion, bestiality, dangerous crime against a child, unlawfully dealing in child pornography, sexual solicitation of a Child; or 2) Upon motion of the State, any person convicted of certain other felony sex offenses if the sentencing court determines by a preponderance of the evidence after it weighs all relevant evidence which bears upon the particular facts and circumstances or details of the commission of the offense and the character and propensities of the offender, that public safety will be enhanced by assigning the offender to Risk Assessment Tier II.

<sup>149</sup> All other sex offenders.

## DELAWARE

### C. Registration

(For complete information, see Delaware Code, Title 11, Chapter 41)

Registration	
<b>Year Enacted</b>	1994
<b>Responsible Agency</b>	Delaware State Police
<b>Eligible Offenses/Statutes</b>	1) All offenses (including attempt to commit an offense) listed in Part A where the offender has served a sentence of imprisonment in a Level IV or V facility or other custodial institution 2) Violating the prohibition on residing or loitering on or within 500 feet of school property where the offender has served a sentence of imprisonment in a Level IV or V facility or other custodial institution
<b>Information Collected</b>	Legal name, any previously used names, aliases or nicknames, Social Security number, email address or addresses, and the age, gender, race and physical description of the sex offender; all other known identifying factors, the offense history and the sex offender's current residences or anticipated place of future residences, places of study and/or places of employment, and the registration plate numbers and descriptions of any vehicles owned or operated by the offender; a statement of any relevant conditions of release, discharge, parole or probation applicable to the sex offender; the age of the victim or victims of the offense or offenses and describe the victim's relationship to the offender
<b>Reporting Frequency</b>	Risk Assessment Tier III Offenders: Every 90 days or every week for homeless offenders Risk Assessment Tier II Offenders: Every 6 months or every 30 days for homeless offenders Risk Assessment Tier I Offenders: Every 12 months or every 90 days for homeless offenders
<b>Duration</b>	Life: Tier III offenders and Tier II or I offenders who have been convicted of 2 or more sex offenses 25 years: Tier II offenders 15 years: Tier I offenders
<b>Penalties for Non-Compliance</b>	Up to 2 years; Redesignation to Tier III

### D. Community Notification

(For complete information, see Delaware Code, Title 11, Chapter 41)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Victim Notification	The victim of a particular sex offense	All sex offenders	That the sex offender has been released, discharged, or paroled; Notification may include: legal name, and any previously used names, aliases or nicknames, and the age, gender, race and physical characteristics of the sex offender, a photograph of the offender taken within 90 days of that offender's release, along with any other known identifying factors, the person's offense history and that person's place of anticipated future residence, school and/or employment; a statement of any relevant conditions of release, discharge, parole or probation applicable to the offender; the offender's relationship to the victim.

## DELAWARE

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Schools, licensed day care facilities, public libraries or other organizations, companies or individuals upon request	Tier III Offenders	Searchable records available to the public; Last verified addresses for the offender, the specific sex offense or offenses for which the offender was convicted, the date or dates of the convictions and all information required for registration as is practicable given the method of community notification, except that relationship to the victim shall not be a searchable record and age of victim shall be searchable only by age ranges birth to 11 years, 12 to 15 years, 16 to 17 years, and 18 and above; Records may include other information designated for public access by the Superintendent of the Delaware State Police except for the identity of the victims, the Social Security number of the offender, and arrests that did not result in conviction
Discretionary Notification	Schools, licensed day care facilities, public libraries or other organizations, companies or individuals upon request	Tier II Offenders	As above
Public Internet Registry	Members of the Public	Tier II or III Offenders	As above

### E. Required Residency Restrictions

(For complete information, see Delaware Code, Title 11, Chapter 5)

Restriction Applies To	Type of Restriction
Those convicted of unlawful sexual contact in the first, second or third degree, rape in the first, second, third, or fourth degree, sexual exploitation, possession of or unlawful dealing in child pornography, or sexual solicitation of a child where the victim is a child under 16 years	Prohibition from residing on or within 500 feet of property of any school

### F. Required Employment Restrictions

- No Statutory Provisions

### G. Required Electronic Monitoring

- No Statutory Provisions

## DELAWARE

### H. Civil Commitment

- No Statutory Provisions

### I. Other Restrictions

(For complete information, see Delaware Code, Title 11, Chapter 5)

Restriction Applies To	Type of Restriction
Those convicted of unlawful sexual contact in the first, second or third degree, rape in the first, second, third, or fourth degree, sexual exploitation, possession of or unlawful dealing in child pornography, or sexual solicitation of a child where the victim is a child under 16 years	Prohibition from loitering on or within 500 feet of property of any school

## FLORIDA

### FLORIDA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Florida Statutes Annotated, Title XLVI, Chapters 787, 794, 796, 800, 827, 847 and 985)

Crime	Description	Penalty <sup>150</sup>
<b>Kidnapping</b>	1) Forcibly, secretly, or by threat confining, abducting, or imprisoning another person against her or his will and without lawful authority, with intent to: <ul style="list-style-type: none"> <li>a) hold for ransom or reward or as a shield or hostage</li> <li>b) commit or facilitate commission of any felony</li> <li>c) inflict bodily harm upon or to terrorize the victim or another person, or</li> <li>d) interfere with the performance of any governmental or political function</li> </ul>	Up to 30 years and fine of up to \$10,000
	2) Kidnapping where the victim is under 13 years and during the course of the offense, the defendant also commits aggravated child abuse, sexual battery, lewd or lascivious molestation, conduct or exhibition, child prostitution or exploitation	Life or up to 40 years and fine of up to \$15,000
<b>False Imprisonment</b>	1) Forcibly, by threat, or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against her or his will	Up to 5 years and fine of up to \$5,000
	2) False imprisonment where the victim is under 13 years and during the course of the offense, the defendant also commits aggravated child abuse, sexual battery, lewd or lascivious molestation, conduct or exhibition, child prostitution or exploitation	Up to 30 years and fine of up to \$10,000
<b>Luring or Enticing a Child</b>	Being 18 years or older and having been previously convicted of sexual battery, unlawful sexual contact against a minor, or lewd and lascivious offenses against those under 16 years, intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose	Up to 5 years and fine of up to \$5,000
<b>Sexual Battery<sup>151</sup></b>	1) Being 18 years or older, committing sexual battery (oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object) upon, or in an attempt to commit sexual battery injuring the sexual organs of, a person less than 12 years	Death or Life without parole
	2) Being less than 18 years, committing sexual battery upon, or in an attempt to commit sexual battery injuring the sexual organs of, a person less than 12 years	Life or up to 40 years and fine of up to \$15,000
	3) Committing sexual battery upon a person 12 years or older, without that person's consent, and in the process using or threatening to use a deadly weapon or using actual physical force likely to cause serious personal injury	

<sup>150</sup> Under Florida’s Dangerous Sexual Felony Offender Act, any person aged 18 years or older convicted of certain serious violent offenses who a) caused serious personal injury to the victim as a result of the commission of the offense, b) used or threatened to use a deadly weapon during the commission of the offense, c) victimized more than one person during the course of the criminal episode applicable to the offense, d) committed the offense while under the jurisdiction of a court for a felony offense, or e) has previously been convicted of a violation of any of the above offense, is a dangerous sexual felony offender, who must be sentenced to a mandatory minimum term of 25 years imprisonment up to, and including, life imprisonment.

<sup>151</sup> Additional penalties apply if more than one person committed an act of sexual battery during the same criminal transaction or episode.

## FLORIDA

Crime	Description	Penalty
<b>Sexual Battery (cont.)</b>	4) Being a person who is in a position of familial or custodial authority to a person older than 12 years but less than 18 years, engaging in sexual battery	Life or up to 40 years and fine of up to \$15,000
	5) Being a person who is in a position of familial or custodial authority to a person less than 12 years, engaging in sexual battery or in attempting to commit sexual battery injuring the sexual organs of such person	
	6) Committing sexual battery upon a person 12 years or older without that person's consent, under any of the following circumstances: a) when the victim is physically helpless to resist b) when the offender coerces the victim to submit by reasonably threatening to use force or violence likely to cause serious personal injury on the victim c) when the offender coerces the victim to submit by reasonably threatening to retaliate against the victim, or any other person d) when the offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance which mentally or physically incapacitates the victim e) when the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact. f) when the victim is physically incapacitated g) when the offender is a certified or elected law enforcement officer, correctional officer, or correctional probation officer or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and acts 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	Up to 30 years and fine of up to \$10,000
	7) Committing sexual battery upon a person 12 years or older, without that person's consent, without using physical force and violence likely to cause serious personal injury	Up to 15 years and fine of up to \$10,000
	8) Being a person who is in a position of familial or custodial authority to a person less than 18 years, soliciting that person to engage in any act which would constitute sexual battery	Up to 5 years and fine of up to \$5,000
<b>Unlawful Sexual Activity with Certain Minors</b>	Being 24 years or older engaging in sexual activity (oral, anal, or vaginal penetration by, or union with, the sexual organ of another) with a person 16 or 17 years	Up to 15 years and fine of up to \$10,000
<b>Procuring Person under age 18 for Prostitution</b>	Procuring for prostitution, or causing to be prostituted, any person who is under 18 years	Up to 15 years and fine of up to \$10,000
<b>Selling or Buying of Minors into Sex Trafficking or Prostitution</b>	Being a parent, legal guardian, or other person having custody or control of a minor, selling or otherwise transferring (or offering to sell or transfer) custody or control of such minor with knowledge that, as a consequence of the sale or transfer, force, fraud, or coercion will be used to cause the minor to engage in prostitution or otherwise participate in the trade of sex trafficking	Up to 30 years and fine of up to \$10,000



## FLORIDA

Crime	Description	Penalty
<b>Lewd or Lascivious Offenses Committed upon or in the presence of Persons less than 16 years</b>	<b>Lewd or Lascivious Battery:</b> 1) Engaging in sexual activity (the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object) with a person 12 years or older but less than 16 years	Up to 15 years and fine of up to \$1,000
	2) Encouraging, forcing, or enticing any person less than 16 years to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any act involving sexual activity	
	<b>Lewd or Lascivious Molestation:</b> Intentionally touching in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years, or forcing or enticing a person under 16 years to so touch the perpetrator	
	3) Lewd or lascivious molestation where the offender is 18 years or older and the victim is less than 12 years	Life or up to 40 years and fine of up to \$15,000
	4) Lewd or lascivious molestation where the offender is less than 18 years and the victim is less than 12 years	Up to 15 years and fine of up to \$10,000
	5) Lewd or lascivious molestation where the offender is 18 years or older and the victim is 12 years or older but less than 16 years	
	6) Lewd or lascivious molestation where the offender less than 18 years and the victim is 12 years or older but less than 16 years	Up to 5 years and fine of up to \$5,000
	<b>Lewd or Lascivious Conduct:</b> 7) Intentionally touching a person under 16 years in a lewd or lascivious manner	Up to 15 years and fine of up to \$10,000
	8) Soliciting a person under 16 years to commit a lewd or lascivious act	
	9) Lewd or lascivious conduct where the offender is less than 18 years of age	Up to 5 years and fine of up to \$5,000
<b>Lewd or Lascivious Offenses Committed upon or in the presence of an Elderly Person or Disabled Person</b>	<b>Lewd or Lascivious Exhibition</b> 10) Intentionally masturbating, exposing the genitals in a lewd or lascivious manner, or committing any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years, or over a computer on-line service, Internet service, or local bulletin board service knowing (or should know) that the transmission is viewed on a computer or television monitor by a victim who is less than 16 years	Up to 15 years and fine of up to \$10,000
	11) Lewd or lascivious exhibition where the offender is less than 18 years	Up to 5 years and fine of up to \$5,000
<b>Lewd or Lascivious Offenses Committed upon or in the presence of an Elderly Person or Disabled Person</b>	<b>1) Lewd or Lascivious Battery:</b> Encouraging, forcing, or enticing an elderly person or disabled person to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity, when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent	Up to 15 years and fine of up to \$10,000

## FLORIDA

Crime	Description	Penalty
<b>Lewd or Lascivious Offenses Committed upon or in the presence of an Elderly Person or Disabled Person (cont.)</b>	<p><b>2) Lewd or Lascivious Molestation:</b> Intentionally touching in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of an elderly person or disabled person when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent</p> <p><b>3) Lewd or Lascivious Exhibition:</b> In the presence of an elderly person or disabled person, intentionally masturbating, exposing his or her genitals in a lewd or lascivious manner, or committing any other lewd or lascivious act that does not involve actual physical or sexual contact with the elderly person or disabled person, including but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent to having such act committed in his or her presence</p>	Up to 5 years and fine of up to \$5,000
<b>Sexual Performance by a Child</b>	<p>1) Knowing the character and content thereof, employing, authorizing, or inducing a child less than 18 years to engage in a sexual performance (a performance including sexual conduct by a child) or, being a parent, legal guardian, or custodian of such child, consenting to the participation by such child in a sexual performance</p> <p>2) Knowing the character and content thereof, producing, directing, or promoting any sexual performance by a child less than 18 years of age</p> <p>3) Possessing with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which includes any sexual conduct by a child</p> <p>4) Knowingly possessing a photograph, motion picture, exhibition, show, representation, or other presentation which he or she knows to include any sexual conduct by a child</p>	Up to 15 years and fine of up to \$10,000
<b>Protection of Minors; Prohibition of Certain Acts in Connection with Obscenity</b>	Knowingly selling, renting, lending, giving away, distributing, transmitting, or showing any obscene material (any obscene book, magazine, periodical, pamphlet, newspaper, comic book, story paper, written or printed story or article, writing paper, card, picture, drawing, photograph, motion picture film, figure, image, videotape, videocassette, phonograph record, or wire or tape or other recording, or any written, printed, or recorded matter of any such character or any article or instrument for obscene use, or purporting to be for obscene use or purpose) to a minor	Up to 5 years and fine of up to \$5,000
<b>Computer Pornography; Traveling to Meet Minor</b>	1) Knowingly compiling, entering into, or transmitting by use of computer; making, printing, publishing or reproducing by other computerized means; causing or allowing to be entered into or transmitted by use of computer; or buying, selling, receiving, exchanging, or disseminating; any notice, statement, or advertisement of any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct	Up to 5 years and fine of up to \$5,000

## FLORIDA

Crime	Description	Penalty
<b>Computer Pornography; Traveling to Meet Minor (cont.)</b>	2) Knowingly using a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to: <ul style="list-style-type: none"> <li>a) seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit unlawful sexual conduct with a child or with another person believed by the person to be a child, or</li> <li>b) solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any unlawful sexual conduct</li> </ul>	Up to 5 years and fine of up to \$5,000
	3) Committing the offense in 2) above while misrepresenting his or her age	Up to 15 years and fine of up to \$10,000
	4) Traveling any distance or attempting to do so or causing another to travel or to attempt to do so for the purpose of engaging in unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to: <ul style="list-style-type: none"> <li>a) seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child to commit unlawful sexual conduct with a child or with another person believed by the person to be a child, or</li> <li>b) solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any unlawful sexual conduct</li> </ul>	
<b>Transmission of Pornography by Electronic Device or Equipment</b>	Knowingly transmitting child pornography to another person	Up to 5 years and fine of up to \$5,000
<b>Transmission of Material Harmful to Minors to a Minor by Electronic Device or Equipment</b>	Knowingly transmitting an image, information, or data that is harmful to minors to a specific individual known by the defendant to be a minor in this state	Up to 5 years and fine of up to \$5,000
<b>Selling or Buying of Minors</b>	1) Being a parent, legal guardian, or other person having custody or control of a minor, selling or otherwise transferring custody or control of such minor, or offering to sell or otherwise transfer custody of such minor, either: <ul style="list-style-type: none"> <li>a) with knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct, or</li> <li>b) with intent to promote either 1) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct, or 2) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct</li> </ul>	Up to 30 years and fine of up to \$10,000

## FLORIDA

Crime	Description	Penalty
<b>Selling or Buying of Minors (cont.)</b>	2) Purchasing or otherwise obtaining custody or control of a minor, or offering to purchase or otherwise obtain custody or control of a minor, either: a) with knowledge that, as a consequence of the purchase or obtaining of custody, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct b) with intent to promote either: 1) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct, or 2) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct	Up to 30 years and fine of up to \$10,000
<b>Sexual Misconduct</b>	Being an employee of the Department of Juvenile Justice, engaging in sexual misconduct (fondling the genital area, groin, inner thighs, buttocks, or breasts of a person; the oral, anal, or vaginal penetration by or union with the sexual organ of another; or the anal or vaginal penetration of another by any other object) with a juvenile offender detained or supervised by, or committed to the custody of, the department	Up to 15 years and fine of up to \$10,000

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Florida Statutes Annotated, Title XLVII, Chapter 943 and Title XLVI, Chapter 775)

Registration	
<b>Year Enacted</b>	1997; Sexual Predators 2007
<b>Responsible Agency</b>	Department of Law Enforcement
<b>Eligible Offenses/Statutes</b>	Sex Offenders: 1) All offenses listed in Part A above 2) any attempt, solicitation or conspiracy to commit an offense listed in Part A 3) Juveniles aged 14 years or older who have been adjudicated delinquent of sexual battery or certain lewd and lascivious offenses against a person under 16 years <hr/> Sexual Predators: 1) Capital, life, or first-degree kidnapping or false imprisonment where the victim is a minor and the defendant is not the victim's parent or guardian, sexual battery, lewd or lascivious offenses committed upon or in the presence of persons less than 16 years, or selling or buying of minors (or attempt to commit any of these offenses) 2) Felony violations (or attempts) of any offense listed in Part A (except certain obscenity, computer pornography and transmission of pornography or material harmful to minors offenses) where the offender has previously been convicted of any of those offenses

## FLORIDA

<b>Registration</b>	
<b>Information Collected</b>	<p>All Offenders: Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, address, any electronic mail address and any instant message name; date and place of each conviction, and a brief description of the crime or crimes committed by the offender; photograph and fingerprints; if the offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home: the vehicle identification number; the license tag number; the registration number; and a description, including color scheme; if the offender's place of residence is a vessel, live-aboard vessel, or houseboat: 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; if the offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the offender's enrollment or employment status</p> <p>Sex offenders only: Tattoos or other identifying marks, occupation and place of employment Sexual Predators only: Date and place of any employment; any other information determined necessary by the department, including criminal and corrections records, nonprivileged personnel and treatment records, and evidentiary genetic markers</p>
<b>Reporting Frequency</b>	<p>Sex Offenders: Every 6 months and within 48 hours of any change in name, residence, email address, instant message name, or enrollment/employment status at an institution of higher education</p> <p>Sexual Predators and Sex Offenders convicted of sexual battery, kidnapping, false imprisonment and certain lewd and lascivious offenses against those under 16 years: Every 3 months and within 48 hours of any change in name, residence, email address, instant message name, or enrollment/employment status at an institution of higher education</p>
<b>Duration</b>	Life; Certain juvenile sex offenders may petition for release from registration requirements
<b>Penalties for Non-Compliance</b>	Up to 5 years and fine of up to \$5,000

### **D. Community Notification**

(For complete information, see Florida Statutes Annotated, Title XLVI, Chapter 775 and Title XLVII, Chapter 943)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public, upon request including via a toll-free telephone number	Sexual Predators and Sex Offenders	All information contained in the registry
Mandatory Notification	Members of the public and licensed day care centers and elementary middle and high schools within a 1-mile radius of residence of the sexual predator	Sexual Predators	Name, description of the sexual predator, including a photograph, the sexual predator's current address, including the name of the county or municipality if known, the circumstances of the sexual predator's offense or offenses; and whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult
Public Internet Registry	Members of the Public	Sexual Predators and Sex Offenders	All information contained in the registry

# FLORIDA

## E. Required Residency Restrictions

(For complete information, see Florida Statutes Annotated, Title XLVI, Chapter 794)

Restriction Applies To	Type of Restriction
Those convicted of sexual battery, lewd or lascivious offenses, sexual performance by a child or selling or buying of minors where the victim of the offense was less than 16 years of age	Prohibition from residing within 1,000 feet of any school, day care center, park, or playground

## F. Required Employment Restrictions

(For complete information, see Florida Statutes Annotated, Title XLVI, Chapter 775)

Restriction Applies To	Type of Restriction
Sexual Predators	Prohibition from working, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate

## G. Required Electronic Monitoring

- No Statutory Provisions

## H. Civil Commitment

(For complete information, see Florida Statutes Annotated, Title XXIX, Chapter 394)

Commitment Applies To	Treatment Setting	Period of Confinement
Any adult convicted of a sexually violent offense <sup>152</sup> who suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment	Secure facility under the control of the Department of Children and Family Services	Indeterminate

<sup>152</sup> Murder while engaged in sexual battery; Kidnapping or False Imprisonment of a child under the age of 13 and, in the course of that offense, committing sexual battery or a lewd, lascivious, or indecent assault or act upon or in the presence of the child; Sexual Battery; Lewd, lascivious, or indecent assault or act upon or in presence of the child; Any attempt, criminal solicitation, or conspiracy to commit any of these offenses.

## GEORGIA

### GEORGIA

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”<sup>153</sup>**

(For complete information, see Code of Georgia Annotated, Title 16, Chapters 6 and 12, Title 42, Chapter 1)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Rape</b>	Having carnal knowledge (any penetration of the female sex organ by the male sex organ) of 1) A female forcibly and against her will  2) A female who is less than 10 years of age	1 <sup>st</sup> Offense: Death; Life without Parole; Life; or 25 years – Life and Lifetime Probation 2 <sup>nd</sup> Offense: Death or Life without Parole
<b>Sodomy</b>	Performing or submitting to any sexual act involving the sex organs of one person and the mouth or anus of another	1-20 years
<b>Aggravated Sodomy</b>	Committing sodomy with force and against the will of the other person or with a person who is less than ten years of age	1 <sup>st</sup> Offense: Life or 25 years – Life and Lifetime Probation 2 <sup>nd</sup> Offense: Life without Parole
<b>Statutory Rape</b>	Being 21 years or older, engaging in sexual intercourse with any person (not a spouse) under the age of 16 years	10-20 years
<b>Child Molestation</b>	Committing any immoral or indecent act to or in the presence of or with any child under the age of 16 years with the intent to arouse or satisfy the sexual desires of either the child or the person.	1 <sup>st</sup> Offense: 5-20 years 2 <sup>nd</sup> Offense: 10-30 years or Life
<b>Aggravated Child Molestation</b>	Committing child molestation which physically injures the child or involves an act of sodomy	1 <sup>st</sup> Offense: Life or 25 years – Life and Lifetime Probation 2 <sup>nd</sup> Offense: Life without Parole
<b>Enticing a Child for Indecent Purposes</b>	Soliciting, enticing or taking any child under the age of 16 years to any place whatsoever for the purpose of child molestation or indecent acts	10-30 years
<b>Sexual Assault against Persons in Custody</b>	1) Being a probation or parole officer or other custodian or supervisor, engaging in sexual contact with another person who is a probationer or parolee under the supervision of said probation or parole officer or who is in the custody of law or who is enrolled in a school or who is detained in or is a patient in a hospital or other institution and such actor has supervisory or disciplinary authority over such other person	10-30 years

<sup>153</sup> These offenses are classified as dangerous sexual offenses; Elements of these offenses that are misdemeanors are not registrable offenses and therefore not included.

## GEORGIA

Crime	Description	Penalty
<b>Sexual Assault against Persons in Custody (cont.)</b>	2) Having supervisory or disciplinary authority over another person and engaging in sexual contact with that other person who is: <ul style="list-style-type: none"> <li>a) in the custody of law, or</li> <li>b) detained in or is a patient in a hospital or other institution</li> </ul>	10-30 years
	3) Being an actual or purported practitioner of psychotherapy, engaging in sexual contact with another person who the actor knew or should have known is the subject of the actor's actual or purported treatment or counseling, or where the treatment or counseling relationship was used to facilitate sexual contact between the actor and said person	
	4) Sexual assault as described in 1), 2) or 3) above where the victim is under 14 years	25-50 years
	5) Being an employee, agent, or volunteer at any facility licensed or required to be licensed or who is required to be licensed, engaging in sexual contact with another person who has been admitted to or is receiving services from such facility, person, or entity	10-30 years and/or fine of up to \$5,000
<b>Incest</b>	1) Engaging in sexual intercourse with a person to whom he or she knows he or she is related either by blood or by marriage as follows: 1) Father and daughter or stepdaughter; 2) Mother and son or stepson; 3) Brother and sister; 4) Grandparent and grandchild; 5) Aunt and nephew; or 6) Uncle and niece	10-30 years
	2) Incest where the victim is under 14 years	25-50 years
<b>Sexual Battery (Second Offense)</b>	Intentionally making physical contact with the intimate parts of the body of another person without the consent of that person	2 <sup>nd</sup> Offense: 1-5 years
<b>Aggravated Sexual Battery</b>	Intentionally penetrating with a foreign object the sexual organ or anus of another person without the consent of that person	1 <sup>st</sup> Offense: Life or 25 years – Life and Lifetime Probation 2 <sup>nd</sup> Offense: Life without Parole
<b>Sexual Exploitation of Children</b>	1) Knowingly employing, using, persuading, inducing, enticing, or coercing any minor to engage in or assist any other person to engage in any sexually explicit conduct (Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; Bestiality; Masturbation; Lewd exhibition of the genitals or pubic area of any person; Flagellation or torture by or upon a person who is nude; Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude; Physical contact in an act of apparent sexual stimulation or gratification with any person's unclothed genitals, pubic area, or buttocks or with a female's nude breasts; Defecation or urination for the purpose of sexual stimulation of the viewer; Penetration of the vagina or rectum by any object for the purpose of producing any visual medium depicting such conduct	5-20 years and fine of up to \$100,000
	2) Being a parent, legal guardian, or person having custody or control of a minor, knowingly permitting the minor to engage in or to assist any other person to engage in sexually explicit conduct for the purpose of producing any visual medium depicting such conduct	



## GEORGIA

Crime	Description	Penalty		
<b>Sexual Exploitation of Children (cont.)</b>	3) Knowingly employing, using, persuading, inducing, enticing, or coercing any minor to engage in or assist any other person to engage in any sexually explicit conduct for the purpose of any performance	5-20 years and fine of up to \$100,000		
	4) Being a parent, legal guardian, or person having custody or control of a minor, knowingly permitting the minor to engage in or to assist any other person to engage in sexually explicit conduct for the purpose of any performance			
	5) Knowingly creating, reproducing, publishing, promoting, selling, distributing, giving, exhibiting, or possessing with intent to sell or distribute any visual medium which depicts a minor or a portion of a minor's body engaged in any sexually explicit conduct			
	6) Knowingly advertising, selling, purchasing, bartering, or exchanging any medium which provides information as to where any visual medium which depicts a minor or a portion of a minor's body engaged in any sexually explicit conduct can be found or purchased			
	7) Knowingly bringing or causing to be brought into this state any material which depicts a minor or a portion of a minor's body engaged in any sexually explicit conduct			
	8) Knowingly possessing or controlling any material which depicts a minor or a portion of a minor's body engaged in any sexually explicit conduct			
	<b>Computer Pornography and Child Exploitation Prevention Act</b>		1) Intentionally or willfully: a) compiling, entering into, or transmitting by computer or other electronic device, b) making, printing, publishing, or reproducing by other computer or other electronic device, c) causing or allowing to be entered into or transmitted by computer or other electronic device, or d) buying, selling, receiving, exchanging, or disseminating: any notice, statement, or advertisement, or any child's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for the purpose of offering or soliciting sexual conduct of or with an identifiable child under 16 years or the visual depiction of such conduct	1-20 years and fine of up to \$10,000
			2) Intentionally or willfully utilizing a computer on-line service or Internet service, including but not limited to a local bulletin board service, Internet chat room, e-mail, on-line messaging service, or other electronic device, to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice a child under 16 years or another person believed by such person to be a child to commit sodomy, aggravated sodomy, child molestation, aggravated child molestation, enticing a child for indecent purposes, public indecency or to engage in any conduct that by its nature is an unlawful sexual offense against a child	

## GEORGIA

Crime	Description	Penalty
<b>Computer Pornography and Child Exploitation Prevention Act (cont.)</b>	3) Having contact with someone he or she knows to be a child under 16 years or with someone he or she believes to be a child via a computer on-line service or Internet service, including but not limited to a local bulletin board service, Internet chat room, e-mail, or on-line messaging service, and the contact involves any matter containing explicit verbal descriptions or narrative accounts of sexually explicit nudity, sexual conduct, sexual excitement, or sadomasochistic abuse that is intended to arouse or satisfy the sexual desire of either the child or the person	1-10 years and fine of up to \$10,000

### **B. Risk Assessment**

(For complete information, see Code of Georgia Annotated, Title 42, Chapter 1, Article 2)

Risk Assessment	
<b>Applies to</b>	Community Notification; Electronic Monitoring; Employment
<b>Responsible Agency</b>	Sexual Offender Registration Review Board
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	Yes, for those classified as Sexually Dangerous Predators
<b>Risk Levels Utilized</b>	1) Level I: The sexual offender is a low sex offense risk and low recidivism risk for future sexual offenses 2) Level II: The sexual offender is an intermediate sex offense risk and intermediate recidivism risk for future sexual offenses; Includes all sexual offenders who do not meet the criteria for classification either as a sexually dangerous predator or for Level I risk assessment 3) Sexually Dangerous Predator: A sexual offender who is determined to be at risk of perpetrating any future dangerous sexual offense
<b>Assessment Details</b>	The board shall determine the likelihood that a sexual offender will engage in another crime against a victim who is a minor or a dangerous sexual offense

### **C. Registration**

(For complete information, see Code of Georgia Annotated, Title 42, Chapter 1, Article 2)

Registration	
<b>Year Enacted</b>	1996
<b>Responsible Agency</b>	Georgia Bureau of Investigation
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Aggravated Assault with intent to rape 3) Kidnapping or False Imprisonment against a victim under 14 years except by a parent 4) Certain criminal offenses against a minor including any conduct which, by its nature, is a sexual offense against a minor or an attempt to commit a sexual offense against a minor

## GEORGIA

<b>Registration</b>	
<b>Information Collected</b>	Name, social security number, age, race, sex, date of birth, height, weight, hair color, eye color, fingerprints; and photograph; Address (if the place of residence is a motor vehicle or trailer, the vehicle identification number, the license tag number, and a description, including color scheme, of the motor vehicle or trailer; if the place of residence is a mobile home, 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; if the place of residence is a manufactured home, 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; if the place of residence is a vessel, live-aboard vessel, or houseboat, 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); Date of employment, place of any employment, and address of employer; Place of vocation and address of the place of vocation; Vehicle make, model, color, and license tag number; 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 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
<b>Reporting Frequency</b>	Annually and within 72 hours of any change in registration information
<b>Duration</b>	Life
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: 10-30 years 2 <sup>nd</sup> Offense: Life

### **D. Community Notification**

(For complete information, see Code of Georgia Annotated, Title 42, Chapter 1, Article 2)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Members of the Public via lists in the sheriff's office, and other public places	All Sex Offenders	All information necessary to protect the public except for victim identity
	Schools and Institutions of Higher Education; Child care programs, child care learning centers, day-care, group day-care, family day-care programs and long-term care facilities for children	All Sex Offenders	As above
Public Internet Registry	Members of the Public	All Sex Offenders	As above

# GEORGIA

## E. Required Residency Restrictions

(For complete information, see Code of Georgia Annotated, Title 42, Chapter 1, Article 2)

Restriction Applies To	Type of Restriction
All Sex Offenders	Prohibition from residing within 1,000 feet of any child care facility, church, school, or area where minors congregate

## F. Required Employment Restrictions

(For complete information, see Code of Georgia Annotated, Title 42, Chapter 1, Article 2)

Restriction Applies To	Type of Restriction
All Sex Offenders	Prohibition from employment by any child care facility, school, or church or by any business or entity that is located within 1,000 feet of child care facility, a school, or a church
Sexually Dangerous Predators	Prohibition from employment by any business or entity that is located within 1,000 feet of an area where minors congregate

## G. Required Electronic Monitoring

(For complete information, see Code of Georgia Annotated, Title 42, Chapter 1, Article 2)

Type of Monitoring	Applicable To	Duration
GPS	Sexually Dangerous Predators	Life

## H. Civil Commitment

- No Statutory Provisions

## I. Other Restrictions

(For complete information, see Code of Georgia Annotated, Title 42, Chapter 1, Article 2)

Restriction Applies To	Type of Restriction
All Sex Offenders	Prohibition from loitering at or within 1,000 feet of any child care facility, church, school, or area where minors congregate

## HAWAII

### HAWAII

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”<sup>154</sup>

(For complete information, see Hawaii Penal Code, Chapter 707)

Crime	Description	Penalty <sup>155</sup>
<b>Sexual Assault in the First Degree</b>	<ol style="list-style-type: none"><li>1) Knowingly subjecting another person to an act of sexual penetration by strong compulsion*</li><li>2) Knowingly engaging in sexual penetration with another person who is less than 14 years*</li><li>3) Knowingly engaging sexual penetration with a person who is at least 14 years but less than 16 years provided that the actor is a) not less than 5 years older than the minor and b) not legally married to the minor</li></ol>	Up to 20 years
<b>Sexual Assault in the Second Degree</b>	<ol style="list-style-type: none"><li>1) Knowingly subjecting another person to an act of sexual penetration by compulsion</li><li>2) Knowingly subjecting to sexual penetration another person who is mentally incapacitated or physically helpless*</li><li>3) Being employed in a state correctional facility, by a private company providing services at a correctional facility, by a private company providing community-based residential services to persons committed to the director of public safety, by a private correctional facility operating in the State of Hawaii, or as a law enforcement officer, knowingly subjecting 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</li></ol>	Up to 10 years
<b>Sexual Assault in the Third Degree</b>	<ol style="list-style-type: none"><li>1) Recklessly subjecting another person to an act of sexual penetration by compulsion</li><li>2) Knowingly subjecting to sexual contact another person who is less than 14 years or causing such a person to have sexual contact with the actor*</li><li>3) Knowingly engaging in sexual contact with a person who is at least 14 years but less than 16 years or causing the minor to have sexual contact with the actor provided that the actor a) is not less than 5 years older than the minor; and b) is not legally married to the minor</li><li>4) Knowingly subjecting to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causing such a person to have sexual contact with the actor</li></ol>	Up to 5 years

<sup>154</sup> Offenses marked with an asterisk (\*) are classified as aggravated sexual offenses.

<sup>155</sup> Offenders are also subject to repeat offender laws that result in mandatory minimum sentences; In addition felony sex offenders who commit crimes against the elderly, handicapped, or a minor under the age of eight and who inflict serious substantial injury on their victim are subject to extended terms of imprisonment.

## HAWAII

Crime	Description	Penalty
<b>Sexual Assault in the Third Degree (cont.)</b>	5) While employed in a state correctional facility, by a private company providing services at a correctional facility, by a private company providing community-based residential services to persons committed to the director of public safety, by a private correctional facility operating in the State of Hawaii, or as a law enforcement officer, knowingly subjecting 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 causing the person to have sexual contact with the actor  6) Knowingly, by strong compulsion, having sexual contact with another person or causing another person to have sexual contact with the actor*	Up to 5 years
<b>Sexual Assault in the Fourth Degree</b>	Knowingly subjecting another person to sexual contact by compulsion or causing another person to have sexual contact with the actor by compulsion	Up to 1 year
<b>Continuous Sexual Assault of a Minor under 14 years</b>	Either residing in the same home with a minor under the age of 14 years or having recurring access to the minor, engaging in 3 or more acts of sexual penetration or sexual contact with the minor over a period of time, while the minor is under the age of 14 years*	Up to 20 years
<b>Promoting Prostitution in the First Degree</b>	Advancing or profiting from prostitution of a person less than 16 years old	Up to 10 years
<b>Kidnapping</b>	1) Intentionally or knowingly restraining another person with intent to subject the victim to a sexual offense 2) Kidnapping as described above where the victim is released alive and not suffering from serious or substantial bodily injury, in a safe place prior to trial	Up to 20 years Up to 10 years
<b>Promoting Child Abuse in the First Degree</b>	Knowing or having reason to know its character and content: 1) Producing or participating in the preparation of child pornography  2) Producing or participating in the preparation of pornographic material that employs, uses, or otherwise contains a minor engaging in or assisting others to engage in sexual conduct  3) Engaging in a pornographic performance that employs, uses, or otherwise contains a minor engaging in or assisting others to engage in sexual conduct.	Up to 20 years
<b>Promoting Child Abuse in the Second Degree</b>	Knowing or having reason to know its character and content, the person 1) Disseminating child pornography  2) Reproducing child pornography with intent to disseminate  3) Disseminating any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography  4) Disseminating any pornographic material which employs, uses, or otherwise contains a minor engaging in or assisting others to engage in sexual conduct	Up to 10 years

## HAWAII

Crime	Description	Penalty
<b>Promoting Child Abuse in the Third Degree</b>	Knowing or having reason to know its character and content, possessing: child pornography, any book, magazine, periodical, film, videotape, computer disk, electronically stored data, or any other material that contains an image of child pornography, or any pornographic material that employs, uses, or otherwise contains a minor engaging in or assisting others to engage in sexual conduct	Up to 5 years
<b>Electronic Enticement of a Child in the First Degree<sup>156</sup></b>	Using a computer or any other electronic device, intentionally or knowingly communicating with a) a minor known by the person to be under 18 years, b) another person, in reckless disregard of the risk that the other person is under 18 years, and the other person is under 18 years, or c) another person who represents that person to be under 18 years, with intent to promote or facilitate the commission of a murder in the first or second degree, a class A felony, or a registrable offense, agreeing to meet with the minor or person who represents that person to be a minor under 18 years, and intentionally or knowingly traveling to the agreed upon meeting place at the agreed upon meeting time	Up to 10 years
<b>Electronic Enticement of a Child in the Second Degree</b>	Using a computer or any other electronic device, intentionally or knowingly communicating with a) a minor known by the person to be under 18 years, b) another person, in reckless disregard of the risk that the other person is under 18 years, and the other person is under 18 years, or c) another person who represents that person to be under 18 years, with intent to promote or facilitate the commission of a felony, agreeing to meet with the minor or person who represents that person to be a minor under 18 years, and intentionally or knowingly traveling to the agreed upon meeting place at the agreed upon meeting time.	Up to 5 years

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Hawaii Penal Code, Chapter 846E)

Registration	
<b>Year Enacted</b>	1997
<b>Responsible Agency</b>	Attorney General

<sup>156</sup> Electronic enticement of a child in the first or second degree is only a registrable sex offense if the act involves: sexual conduct; attempted sexual conduct, or a proposal to engage in sexual conduct.

## HAWAII

<b>Registration</b>	
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Criminal sexual conduct toward a minor 3) Solicitation of a minor who is less than 14 years old to engage in sexual conduct 4) Use of a minor in a sexual performance 5) Solicitation of a minor to practice prostitution 6) Crimes against Minors <ul style="list-style-type: none"> <li>a) Kidnapping of a minor except by a parent</li> <li>b) Unlawful Imprisonment in the First Degree except by a parent</li> </ul> 7) Any attempt, solicitation, or conspiracy to commit any of these crimes
<b>Information Collected</b>	A recent photograph, verified fingerprints, and a signed statement by the covered offender containing: the name, all prior names, and all aliases used by the covered offender or under which the covered offender has been known and other identifying information, including date of birth, social security number, sex, race, height, weight, and hair and eye color; 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; the actual address and telephone number where the covered offender is staying for a period of more than 10 days, if other than the stated residence; if known, the future address and telephone number where the covered offender is planning to reside, if other than the stated residence; names and, if known, actual business addresses of current and known future employers and the starting and ending dates of any such employment; 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; the year, make, model, color, and license number of all vehicles currently owned or operated by the covered offender; a statement listing all covered offenses for which the covered offender has been convicted or found unfit to proceed or acquitted; a statement indicating whether the covered offender has received or is currently receiving treatment ordered by a court of competent jurisdiction or by the Hawaii paroling authority; a statement indicating whether the covered offender is a United States citizen; and any additional identifying information about the covered offender
<b>Reporting Frequency</b>	Every 5 years in person; within 3 days of any change in information; and information verification by mail every 90 days
<b>Duration</b>	Life <sup>157</sup>
<b>Penalties for Non-Compliance</b>	If the violation is knowing and intentional: Up to 5 years If the violation is committed recklessly: Up to 1 year

<sup>157</sup> Except for those classified as sexually violent predators (sex offenders who suffer from a mental abnormality of personality disorder that makes the person likely to engage in predatory sexual offenses), sexually dangerous offenders, or repeat offenders, covered offenders may petition the court for the termination of registration requirements on the grounds that registration is no longer needed for the protection of the public as follows: For those convicted of Class A felonies, after 25 years; for those convicted of Class B felonies, after 15 years, and for those convicted of Class C felonies, after 10 years. For those convicted of Class C felonies, there is a presumption that the registration requirements will be terminated.



# HAWAII

## **D. Community Notification**

(For complete information, see Hawaii Penal Code, Chapter 846E)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public through on-site public access	All felony registered offenders	Name, prior names, aliases, photograph, residence address, personal vehicles(s) driven, street name of employment, college/university affiliation, and crime for which convicted
Public Internet Registry	Members of the Public	All felony registered offenders except for those whose highest offense was a Class C Felony or a 2 <sup>nd</sup> Misdemeanor offense	As above

## **E. Required Residency Restrictions**

- No Statutory Provisions

## **F. Required Employment Restrictions**

- No Statutory Provisions

## **G. Required Electronic Monitoring**

- No Statutory Provisions

## **H. Civil Commitment**

- No Statutory Provisions

## IDAHO

### IDAHO

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Idaho Code Annotated, Title 18, Chapters 9, 15, 40, 41, 45, 61, 66 and 83)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Sexual Abuse of a Child</b>	Soliciting a person under 16 years to participate in a sex act, causing or having sexual contact with such a person, or making any photographic or electronic recording of such a person while being 18 years or older and with the intent to gratify the sexual desire of the actor, minor child or third party	Up to 25 years
<b>Ritualized Abuse of a Child</b>	Committing any of the following act with, upon, or in the presence of a person under 18 year as part of a ceremony, rite or any similar observance: 1) Torturing, mutilating or sacrificing any warm-blooded animal or human being  2) Forcing ingestion, injection or other application of any drug for the purpose of dulling sensitivity, cognition, recollection of, or resistance to any criminal activity  3) Forcing ingestion, or external application, of human or animal urine, feces, flesh, blood, bones, body secretions, non-prescribed drugs or chemical compounds  4) Involving the person in a mock, unauthorized or unlawful marriage ceremony with another person or representation of any force or deity, followed by sexual contact with the person  5) Placing a living person into a coffin or open grave containing a human corpse or remains  6) Threatening death or serious harm to a child, his parents, family, pets or friends which instills a well-founded fear in the child that the threat will be carried out  7) Unlawfully dissecting, mutilating, or incinerating a human corpse	Up to Life
<b>Sexual Exploitation of a Child</b>	Committing any of the following acts for commercial purposes: 1) Causing, inducing, or permitting a child to engage in, or be used for, any explicit sexual conduct  2) Preparing, arranging for, publishing, producing, promoting, making, selling, financing, offering, exhibiting, advertising, dealing in, possessing, or distributing any photograph, motion picture, videotape, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material which depicts a child engaged in, participating in, observing, or being used for explicit sexual conduct	Up to 30 years and fine of up to \$50,000
<b>Possession of Sexually Exploitive Material for other than a Commercial Purpose</b>	Knowingly and willfully possessing any photograph, motion picture, videotape, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material which depicts a child engaged in, participating in, observing, or being used for explicit sexual conduct other than for a commercial purpose	Up to 10 years + fine up to \$10,000

## IDAHO

Crime	Description	Penalty
<b>Lewd Conduct with a Child</b>	Committing any lewd or lascivious act or acts upon a person under 16, or involving such a person in any act of bestiality or sado-masochism, when any of such acts are done with the intent of arousing, appealing to, or gratifying the sexual desires of such person, such child, or third party	Up to Life
<b>Sexual Battery of a Minor Child Sixteen or Seventeen Years of Age</b>	With the intent of arousing, appealing to, or gratifying the sexual desires of a person, minor child 16 or 17 years of age, or a third party and while being at least 5 or older: 1) committing any lewd or lascivious act upon such minor child	Up to Life
	2) involving such minor child in any act of explicit sexual conduct	
	3) soliciting such minor child to participate in a sexual act	Up to 25 years
	2) causing or having sexual contact with such minor child not amounting to lewd conduct	
	3) making any photographic or electronic recording of such minor child.	
<b>Indecent Exposure</b>	Willfully or lewdly exposing his or her genitals or procuring, counseling, or assisting any person to expose his or her genitals in any public place or in any place where another person is present or persons present who are offended or annoyed thereby.	2 <sup>nd</sup> Offense (within five years): Up to 10 years
<b>Rape</b>	Penetrating, however slightly, of the oral, anal or vaginal opening of a female with the perpetrator's penis accomplished when any one of the following circumstances exists: 1) The woman is incapable of giving legal consent because of any unsoundness of mind  2) The act is by force or violence  3) Bodily harm is inflicted, attempted, or threatened when there is the apparent power of execution  4) The woman is unable to resist due to drugs or alcohol  5) The woman is unconscious of the nature of the act  6) The woman submits under the belief that the person committing the act is her husband, and the belief is induced by artifice, pretense or concealment by the accused and with intent to induce such belief  7) The woman submits under the belief, instilled by the actor, that if she does not submit, the actor will cause physical harm to some person in the future, cause damage to property, engage in a crime, accuse any person of a crime or cause criminal charges to be instituted against her, or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule	1 year to Life

## IDAHO

Crime	Description	Penalty
<b>Male Rape</b>	<p>Penetrating, however slightly, of the oral or anal opening of another male with the perpetrator's penis accomplished for the purpose of sexual arousal, gratification, or abuse when any one of the following circumstances exists:</p> <ol style="list-style-type: none"> <li>1) The man is incapable of giving legal consent because any unsoundness of mind</li> <li>2) The act is by force or violence</li> <li>3) Bodily harm is inflicted, attempted, or threatened when there is the apparent power of execution</li> <li>4) The man is unable to resist due to drugs or alcohol</li> <li>5) The man is unconscious of the nature of the act</li> </ol>	1 year to Life
<b>Sexual Contact with a Prisoner</b>	While being an employee of the Idaho department of corrections or an officer, employee or agent of a state, local , or private correctional facility, having sexual contact with a prisoner	Up to Life
<b>Incest</b>	Intermarrying, having sexual intercourse, or committing adultery with a person within the degrees of consanguinity	Up to Life
<b>Crime Against Nature</b>	Penetrating, however slightly, of the anal opening of a male or female with a person's penis accomplished for the purpose of sexual arousal and whether or not the act is by force	5 years to Life
<b>Forcible Sexual Penetration by Use of Foreign Object</b>	<p>For the purpose of sexual arousal, causing the penetration, however slight, of the genital or anal operation of another person by any object, instrument, or device, against the person's will by:</p> <ol style="list-style-type: none"> <li>1) Force, violence, or duress</li> <li>2) Threats of great bodily harm</li> <li>3) The person being incapable of giving consent because of any unsoundness of mind</li> <li>4) The person being unable to resist due to drugs or alcohol.</li> </ol>	Up to Life
<b>Video Voyeurism</b>	<p>With the intent of arousing, appealing to, or gratifying the sexual desires of a person, or for his own or another person's lascivious entertainment, or for the sexual degrading or abuse of another person:</p> <ol style="list-style-type: none"> <li>1) using, installing, or permitting the use or installation of an imaging device at a place where a person would have a reasonable expectation of privacy, without the knowledge or consent of that person</li> <li>2) intentionally disseminating, publishing, or selling any image of the intimate areas of another person without the consent of that person and with the knowledge that the image was obtained as set forth above</li> </ol>	2 <sup>nd</sup> Offense: Up to 5 years and fine of up to \$50,000

## IDAHO

Crime	Description	Penalty
<b>Enticing a Child over the Internet</b>	Knowingly using the internet to solicit, seduce, lure, persuade, or entice by words or actions a person less than 16 to engage in any sexual act with or against that person.	Up to 15 years

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Idaho Code Annotated, Title 18, Chapters 83 and 84)

Registration	
<b>Year Enacted</b>	1998
<b>Responsible Agency</b>	Idaho State Police
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt, solicitation, or conspiracy to commit any of the offenses described in Part A above 3) Assault or battery with the intent to commit rape, the infamous crime against nature, or lewd and lascivious conduct with a minor child 4) Murder committed in the perpetration of a rape 5) First degree kidnapping committed for the purpose of rape, the infamous crime against nature, lewd and lascivious conduct with a child under 16, or for sexual gratification or arousal
<b>Information Collected</b>	Name and all aliases; a complete description of the person including the date of birth and social security number; name of each offense of which the person was convicted, where each offense was committed, where the person was convicted of each offense, and the name under which the person was convicted of each offense; the name and location of each hospital, jail or penal institution to which the person was committed for each offense covered; school or college enrollment; address or physical description of current residence and place of employment; photograph; fingerprints
<b>Reporting Frequency</b>	Annually and within 2 days of a name or address change; Address verification every 4 months Violent Sexual Predators: <sup>158</sup> Every 3 months AND within 2 days of a name or address change; Address verification every 30 days
<b>Duration</b>	At least 10 years (after which application may be made for an exemption from requirement to register) Recidivists, offenders convicted of an aggravated offense, <sup>159</sup> or violent sexual predators: Life

<sup>158</sup> Any sex offender who has been determined (by the Idaho Sex Offender Classification Board) to pose a high risk of committing an offense or engaging in predatory sexual conduct.

<sup>159</sup> Aggravated offenses: Lewd conduct, when the victim is less than 12 years of age; Murder committed in the perpetration of rape, rape, male rape, or forcible sexual penetration by use of a foreign object.

## IDAHO

Registration	
<b>Penalties for Non-Compliance</b>	<p>Up to 10 years and fine of up to \$5,000</p> <p>If offender is on probation or other supervised release or suspension from incarceration at the time of the violation, this shall be revoked and the penalty for violating this chapter shall be served consecutively to the offender's original sentence</p> <p>Juvenile Sex Offenders: Misdemeanor</p>

### D. Community Notification

(For complete information, see Idaho Code Annotated, Title 18, Chapters 83 and 84)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Discretionary Notification	Members of the Public who request information on a named individual or who request a list of registered sex offenders by geographic area; Schools, organizations working with youth, women or other vulnerable populations who request a statewide list or lists by geographic area	All registered adult sex offenders	Name, address, any aliases or prior names, date of birth, the crime of conviction, the place of conviction, whether the offender is a violent sexual predator
Mandatory Notification	Superintendent of Public Instruction and Director of Dept. of Health and Welfare	All registered adult sex offenders	List of all sexual offenders required to register and address, date of birth, and crime of conviction for each offender
	Members of the Public	All adult sex offenders who are delinquent in maintaining registration or address verification	List of offenders
	Members of the Public	Violent Sexual Predators	Upon registration, the name, address, photograph, and offense the offender has committed shall be published in a newspaper in general circulation once a week for three (3) consecutive weeks registration and disseminated to all major local radio and television media
	Superintendent of public instruction (who shall notify a school district or private school regarding the enrollment of a registered juvenile sex offender)	All juvenile sex offenders	A list of registered juvenile sex offenders in the state and offender's probationary status or treatment status, if known

## IDAHO

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	All registered adult sex offenders	Not Specified

### E. Required Residency Restrictions

(For complete information, see Idaho Code Annotated, Title 18, Chapter 83)

Restriction Applies To	Type of Restriction
All adult sex offenders	1) Prohibition from living with more than one other person who is also required to register
	2) Prohibition from living within 500 feet of the property on which a school is located

### F. Required Employment Restrictions

(For complete information, see Idaho Code Annotated, Title 18, Chapters 83 and 84)

Restriction Applies To	Type of Restriction
All adult and juvenile sex offenders	Employment at a day care center, group daycare facility, or family day care home

### G. Required Electronic Monitoring

- No Statutory Provisions

### H. Civil Commitment

- No Statutory Provisions

## ILLINOIS

### ILLINOIS

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Illinois Compiled Statutes Annotated, Chapters 720, Act 5 and Chapter 730, Act 5)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Sexual Relations within Families</b>	An act of sexual penetration where accused knows that he/she is related to the other person as follows: 1) Brother or sister, 2) father or mother, when the child was 18 or over when the act was committed; or 3) stepfather or stepmother, when the stepchild was 18 or over when the act was committed	2-5 years
<b>Distributing Harmful Materials to a Child</b>	1) Knowingly sells, lends, distributes, or gives away to a minor, knowing that the minor is under 18 or failing to exercise care in ascertaining the person's true age: a) Any material which depicts nudity, sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which taken as a whole is harmful to minors b) A motion picture, show, or other presentation which depicts nudity, sexual conduct or c) An admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation  2) Admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under 18 or failing to exercise care in ascertaining the person's true age	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: 1-3 years
<b>Public Indecency for the Third or Subsequent Conviction</b>	When any person 17 and older (in a public place) commits a sexual act or a lewd exposure of the body with intent to arouse or satisfy the sexual desire of the person	1-3 years
<b>Indecent Solicitation of a Child</b>	1) Knowing solicitation of a child by a person 17 or over to perform any sexual act with the intent that: the offense of predatory criminal sexual assault of a child or aggravated criminal sexual abuse be committed	4-15 years
	2) Knowing solicitation of a child by a person 17 or over to perform any sexual act. with the intent that the offense of criminal sexual assault by committed	3-7 years
	3) Knowing solicitation of a child by a person 17 or over to perform any sexual act with the intent that the offense of criminal sexual abuse be committed	2-5 years
	4) Knowing discussion of a sexual act with a child through the Internet with the intent that the offense of aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse be committed	1-3 years



## ILLINOIS

Crime	Description	Penalty
<b>Indecent Solicitation of an Adult</b>	1) Arranging for a person 17 years of age or over to commit an act of sexual penetration with a person under the age of 13	6-30 years
	2) Arranging for a person 17 years of age or over to commit an act of sexual penetration with a person 13 years of age or over but under the age of 17	4-15 years
	3) Arranging for a person 17 years of age or over to commit an act of sexual conduct with a person under the age of 13	3-7 years
	4) Arranging for a person 17 years of age or over to commit an act of sexual conduct with a person 13 years of age or older but under the age of 17 years	Up to 1 year
<b>Sexual Exploitation of a Child</b>	1) Engaging in a sexual act or exposing his/her sex organs, anus or breast in the presence of a child, for the purpose of sexual arousal or gratification of the perpetrator or the child, and with intent/knowledge that a child would view his or her acts, that person	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: 1-3 years
	2) Knowingly entices, coerces, or persuades a child under 17 to remove the child's clothing for the purpose of sexual arousal or gratification of the person or the child, or both	
	3) Sexual Exploitation of a Child where victim was under 13	1-3 years
<b>Custodial Sexual Misconduct</b>	1) Where an employee of a penal system or a treatment or detention facility engages in a sexual act with a person who is in the custody of that penal system/facility.	2-5 years
	2) Where a probation or supervising officer or surveillance agent engages in a sexual act with a probationer, parolee, or releasee or person serving a term of conditional release who is under the authority of the officer or agent.	
<b>Soliciting for a Juvenile Prostitute</b>	Soliciting a prostitute where the prostitute is under 17 or is a severely mentally retarded person	4-15 years
<b>Keeping a Place of Juvenile Prostitution</b>	Knowingly keeping a place of prostitution when any prostitute in the place of prostitution is under 17	1 <sup>st</sup> Offense: 4-15 years 2 <sup>nd</sup> Offense: 6-30 years
<b>Patronizing a Juvenile Prostitute</b>	Engaging in a sexual act with a prostitute under 17	1-3 years
<b>Soliciting a Juvenile Prostitute</b>	1) Soliciting another person for the purpose of prostitution, arranging or offering to arrange a meeting of persons for the purpose of prostitution or directing another to a place knowing such direction is for the purpose of prostitution and the intended victim is under 18	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: 1-3 years
	2) Soliciting a juvenile prostitute within 1,000 feet of a school	1-3 years
<b>Juvenile Pimping</b>	Knowingly receiving any form of consideration derived from the practice of prostitution where the prostitute was under 17 or a severely mentally retarded person at the time of the act of prostitution	4-15 years
<b>Aggravated Juvenile Pimping</b>	Knowingly receiving any form of consideration derived from the practice of prostitution where the prostitute was under the age of 13 at the time the act of prostitution occurred	6-30 years

## ILLINOIS

Crime	Description	Penalty
<b>Pandering a Juvenile</b>	1) For money or anything of value: a) compelling a person under 18 to become a prostitute, or b) arranging or offering to arrange a situation in which a person under 18 may practice prostitution	1-3 years
	3) Pandering a juvenile within 1,000 feet of a school	2-5 years
<b>Exploitation of a Child</b>	Confining a child under 16 or a severely mentally retarded person against his/her will by the infliction or threat of imminent infliction of great bodily harm, permanent disability or disfigurement or by administering drugs or alcohol to victim and: a) compelling the victim to become a prostitute b) arranging a situation in which the victim may practice prostitution, or c) receiving any money, property, token, object, or article or anything of value from the victim knowing it was obtained from prostitution	6-60 years
<b>Child Pornography</b>	1) Filming, videotaping, photographing, or otherwise depicting any child under 18 or any severely mentally retarded person engaging in any sexual conduct with a person or animal	4-15 years and \$2,000 - \$100,000 fine
	2) Soliciting, using, coercing, etc., any child under 18 or a severely mentally retarded person to appear in any stage play, live presentation, film, videotape, photograph or other similar visual reproduction in which the victim is depicted in any sexual act	
	3) As a parent, step-parent, legal guardian or other person having care of a child under 18 or a severely mentally retarded person knowingly permitting, inducing, promoting, or arranging for such victim to appear in any stage play, live performance, film, videotape, photograph or other similar visual presentation of any sexual act	
	4) Soliciting, using, coercing, etc., any child under 18 or a severely mentally retarded person to appear in any videotape, photograph, film, stage play, live presentation, or other similar visual reproduction in which the victim will be depicted in any sexual act	
	5) While knowing the content thereof, reproducing, disseminating, offering to disseminate, exhibiting or possessing with intent to disseminate any film, videotape, photograph or other similar visual reproduction of any child under 18 or severely mentally retarded person engaged in any sexual conduct with a person or animal	4-15 years and \$1,000 - \$100,000 fine
	6) While knowing of the subject matter thereof, producing any stage play, live performance, film, videotape or other similar visual portrayal which includes a child under 18 or a severely mentally retarded person engaged in any sexual activity	4-15 years and \$1,500 - \$100,000 fine
	7) While knowing the nature thereof, possessing any film, videotape, photograph or other similar visual reproduction of any child under 18 or severely mentally retarded person engaged in any sexual activity	2-5 years and \$1,000 - \$100,000 fine

## ILLINOIS

Crime	Description	Penalty
<b>Permitting Sexual Abuse of a Child</b>	Having actual knowledge of and permitting an act of sexual abuse upon a person under 17 or permitting that child to engage in prostitution while having responsibility for the welfare of that child	4-15 years
<b>Criminal Sexual Assault</b>	1) Committing sexual penetration by the use of force or threat of force  2) Committing sexual penetration knowing the victim was unable to understand the nature of the act or give knowing consent  3) Committing sexual penetration with a person under 18 while being a family member of that person  4) Committing sexual penetration with a victim who was at least 13 but under 18, where perpetrator is 17 or over and holds a position of trust, authority or supervision in relation to the victim	1 <sup>st</sup> Offense: 4-15 years 2 <sup>nd</sup> Offense: 30-60 years (if prior conviction for Aggravated Criminal Sexual Assault or Predatory Criminal Sexual Assault of a Child: Life in Prison)
<b>Aggravated Criminal Sexual Assault</b>	1) Committing criminal sexual assault while: a) causing bodily harm b) threatening or endangering the life of the victim or any other person c) committing or attempting any other felony d) the victim was 60 or over e) the victim was a physically handicapped person f) the accused gave the victim any controlled substance without the victim's consent  2) While under 17, committing criminal sexual assault: a) with a victim under 9; or b) with a victim who was at least 9 but under 13 and using force or threat of force to commit the act  3) Committing criminal sexual assault with a victim who was a severely mentally retarded person	1 <sup>st</sup> Offense: 6-30 years 2 <sup>nd</sup> Offense: Life (if prior conviction for Criminal Sexual Assault or Predatory Criminal Sexual Assault of a Child: Life in Prison)
	4) Committing criminal sexual assault while displaying, threatening to use, or using a dangerous weapon other than a firearm	6-30 years (with an additional 10 year term)
	5) Committing criminal sexual assault while armed with a firearm	6-30 years (with an additional 15 year term)
	6) Committing criminal sexual assault and personally discharging a firearm during the act	6-30 years (with an additional 20 year term)
	7) Committing criminal sexual assault and personally discharging a firearm during the act that caused great bodily harm, permanent disability, permanent disfigurement, or death to another person	6-30 years (with an additional term of 25 years to life in prison)

## ILLINOIS

Crime	Description	Penalty
<b>Predatory Criminal Sexual Assault of a Child</b>	1) Being 17 and over, committing sexual penetration with a person under 13	6-30 years
	2) Being 17 and over and armed with a firearm, committing sexual penetration with a person under 13	6-30 years (with an additional 15 year term)
	3) Being 17 or over and armed with a firearm, committing sexual penetration with a person under 13 and personally discharging a firearm	6-30 years (with an additional 20 year term)
	4) Being 17 or over, committing sexual penetration with a person under 13 and causing great bodily harm to that person that: a) resulted in permanent disability, or b) was life threatening	50 years - Life
	5) Being 17 or over, committing sexual penetration with a person under 13 by threat or deception or while delivering a controlled substance to that person	50-60 years
<b>Criminal Sexual Abuse</b>	1) Being under 17, committing a sexual act with a person aged 9-17 years	Up to 1 year
	2) Committing a sexual act with a person 13-17 while being less than 5 years older than that person	
	3) Committing a sexual act by the use of force/threat of force or knowing the victim was unable to give knowing consent or understand the nature of the act	1 <sup>st</sup> Offense: 1-3 years 2 <sup>nd</sup> Offense: 3-7 years
<b>Aggravated Criminal Sexual Abuse</b>	1) Committing criminal sexual abuse with any of the following aggravating circumstances: a) displaying, threatening to use or using a dangerous weapon b) causing bodily harm to the victim c) the victim was 60 or over d) the victim was a physically handicapped person e) threatening or endangering the life of the victim or any other person f) perpetrating the act during the course of the commission or attempted commission of any other felony, or g) delivering a controlled substance to the victim without his/her consent or by threat/deception	3-7 years
	2) Committing a sexual act with a person under 18 who is a family member	
	3) While being 17 or over a) committing a sexual act with a person under 13, or b) committing a sexual act with a 13-17 year old while using force or threat of force to commit the act	
	4) While being under 17 a) committing a sexual act with a person under 9, or b) committing a sexual act with a 9-17 year old while using force or threat of force to commit the act	

## ILLINOIS

Crime	Description	Penalty
<b>Aggravated Criminal Sexual Abuse (cont.)</b>	5) Committing a sexual act with a person 13-17 year old while being at least 5 years older	3-7 years
	6) Committing a sexual act with a severely mentally retarded person	
	7) While being 17 or over, committing a sexual act with a person 13-18 year old while holding a position of trust, authority or supervision over the victim	
<b>Ritualized Sexual Abuse of a Child</b>	While committing any of the following acts with, upon, or in the presence of a child as part of a ceremony, rite or any similar observance:	1 <sup>st</sup> Offense: 4-15 years 2 <sup>nd</sup> Offense: Up to Life
	1) Torturing, mutilating, or sacrificing any warm-blooded animal or human being	
	2) Forcing ingestion, injection or other application of any drug for the purpose of dulling sensitivity, cognition, recollection of, or resistance to any criminal activity	
	3) Forcing ingestion or external application of human or animal urine, feces, flesh, blood, bones, body secretions, nonprescribed drugs or chemical compounds	
	4) Involving the child in a mock, unauthorized or unlawful marriage ceremony with another person or representation of any force or deity, followed by sexual contact with the child	
	5) Placing a living child into a coffin or open grave containing a human corpse or remains	
	6) Threatening death or serious harm to a child, his/her parents, family, pets, or friends that instills a well-founded fear in the child that the threat will be carried out	
7) Unlawfully dissecting, mutilating, or incinerating human corpse		

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Illinois Compiled Statutes Annotated, Chapter 730, Act 150)

Registration	
<b>Year Enacted</b>	1961
<b>Responsible Agency</b>	Department of Public Safety

## ILLINOIS

<b>Registration</b>	
<b>Eligible Offenses/Statuses</b>	1) All offenses listed in Part A above 2) All accused persons found not guilty by reason of insanity of any offenses listed in Part A or an attempt of any offenses listed in Part A 3) All accused persons who are the subject of a finding not resulting in an acquittal at a hearing for the alleged commission or attempted commission of any offenses listed in Part A 4) First Degree Murder when the victim was under 18 and the accused was at least 17 and where the murder was sexually motivated 5) Forcible detention, kidnapping, aggravated kidnapping, unlawful restraint and aggravated unlawful restraint where the victim was under 18 and the accused is not a parent of the victim and the offense was sexually motivated 6) All persons certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act <sup>160</sup> 7) All persons found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act <sup>161</sup> 8) All persons adjudicated a juvenile as the result of committing or attempting to commit an act which would constitute any of the offenses specified in Part A
<b>Information Collected</b>	<p>Current photograph, current address, current place of employment, employer's telephone number, school attended, all e-mail addresses, instant messaging (IM) identities, chat room identities, and other Internet communications identities that the offender uses or plans to use, all Uniform Resource Locators (URLs) registered or used by the offender, all blogs and other Internet sites maintained by the offender or to which the offender has uploaded any content or posted any messages, extensions of the time period for registering and, if an extension was granted, the reason why the extension was granted and the date the offender was notified of the extension, county of conviction, license plate numbers for every vehicle registered by offender, the age of the offender at the time of the offense, the age of the victim at the time of the offense, and any distinguishing marks located on the body of the offender</p> <p>An offender convicted for Indecent Solicitation of a Child, Child Pornography, Aggravated Child Pornography, or Distributing Harmful Material to a Minor shall provide all Internet protocol (IP) addresses in his or her residence, registered in his or her name, accessible at his or her place of employment, or otherwise under his control</p>
<b>Reporting Frequency</b>	<p>Annually (within 10 days of birthday) and within 3 days of any change in address, enrollment in or departure from any post-secondary educational institution, name change or change in place of employment</p> <hr/> <p>Sexually Violent Predators (determined by the Court): Every 90 days</p>
<b>Duration</b>	<p>10 years from date of discharge from supervision</p> <hr/> <p>Sexually Violent Predators: Lifetime Registration</p>
<b>Penalties for Non-Compliance</b>	<p>1<sup>st</sup> Offense: Up to 2 years and/or fine of up to \$1,000            2<sup>nd</sup> Offense: Up to 3 years and/or fine of up to \$5,000            Failure to comply for more than 5 days: Up to 5 years and/or fine of up to \$5,000</p>

<sup>160</sup> Defined as persons suffering from a mental disorder which has existed for a period of at least 1 year coupled with criminal propensities to the commission of sex offenses, and who have demonstrated propensities toward acts of sexual assault or acts of sexual molestation of children.

<sup>161</sup> Defined as persons who have been convicted of a sexually violent offense, have been adjudicated delinquent for a sexually violent offense, or has been found not guilty of a sexually violent offense by reason of insanity and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence.

# ILLINOIS

## **D. Community Notification**

(For complete information, see Illinois Compiled Statutes Annotated, Chapter 730, Acts 150 and 152)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public (upon request)	All Sex Offenders	Name, address, date of birth, e-mail addresses, IM identities, chat room identities, or internet identities, all URLs registered or used by the offender, all blogs or other sites maintained by or to which the offender has uploaded content or posted messages, the offender's crime, county of conviction, license plate number, age of the sex offender, age of the victim, and any distinguishing marks
		Any sex offender where victim was 13 or younger	As above and a photograph of offender
Discretionary Notification	Any person likely to encounter a sex offender or sexual predator	All Sex Offenders	Name, address, date of birth, e-mail addresses, IM identities, chat room identities, or internet identities, all URLs registered or used by the offender, all blogs or other sites maintained by or to which the offender has uploaded content or posted messages, crime, whether they are a sexually dangerous person, photograph or other information useful in identification, and employment information
Mandatory Notification	1) Boards of institutions of higher education where offender is required to register, resides, is employed or is enrolled 2) School boards and principals of public schools, child care facilities, and libraries located where offender is required to register or is employed	All Sex Offenders	Name, address, date of birth, place of employment, school attended, e-mail addresses, instant messaging identities, chat room identities, other Internet communications identities, all URLs registered or used by the offender, all blogs and other Internet sites maintained by offender or to which they have uploaded any content or posted any messages or information, and offense or adjudication of all offenders
Public Internet Registry	Members of the Public	All Sex Offenders	All information contained in the Sex Offender Database

## **E. Required Residency Restrictions**

(For complete information, see Illinois Compiled Statutes Annotated, Chapter 720, Act 5)

## ILLINOIS

Restriction Applies To	Type of Restriction
Child Sex Offenders	1) Prohibition from residing within 500 feet of a school attended by persons under 18 years
	2) Prohibition from residing within 500 feet of a playground, child care institution, day care center, part day child care facility, or a facility providing programs or services exclusively directed toward persons under 18 years of age
	3) Prohibition from residing within 500 feet of the victim of the sex offense where victim is under 21 years

### F. Required Employment Restrictions

- No statutory provisions

### G. Required Electronic Monitoring

(For complete information, see Illinois Compiled Statutes Annotated, Chapter 730, Act 5)

Type of Monitoring	Applicable To	Duration
Electronic Home Detention Program <sup>162</sup>	Offenders convicted of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault	At least the first 2 years of the mandatory supervised release term
	Offenders convicted for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse where the victim was under 18 years	

### H. Civil Commitment

(For complete information, see Illinois Compiled Statutes Annotated Chapter 725, Act 207)

Commitment Applies To	Treatment Setting	Period of Confinement
Sexually Violent Persons	Secure facility or community out-patient setting	Indeterminate

<sup>162</sup> Requires that participant must not leave the interior or property boundaries of the participant's home except for approved absences related to employment, medical or mental health treatment, education, religious services, or community work release programs.



## INDIANA

### INDIANA

#### A. Crimes for which conviction results in classification as a “sex or violent offender.”

(For complete information, see Annotated Indiana Code, Title 11, Chapter 8 and Title 35)

Crime <sup>163</sup>	Definition	Penalty <sup>164</sup>
<b>Rape</b>	1) Knowingly or intentionally having sexual intercourse with a member of the opposite sex when either a) the act is by force b) the victim is unaware that it is occurring, or c) the victim is so mentally disabled that consent cannot be given	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000
	2) Knowingly or intentionally having sexual intercourse with a member of the opposite sex under the circumstances described above and where the act: a) is committed by using or threatening the use of deadly force b) is committed while armed with a deadly weapon c) results in serious bodily injury to a person other than a defendant, or d) is committed by giving the victim a drug or knowing the victim has been given a drug without their knowledge	20-50 years, with advisory sentence of 30 years and fine of up to \$10,000
<b>Criminal Deviate Conduct</b>	1) Knowingly or intentionally causing another person to perform or submit to deviate sexual conduct when either a) the act is by force b) the victim is unaware that it is occurring, or c) the victim is so mentally disabled that consent cannot be given	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000
	2) Knowingly or intentionally causing another person to perform or submit to deviate sexual conduct under the circumstances described above and where the act: a) is committed by using or threatening the use of deadly force b) is committed while armed with a deadly weapon c) results in serious bodily injury to a person other than a defendant, or d) is committed by giving the victim a drug or knowing the victim has been given a drug without their knowledge	20-50 years, with advisory sentence of 30 years and fine of up to \$10,000
<b>Child Molesting</b>	1) Performing or submitting to sexual intercourse or deviate sexual conduct with a child under 14	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000

<sup>163</sup> Offenses marked with an asterisk (\*) are only registrable offenses when the victim is under 18 years.

<sup>164</sup> In addition to listed penalties, any person convicted of a Class A felony sex offense against a child may be sentenced to life imprisonment without parole. All sex offenders are subject to mandatory parole of up to 10 years with sexually violent predators (see Part B below) being subject to mandatory lifetime parole.

## INDIANA

Crime	Definition	Penalty
<b>Child Molesting (cont.)</b>	2) Performing or submitting to sexual intercourse or deviate sexual conduct with a child under 14 when the act: <ul style="list-style-type: none"> <li>a) is committed by a person at least 21</li> <li>b) is committed by deadly force or while armed with a deadly weapon</li> <li>c) results in serious bodily injury, or</li> <li>d) is committed by giving the victim a drug or knowing the victim has been given a drug without their knowledge</li> </ul>	20-50 years, with advisory sentence of 30 years and fine of up to \$10,000
	3) Performing or submitting to any fondling or touching, of either a child or the older person, with a child under 14 and with intent to arouse or to satisfy the sexual desires of either the child or the older person	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000
	4) Performing or submitting to any fondling or touching, of either a child or the older person, with a child under 14 and with intent to arouse or to satisfy the sexual desires of either the child or the older person when the act: <ul style="list-style-type: none"> <li>a) is committed by using or threatening the use of deadly force</li> <li>b) is committed while armed with a deadly weapon, or</li> <li>c) is committed by giving the victim a drug or knowing the victim has been given a drug without their knowledge</li> </ul>	20-50 years, with advisory sentence of 30 years and fine of up to \$10,000
<b>Child Exploitation</b>	1) Knowingly or intentionally managing, producing, sponsoring, presenting, exhibiting, photographing, filming, videotaping, or creating a digitized image of any performance or incident that includes sexual conduct by a child under 18	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000
	2) Knowingly or intentionally disseminating, exhibiting, offering to disseminate or exhibit, or sending or bringing into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under 18	
	3) Knowingly or intentionally making available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than 18	
<b>Vicarious Sexual Gratification</b>	1) Knowingly or intentionally directing, aiding, inducing, or causing a child under 16 to touch or fondle himself or another child under 16 with intent to arouse or satisfy the sexual desires of a child or the older person	6 months – 3 years, with advisory sentence of 1.5 years and fine of up to 10,000
	2) Engaging in sexual intercourse, deviate sexual conduct or touching or fondling a person's own body in the presence of a child under 14 with intent to arouse or satisfy the sexual desires of the child or the older person	
	3) Vicarious sexual gratification as described in 1) above where victim is under 14 years	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000

## INDIANA

Crime	Definition	Penalty
<b>Vicarious Sexual Gratification (cont.)</b>	4) Knowingly or intentionally directing, aiding, inducing, or causing a child under 16 to: a) engage in sexual intercourse with another child under 16 b) engage in sexual conduct with an animal, or c) engage in deviate sexual conduct with another person	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000
	5) Vicarious sexual gratification as described in 1) above when the act is either a) committed by using or threatening the use of deadly force b) committed while armed with a deadly weapon, or c) committed by giving the victim a drug or knowing the victim has been given a drug without their knowledge	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000
	6) Vicarious sexual gratification as described in 4) above where victim is under 14 years	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000
	7) Vicarious sexual gratification as described in 1) above that results in serious bodily injury  8) Vicarious sexual gratification as described in 4) above when the act either a) is committed by using or threatening the use of deadly force b) is committed while armed with a deadly weapon c) results in serious bodily injury to a person other than a defendant, or d) is committed by giving the victim a drug or knowing the victim has been given a drug without their knowledge	20-50 years, with advisory sentence of 30 years and fine of up to \$10,000
<b>Child Solicitation</b>	1) Knowingly/intentionally soliciting a child under 14, or an individual the person believes to be a child under 14, to engage in sexual intercourse, deviate sexual conduct, or any fondling or touching intended to arouse or satisfy the sexual desires of the child or the older person	6 months – 3 years, with advisory sentence of 1.5 years and fine of up to 10,000
	2) When at least 21, knowingly/intentionally soliciting a child at least 14 but less than 16, or an individual the person believes to be a child at least 14 but less than 16, to engage in sexual intercourse, deviate sexual conduct, or any fondling or touching intended to arouse or satisfy the sexual desires of the child or the older person	
	3) Child solicitation where offense is committed by a computer network	1 <sup>st</sup> Offense: 2 – 8 years, with advisory sentence of 4 years and fine of up to \$10,000 2 <sup>nd</sup> Offense: 6-20 years, with advisory sentence of 10 years and fine of up to \$10,000
<b>Child Seduction</b>	When being the guardian, adoptive parent, adoptive grandparent, custodian, stepparent of, or child care worker for a child at least 16 but less than 18, engaging with that child in sexual intercourse, deviate sexual conduct, or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction	6 months – 3 years, with advisory sentence of 1.5 years and fine of up to 10,000

## INDIANA

Crime	Definition	Penalty
<b>Sexual Misconduct with a Minor</b> <sup>165</sup>	1) Performing or submitting to sexual intercourse or deviate sexual conduct with a child at least 14 but less than 16	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000
	2) Performing or submitting to any fondling or touching, of either a child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, with a child at least 14 but less than 16 where accused is 21 or over	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000
	3) Performing or submitting to sexual intercourse or deviate sexual conduct with a child at least 14 but less than 16 where accused is 21 or over	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000
	4) Performing or submitting to any fondling or touching, of either a child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, with a child at least 14 but less than 16 when the act: <ul style="list-style-type: none"> <li>a) is committed by using or threatening the use of deadly force</li> <li>b) is committed while armed with a deadly weapon</li> <li>c) results in serious bodily injury to a person other than a defendant, or</li> <li>d) is committed by giving the victim a drug or knowing the victim has been given a drug without their knowledge</li> </ul>	
	5) Performing or submitting to sexual intercourse or deviate sexual conduct with a child at least 14 but less than 16 when the act: <ul style="list-style-type: none"> <li>a) is committed by using or threatening the use of deadly force</li> <li>b) is committed while armed with a deadly weapon</li> <li>c) results in serious bodily injury to a person other than a defendant, or</li> <li>d) is committed by giving the victim a drug or knowing the victim has been given a drug without their knowledge</li> </ul>	
<b>Incest</b>	1) Engaging in sexual intercourse or deviate sexual conduct with another person, when the person knows that the other person is related to the person biologically as a parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000
	2) Incest where the victim is under 16 years	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000
<b>Sexual Battery</b>	1) Touching another person with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person when: <ul style="list-style-type: none"> <li>a) the act is by force, or</li> <li>b) the victim is so mentally disabled that consent cannot be given</li> </ul>	6 months – 3 years, with advisory sentence of 1.5 years and fine of up to 10,000

<sup>165</sup> Individuals convicted of sexual misconduct with a minor under the circumstances described in 1) and 2) are not required to register if: A) he/she is not more than: (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and B) the sentencing court finds that the person should not be required to register as a sex offender.

## INDIANA

Crime	Definition	Penalty
<b>Sexual Battery (cont.)</b>	2) Touching another person with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person when the act: a) is committed by deadly force, b) is committed while armed with a deadly weapon, or c) is committed by giving the victim a drug or knowing the victim has been given a drug without their knowledge	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000
<b>Kidnapping*</b>	Knowingly or intentionally confining another person or removing another person, by fraud, enticement, force, or threat of force, from one place to another: a) with intent to obtain ransom b) while hijacking a vehicle c) with intent to obtain the release, or intent to aid in the escape, of any person from lawful detention, or d) with intent to use the person confined as a shield or hostage	20-50 years, with advisory sentence of 30 years and fine of up to \$10,000
<b>Criminal Confinement*</b>	1) Knowingly or intentionally confining another person without the other person's consent or removing another person, by fraud, enticement, force, or threat of force, from one place to another	6 months – 3 years, with advisory sentence of 1.5 years and fine of up to 10,000
	2) Criminal confinement where: a) the person confined or removed is under 14 years and is not the confining or removing person's child b) the offense is committed by using a vehicle, or c) the offense results in bodily injury to a person other than the confining or removing person	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000
	3) Criminal confinement where the offense: a) is committed while armed with a deadly weapon b) results in serious bodily injury to a person other than the confining or removing person, or c) is committed on an aircraft	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000
<b>Possession of Child Pornography</b>	Knowingly or intentionally possessing a picture, drawing, photograph, negative image, undeveloped film, motion picture, videotape, digitized image, or any pictorial representation that depicts or describes sexual conduct by a child who the person knows is less than 16 or who appears to be less 16, and that lacks serious literary, artistic, political, or scientific value commits possession of child pornography	6 months – 3 years, with advisory sentence of 1.5 years and fine of up to 10,000
<b>Promoting Prostitution</b>	Knowingly or intentionally enticing or compelling a person under 18 to become a prostitute	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000
<b>Promoting Human Trafficking of a Minor*</b>	Knowingly or intentionally recruiting, harboring, or transporting a person by force, threat of force, or fraud to force the other person into marriage or prostitution	6-20 years, with advisory sentence of 10 years and fine of up to \$10,000

## INDIANA

Crime	Definition	Penalty
<b>Sexual Trafficking of a Minor</b>	Knowingly or intentionally selling or transferring custody of the child for the purpose of prostitution while being a parent, guardian, or custodian of a child less than 18	20-50 years, with advisory sentence of 30 years and fine of up to \$10,000
<b>Human Trafficking*</b>	Knowingly or intentionally paying, offering to pay, or agreeing to pay money or other property to another person for an individual who the person knows has been forced into prostitution	2-8 years, with advisory sentence of 4 years and fine of up to \$10,000

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Annotated Indiana Code, Title 11, Chapter 8 and Title 35, Chapter 38)

Registration	
<b>Year Enacted</b>	2006
<b>Responsible Agency</b>	Indiana Sheriff's Association
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt or conspiracy to commit an offense listed in Part A 3) Murder or voluntary manslaughter (or attempt or conspiracy to commit murder or voluntary manslaughter)
<b>Information Collected</b>	Full name, alias, any formers names, 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 offender owns or operates on a regular basis, principal residence address, other address where the offender spends more than 7 nights in a 14 day period, and mailing address, if different from the principal residence address; a description of the offense for which the offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable; if the person is required to register by virtue of employment/education status, the name and address of each of the 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 offender stays or intends to stay while in Indiana; a recent photograph of the sex or violent offender; whether the offender is a sexually violent predator; <sup>166</sup> whether the offender is required to register for life; and any other information required by the department

<sup>166</sup> A sexually violent predator is either a) a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any registrable offense, b) a person aged 18 years or older who commits rape, criminal deviate conduct, child molesting (as a Class A or B felony), vicarious sexual gratification (certain categories), or c) a person who commits a second registrable offense.

## INDIANA

<b>Registration</b>	
<b>Reporting Frequency</b>	Annually and within 72 hours of any change in address and where applicable of any change in principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school and within 7 days of any name change  Sexually violent predators: Every 90 days and within 72 hours of any change in address and where applicable of any change in principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school and within 7 days of any name change
<b>Duration</b>	1 <sup>st</sup> Offense: 10 years 2 <sup>nd</sup> Offense: Life  Life: 1) Sexually violent predators; 2) Offenders who are convicted of a sex or violent offense when the offender was at least 18 years and the victim was under 12 years; and 3) Offenders who are convicted of a sex or violent offense where he/she either a) proximately caused serious bodily injury or death to the victim, b) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony, or c) rendered the victim unconscious or otherwise incapable of giving voluntary consent
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: 6 months – 3 years, with advisory sentence of 1.5 years and fine of up to \$10,000 2 <sup>nd</sup> Offense: 2-8 years, with advisory sentence of 4 years and fine of up to \$10,000

### **D. Community Notification**

(For complete information, see Indiana Annotated Code, Title 11, Chapter 8 and Title 26, Chapter 2)

<b>Type of Notification</b>	<b>Individual/Group to whom Notification is Available</b>	<b>Notification Applies To:</b>	<b>Information Available</b>
Public Notification	Neighborhood Associations, upon request	All registered offenders	Information concerning registered offenders who reside near the location of the neighborhood association or instructional materials concerning the use of the Indiana sex and violent offender registry
Public Internet Registry	Members of the Public	All registered offenders	A recent photograph, home address, and all information in the registry

### **E. Required Residency Restrictions**

(For complete information, see Indiana Annotated Code, Title 35, Chapter 42)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
Offenders against children <sup>167</sup>	Prohibition from residing within 1,000 feet of school property, not including property of an institution providing post-secondary education, a youth program center, or a public park; or establishing a residence within 1 mile of the residence of the victim of the offender's sex offense

<sup>167</sup> Sexually violent predators and those convicted of (including attempt and conspiracy) child molesting, child exploitation, child solicitation, child seduction, kidnapping (if the victim is less than 18 years and the perpetrator is not the child's parent or guardian).

# **INDIANA**

## **F. Required Employment Restrictions**

(For complete information, see Indiana Annotated Code, Title 35, Chapter 42)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
Offenders against children	Prohibition from knowingly or intentionally works for compensation or as a volunteer on school property, at a youth program center, or at a public park

## **G. Required Electronic Monitoring**

- No statutory provisions

## **H. Civil Commitment**

- No statutory provisions



## IOWA

### IOWA

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Iowa Statutes Annotated, Title XVI, Chapters 692A, 701 – 747, and 901A, 902, and 903B)

<b>Crime<sup>168</sup></b>	<b>Description</b>	<b>Penalty</b>
<b>Sexual Abuse**</b>	<b>First Degree:</b> 1) Sexual abuse (performing any sex act with another person when the act is performed either: a) by force or against the will of the other, b) while the other person is suffering from a mental defect/incapacity precluding consent, or c) while the other person is a child) <sup>169</sup> where the act causes another serious injury	Life; Lifetime post-prison supervision
	<b>Second Degree:</b> 2) Sexual abuse where the person displays a dangerous weapon or uses or threatens to use force creating a substantial risk of death or serious injury to any person	Up to 25 years; Lifetime post-prison supervision
	3) Sexual abuse where the other person is under the age of 12	
	4) Sexual abuse where the person is aided or abetted by one or more persons and the act is committed by force	
	<b>Third Degree:</b> 5) Sexual abuse where the act is done by force or against the will of the other person	Up to 10 years and fine of \$1,000 - \$10,000; Lifetime post-prison supervision
	6) Sexual abuse where the act is between persons not cohabiting as husband and wife and either a) the other person is suffering from a mental defect/incapacity precluding consent b) the other person is 12 or 13 years, or c) the other person is 14 or 15 years and the perpetrator is i) a member of the same household as the other person, ii) related to the other person, iii) in a position of authority over the other person and uses that authority to coerce the other person to submit, or iv) is 4 or more years older than the other person	
	7) Sexual abuse where the act is performed while the other person is (and the perpetrator knows he/she is) under the influence of a controlled substance which prevents the other person from consenting	
	8) Sexual abuse where the act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless	

<sup>168</sup> Offenses marked with an asterisk (\*) are predatory sexual offenses and are subject to special sentencing provisions for second and subsequent convictions; Offenses marked with two asterisks (\*\*) are also predatory sexual offenses and in addition to the special sentencing provisions, when committed against a victim under 12 years, are offenses for which hormonal intervention therapy may be imposed as a condition of release.

<sup>169</sup> Unless otherwise specified, a child is anyone under 14 years; a minor is anyone under 18 years.

## IOWA

Crime	Description	Penalty
<b>Lascivious Act with a Child**</b>	Being 16 years or older, performing any of the following acts with a child (unless married to each other) for the purpose of arousing or satisfying the sexual desires of either of them: 1) Fondling or touching the pubes or genitals of a child	Up to 10 years and fine of \$1,000 - \$10,000; Lifetime post-prison supervision
	2) Permitting or causing a child to fondle or touch the person's genitals or pubes	
	3) Soliciting a child to engage in a sex act or soliciting a person to arrange a sex act with a child	Up to 5 years and fine of \$750 - \$7,500; 10 years post-prison supervision
	4) Inflicting pain or discomfort upon a child or permitting a child to inflict pain or discomfort on the person	
<b>Assault with Intent to Commit Sexual Abuse**</b>	1) Committing an assault with the intent to commit sexual abuse when the person causes serious injury to any person	Up to 10 years and fine of \$1,000 - \$10,000; Lifetime post-prison supervision
	2) Committing an assault with the intent to commit sexual abuse when the person causes injury to any person other than serious injury	Up to 5 years and fine of \$750 - \$7,500; 10 years post-prison supervision
	3) Committing an assault with the intent to commit sexual abuse when the person causes no injury to any person	Up to 2 years and fine of \$625 - \$6,250; 10 years post-prison supervision
<b>Dissemination and exhibition of Obscene Material to a Minor</b>	Knowingly disseminating or exhibiting obscene material to a minor, including the exhibition of obscene material so that it can be observed by a minor where it is displayed	Up to 1 year and fine of \$315 - \$1,875
<b>Admitting Minors to Premises Where Obscene Material Is Exhibited</b>	1) Knowingly selling, giving, delivering, or providing a minor with a pass or admitting the minor to premises where obscene material is exhibited	Up to 1 year and fine of \$315 - \$1,875
	2) Knowingly selling, giving, delivering, or providing a child with a pass or admitting the minor to premises where obscene material is exhibited	Up to 2 years and fine of \$625 - \$6,250
<b>Stalking<sup>170</sup></b>	Purposefully engaging a course of conduct directed at a specific person (under 18 years) that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person's immediate family where the perpetrator has knowledge that the specific person will be placed in fear and his/her conduct does induce fear in the specific person	Up to 5 years and fine of \$750 - \$7,500
<b>Sexual Exploitation of a Minor**</b>	1) Knowingly promoting any material visually depicting a live performance of a minor engaging in or simulating a prohibited sex act	Up to 5 years and fine of \$750 - \$25,000; 10 years post-prison supervision

<sup>170</sup> Registration is only required where the fact-finder determines by clear and convincing evidence that the offense was sexually motivated.

## IOWA

Crime	Description	Penalty
<b>Sexual Exploitation of a Minor (cont.)**</b>	2) Knowingly purchasing or possessing a negative, slide, book, magazine, computer, computer disk, or other print or visual medium, or an electronic, magnetic, or optical storage system, or any other type of storage system which depicts a minor engaging in or simulating a prohibited sex act	1 <sup>st</sup> Offense: Up to 2 years and fine of \$625 - \$6,250 2 <sup>nd</sup> Offense: Up to 5 years and fine of \$750 - \$7,500  10 years post-prison supervision
<b>Telephone Dissemination of Obscene Material to Minors</b>	Knowingly disseminating obscene material by telephone to a minor	1 <sup>st</sup> Offense: Up to 2 years and fine of \$625 - \$6,250 2 <sup>nd</sup> Offense: Up to 5 years and fine of \$750 - \$7,500
<b>Rental or Sale of Hardcore Pornography</b>	Knowingly renting, selling, or offering for rental or sale material depicting patently offensive representations of oral, anal, or vaginal intercourse, masturbation, excretory functions, bestiality, or lewd exhibition of genitals, which an adult applying statewide contemporary community standards would find appeals to prurient interest, and which lack serious literary, scientific, political, or artistic value	1 <sup>st</sup> Offense: Up to 2 years and fine of \$625 - \$6,250 2 <sup>nd</sup> Offense: Up to 5 years and fine of \$750 - \$7,500
<b>Indecent Exposure*</b>	Exposing one's genitals or pubes to or committing a sex act in front of another person when the person does so to arouse or satisfy the sexual desires of either party and the person knows the act is offensive to the other person	Up to 1 year and fine of \$315 - \$1,875; 10 years post-prison supervision
<b>Sexual Misconduct with Offenders and Juveniles*</b>	Engaging in a sex act with an individual committed to the custody of the department of corrections or juvenile placement facility when the person is an officer, employee, contractor, vendor, volunteer, or agent of the department of corrections or juvenile placement facility	Up to 2 years and fine of \$625 - \$6,250; 10 years post-prison supervision
<b>Sexual Exploitation by a Counselor, Therapist**</b>	Being a physician, psychologist, nurse, professional counselor, social worker, marriage or family therapist, alcohol or drug counselor, member of the clergy, or any other person, whether or not licensed or registered by the state, who provides or purports to provide mental health services:	Up to 2 years and fine of \$625 - \$6,250; 10 years post-prison supervision
	1) Engaging in sexual conduct with an emotionally dependant patient or client or former patient or client for the purpose of arousing or satisfying the sexual desires of the person or the emotionally dependent patient or client or former patient or client	
	2) Engaging in sexual conduct with a patient or client or former patient or client within one year of the termination of the provision of mental health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the patient or client or former patient or client	
	3) Engaging in a pattern of sexual exploitation by a counselor or therapist (as described above)	Up to 5 years and fine of \$750 - \$7,500; 10 years post-prison supervision

### B. Risk Assessment

## **IOWA**

(For complete information, see Iowa Statutes Annotated, Title XVI, Chapter 692A)

<b>Risk Assessment</b>	
<b>Applies to</b>	Community Notification
<b>Responsible Agency</b>	Departments of Corrections, Human Services and Public Safety
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	Yes
<b>Risk Levels Utilized</b>	1) Low-risk 2) At-risk a) Moderate-risk b) High-risk
<b>Assessment Details</b>	Community notification is based on the risk levels assigned

### **C. Registration**

(For complete information, see Iowa Statutes Annotated, Title XVI, Chapter 692A)

<b>Registration</b>	
<b>Year Enacted</b>	2005
<b>Responsible Agency</b>	Department of Public Safety
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Burglary in the first degree if a sex act is committed during the offense 3) Murder, attempted murder, kidnapping, burglary or manslaughter, if sexual abuse is committed during the offense 4) Kidnapping or false Imprisonment of a minor (except by a parent) 5) Any indictable offense involving sexual conduct directed toward a minor 6) Solicitation of a minor to engage in an illegal sex act 7) Use of a minor in a sexual performance 8) Solicitation of a minor to practice prostitution 9) Any indictable offense against a minor involving sexual contact with the minor 10) Incest committed against a minor 11) Any attempt to commit an offense listed in Part A or any offense listed above
<b>Information Collected</b>	Name, social security number, date of birth, current address, telephone number (if applicable), any additional relevant information such as, but not limited to, fingerprints and photographs but not including information identifying the victim of the crime of which the registrant was convicted; Additional information for persons required to register as a sexually violent predator <sup>171</sup> shall include, but not be limited to, other identifying factors, anticipated future places of residence, offense history, and documentation of any treatment received by the person for mental abnormality or personality disorder
<b>Reporting Frequency</b>	Within 5 days of any change in address, name or in status as a student or in employment/vocation

<sup>171</sup> As defined by the federal Violent Crime Control and Enforcement Act of 1994.

## IOWA

Registration	
<b>Duration</b>	1 <sup>st</sup> Offense: 10 years 2 <sup>nd</sup> Offense: Life Sexually Violent Predators: Life
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: Up to 2 years and fine of \$625 - \$6,250 2 <sup>nd</sup> Offense (within 10 years): Up to 5 years and fine of \$750 - \$7,500  Probation, parole or work release revocation Knowing violation and any registrable offense except lascivious acts with a child, burglary in the first degree if a sex act is committed during the offense: Up to 10 years and fine of \$1,000 - \$10,000

### D. Community Notification

(For complete information, see Iowa Statutes Annotated, Title XVI, Chapter 692A)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Discretionary Notification	Members of the Public upon request	All sex offenders	All information contained in the registry
	Members of the Public upon request	All sex offenders classified as “at-risk”	List of registrants classified as “at-risk”
	Public and private agencies, organizations, public places, public and private schools, child care facilities, religious and youth organizations, neighbors, and employers	All sex offenders classified as “at-risk”	All information contained in the registry
	Neighborhood associations or community meetings	All sex offenders classified as “high-risk”	All information contained in the registry
Public Internet Registry	Members of the Public	All sex offenders classified as “moderate-risk” or “high-risk”	All information contained in the registry

### E. Required Residency Restrictions

(For complete information, see Iowa Statutes Annotated, Title XVI, Chapter 692A)

Restriction Applies To	Type of Restriction
All those convicted of a registrable offense involving a minor	Prohibition from living within 200 feet of an elementary or secondary school or a child care facility

# IOWA

## F. Required Employment Restrictions

- No Statutory Provisions

## G. Required Electronic Monitoring

(For complete information, see Iowa Statutes Annotated, Title XVI, Chapter 692A)

Type of Monitoring	Applicable To	Duration
Electronic Tracking and Monitoring	All those on probation, parole, work release, special sentence or any other type of conditional release who were convicted of a registrable offense involving a minor	5 years

## H. Civil Commitment

(For complete information, see Iowa Statutes Annotated, Title VI, Chapter 229A)

Commitment Applies To	Treatment Setting	Period of Confinement
Persons convicted of a sexually violent offense <sup>172</sup> who suffer from a mental abnormality which makes the person likely to engage in predatory acts constituting sexually violent offenses	Secure facility	Indeterminate

<sup>172</sup> Sexually violent offenses include all predatory sexual offenses; murder, kidnapping, burglary and child endangerment where the offense involves sexual abuse, attempted sexual abuse, or intent to commit sexual abuse; sexual exploitation of a minor; pandering involving a minor. Note: Not all of these offenses require registration.

## KANSAS

### KANSAS

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see K.S.A. 21—3500-3525, 22—4902—02)

Crime <sup>173</sup>	Description	Penalty <sup>174</sup>
<b>Rape</b>	1) Sexual intercourse without consent due to force, fear, incapacitation	20 – 22.25 years
	2) Sexual intercourse without consent with child under 14 years old if offender is an adult	1 <sup>st</sup> Offense: 25 year minimum 2 <sup>nd</sup> Offense: 40 year minimum
	3) Sexual intercourse without consent due to misrepresentation	15 – 16.67 years
<b>Indecent Liberties with a Child</b>	Engaging or soliciting to engage in lewd fondling or touching of child aged 14 - 16	4.2 – 4.6 years
<b>Aggravated Indecent Liberties with a Child</b>	1) Sexual intercourse with a child aged 14-16	7.4 – 8.33 years
	2) Lewd fondling or touching of child 14-16 without consent	5.2 – 5.75 years
	3) Engaging or soliciting to engage in lewd fondling or touching of child under 14 if offender is a juvenile	7.4 – 8.33 years
	4) Engaging or soliciting to engage in lewd fondling or touching of child under 14 if offender is an adult	1 <sup>st</sup> Offense: 25 year minimum 2 <sup>nd</sup> Offense: 40 year minimum
<b>Criminal Sodomy*</b>	1) Sodomy between persons who are 16 or more years of age and members of the same sex or between a person and an animal (offender, not sex offender)	Up to 1 year
	2) Sodomy with a child aged 14-16, or causing child of said age to engage in sodomy (sex offender)	7.4 – 8.33 years
<b>Aggravated Criminal Sodomy</b>	1) Sodomy with a child who is under 14 years of age if the offender is a juvenile	20 – 22.25 years
	2) Causing a child under 14 years of age to engage in sodomy with any person or animal if the offender is a juvenile	
	3) Sodomy without consent or causing a person to engage in sodomy without consent	

<sup>173</sup> Offenses marked with an asterisk (\*) are crimes against children that result in classification as an “offender.”

<sup>174</sup> 1) Persistent Sex Offenders: In addition to the specified penalties, special penalties apply to anyone with two convictions for a sexually violent crime (rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy involving child aged 14-16, aggravated criminal sodomy, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child, aggravated sexual battery, aggravated incest, attempts at the above, and other sexually motivated crimes). Where the current crime of conviction carries a presumptive prison term, the penalty is double the maximum duration and where the current crime of conviction carries a presumptive non-prison term, the penalty is double the maximum presumptive duration; 2) Aggravated Habitual Sex Offenders: In addition to the specified penalties, special penalties apply to persons convicted of a felony sexually violent crime (rape, indecent liberties or aggravated indecent liberties with a child, criminal sodomy, or aggravated criminal sodomy, indecent solicitation of a child or aggravated indecent solicitation of a child, sexual exploitation of a child, aggravated sexual battery, aggravated incest, attempts at the above, and other sexually motivated crimes); who has two prior convictions for any sexually violent crime. The penalty for aggravated habitual sex offenders is life without parole.

## KANSAS

Crime	Description	Penalty
<b>Aggravated Criminal Sodomy (cont.)</b>	4) Sodomy with a child who is under 14 years of age if the offender is an adult	1 <sup>st</sup> Offense: 25 year minimum
	5) Causing a child under 14 years of age to engage in sodomy with any person or an animal if the offender is an adult	2 <sup>nd</sup> Offense: 40 year minimum
<b>Indecent Solicitation of a Child</b>	1) Enticing or soliciting a child aged 14-16 to commit or to submit to an unlawful sexual act	2.67 – 3 years
	2) Inviting, persuading or attempting to persuade a child aged 14-16 to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act	
<b>Aggravated Indecent Solicitation of a Child</b>	1) Enticing or soliciting a child under 14 to commit or to submit to an unlawful sexual act	4.2 – 4.6 years
	2) Inviting, persuading or attempting to persuade a child under 14 to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act	
<b>Sexual Exploitation of a Child</b>	1) Employing, using, persuading, inducing, enticing or coercing a child under 18 years of age to engage in sexually explicit conduct for the purpose of promoting any performance	4.2 – 4.6 years
	2) Possessing any visual depiction of a child under 18 engaging in sexually explicit conduct	
	3) Being a parent, guardian or other person having custody or control of a child under 18 years of age and knowingly permitting such child to engage in sexually explicit conduct	
	4) Promoting any performance of sexually explicit conduct by a child under 18	
	5) Employing, using, persuading, inducing, enticing or coercing a child under 14 years of age to engage in sexually explicit conduct for the purpose of promoting any performance if the offender is a juvenile	
	6) Employing, using, persuading, inducing, enticing or coercing a child under 14 years of age to engage in sexually explicit conduct for the purpose of promoting any performance if the offender is an adult	1 <sup>st</sup> Offense: 25 year minimum 2 <sup>nd</sup> Offense: 40 year minimum
	7) Promoting any performance that includes sexually explicit conduct by a child under 14 years of age	
<b>Sexual Battery</b>	Intentional touching (with intent to arouse) of someone 16 or older other than a spouse without consent	Up to 1 year
<b>Aggravated Sexual Battery</b>	Intentional touching (with intent to arouse) of someone 16 or older other than a spouse without consent when the victim is overcome by force or fear, is unconscious or physically powerless; or is incapable of giving consent due to mental deficiency or obvious intoxication or substance use	4.2 – 4.6 years
<b>Aggravated Incest</b>	1) Marriage to close relative who is under age 18, or lewd fondling of close relative aged 16-18	1.8 – 2.2 years
	2) Engaging in sexual intercourse or sodomy with a close relative	4.2 – 4.6 years



## KANSAS

Crime	Description	Penalty
<b>Kidnapping*</b>	Except by a parent, taking or confining of any person by force, threat or deception, with the intent to hold such person for ransom, or as a shield or hostage; to facilitate flight or the commission of any crime; to inflict bodily injury or to terrorize the victim or another; or to interfere with the performance of any governmental or political function	7.4 – 8.33 years
<b>Aggravated Kidnapping*</b>	Kidnapping of person when bodily harm is inflicted upon the person kidnapped	20 – 22.25 years
<b>Criminal Restraint*</b>	Except by parent, knowingly and without legal authority restraining another person so as to interfere substantially with such person's liberty	Up to 1 year
<b>Promoting Prostitution*</b>	Where prostitute is under 14 and offender is an adult: 1) Being engaged in a house of prostitution's operations  2) Permitting any place owned or controlled by defendant to be used as a house of prostitution  3) Procuring a prostitute for a house of prostitution  4) Inducing another to become a prostitute  5) Soliciting a patron for a prostitute or for a house of prostitution  6) Procuring a prostitute for a patron  7) Transporting a person to assist or promote that person's engaging in prostitution  8) Being employed to perform any act listed above	1 <sup>st</sup> Offense: 25 year minimum 2 <sup>nd</sup> Offense: 40 year minimum
	9) Promoting prostitution where the prostitute is aged 14-16	2.67 – 3 years
	10) Promoting prostitution where the prostitute is over 16	1 <sup>st</sup> Offense: Class A misdemeanor 2 <sup>nd</sup> Offense: 1.83 – 2.2 years
<b>Patronizing a Prostitute*</b>	Knowingly entering a house of prostitution or knowingly hiring a prostitute to engage in sexual intercourse, sodomy or any unlawful sexual act	Up to 1 year
<b>Lewd and Lascivious Behavior*</b>	1) Publicly engaging in otherwise lawful sexual intercourse or sodomy knowing that the participants are being viewed by others, publicly exposing a sex organ, or exposing a sex organ to another without consent	
	2) Lewd and lascivious behavior where the victim is under 16	Up to 1 year
	3) Lewd and lascivious behavior where the victim is over 16	0.9 – 1.1 years

## KANSAS

Crime	Description	Penalty
<b>Unlawful Sexual Relations*</b>	Being an employee or volunteer of an institution or public entity, such as law enforcement, community corrections, juvenile detention, courts, adult corrections, school or social service institution, having sexual relations with a victim under the supervision or authority of the offender	0.67 – 0.83 years
<b>Adultery*</b>	Sexual intercourse when at least one of the individuals is married	Up to 1 year
<b>Aggravated Trafficking</b>	1) Recruiting, harboring, transporting, providing or obtaining another person under 18 knowing that force, fraud, threat or coercion will be used to cause the person to engage in forced labor or involuntary servitude, involving the commission or attempted commission of kidnapping, committed in whole or in part for the purpose of the sexual gratification of the defendant or another; or resulting in a death	20 – 22.25 years
	2) Aggravated Trafficking where the offender is an adult and the victim is under 14	1 <sup>st</sup> Offense: 25 year minimum 2 <sup>nd</sup> Offense: 40 year minimum

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see K.S.A. 22—4901-4910.)

Registration	
<b>Year Enacted</b>	1993
<b>Responsible Agency</b>	Kansas Bureau of Investigation
<b>Eligible Offenses/Statutes</b>	All offenses listed in Part A above
<b>Information Collected</b>	Name; date and place of birth; offenses committed; date of convictions obtained; county of convictions obtained; sex and age of victim; current address; social security number; identifying characteristics such as race, skin tone, sex, age, hair and eye color, scars, tattoos and blood type; occupation, name of employer and place of employment; drivers license and information for vehicle normally operated by the offender; documentation of any treatment received for a mental abnormality or personality disorder; anticipated future residence; photograph; fingerprints; school; any and all e-mail addresses and online identities used by the offender on the internet; and DNA exemplars
<b>Reporting Frequency</b>	Annually (in month of birthday), and every four months thereafter; AND within 10 days of any change in address, educational enrollment, or employment

## KANSAS

<b>Registration</b>	
<b>Duration</b>	1 <sup>st</sup> Offense: 10 years 2 <sup>nd</sup> Offense: Lifetime <hr/> Lifetime Registration for: Sexually violent predators <sup>175</sup> and those convicted of rape, aggravated indecent liberties with a child, aggravated criminal sodomy with a child, promoting prostitution involving child under 14, sexual exploitation of a child <hr/> Juveniles: 5 years or until 18 years of age, whichever is greater
<b>Penalties for Non-Compliance</b>	4.2 – 4.6 years; violations which continue for more than 30 consecutive days constitute a new and separate offense

### **D. Community Notification**

(For complete information, see K.S.A. 22—4909)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To	Information Available
Public Internet Registry	Members of the Public	All registered offenders	Name, photo, last known address (including map link), <b>race, gender, date of birth, date registered, offense</b>

### **E. Residency Restrictions**

(For complete information, see K.S.A. 22-4913.)

- Cities and Counties are prohibited from establishing residential restrictions for sex offenders<sup>176</sup>

### **F. Employment Restrictions**

- No statutory provisions

### **G. Required Electronic Monitoring**

- No statutory provisions

<sup>175</sup> Person convicted of or charged with a sexually violent crime (see above) who suffers from a mental abnormality or personality disorder which makes the person likely to engage in repeat acts of sexual violence.

<sup>176</sup> Prohibition sunsets on June 30, 2008.

# KANSAS

## **H. Civil Commitment**

(For complete information, see Kansas Statute 59—29a—01-22)

<b>Commitment Applies To</b>	<b>Treatment Setting</b>	<b>Period of Confinement</b>
Sexually violent predators	In a secure facility under supervision of Secretary of Social and Rehabilitative Services, separate from other individuals who have been involuntarily committed. Can be transferred to Corrections on emergency basis	Annual examination following which person can petition court for release. After five years in transitional release, person can petition for final discharge

## KENTUCKY

### KENTUCKY

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see KRS Title III, 17.500 – 17.600, Title L, 509.020, 509.040, 526.020, 529.040, 529.100, 530.20, 530.064, and 531)

Crime <sup>177</sup>	Description	Penalty <sup>178</sup>
<b>Rape</b>	<b>First Degree:</b> 1) Engaging in sexual intercourse with another person by forcible compulsion, or with someone unable to consent because the person is physically helpless or under age 14	10-20 years
	2) First degree rape where victim is under age 12 or receives a serious physical injury	20-50 years or Life
	<b>Second degree:</b> 3) Engaging in sexual intercourse with someone who is mentally incapacitated	5-10 years
	4) Being an adult, engaging in sexual intercourse with a child under age 14	
	<b>Third degree:</b> 5) Engaging in sexual intercourse with person who is mentally retarded	1-5 years
	6) Being 21 years or older, engaging in sexual intercourse with child under age 16	
	7) Being 21 years or older, engaging in sexual intercourse with another person aged less than 18 for whom he or she provides a foster family	
	8) Being a person who is in a position of authority or special trust to a person under age 16 engaging in sexual intercourse with that person	
<b>Sodomy</b>	<b>First Degree:</b> 1) Engaging in deviate sexual intercourse (oral or anal intercourse) with another person by forcible compulsion, or with person who is incapable of consent because person is physically helpless or under age 12	10-20 years
	2) First degree sodomy where victim is under age 12 or receives a serious physical injury	20-50 years or life
	<b>Second Degree:</b> 2) Engaging in deviate sexual intercourse with someone who is mentally incapacitated	5-10 years
	3) Being an adult, engaging in deviate sexual intercourse with a child under age 14	
	<b>Third Degree:</b> 4) Engaging in deviate sexual intercourse with person who is mentally retarded	1-5 years
	5) Being 21 years or older, engaging in deviate sexual intercourse with child under age 16	

<sup>177</sup> Offenses marked with an asterisk (\*) are only registrable if the victim is under 18 years and the perpetrator is an adult, and the statute doesn't specifically refer to a minor victim.

<sup>178</sup> Any person who is convicted of a sex crime following a prior conviction for one or more sex crimes against a minor must be sentenced to 20-50 years; if the second crime is committed against a minor, the person must be sentenced to life or life without parole for 25 years.

## KENTUCKY

Crime	Description	Penalty
<b>Sodomy (cont.)</b>	6) Being 21 years or older, engaging in deviate sexual intercourse with another person aged less than 18 for whom he or she provides a foster family	1-5 years
	7) Being a person who is in a position of authority or special trust to a person under age 16, engaging in deviate sexual intercourse with that person	
<b>Sexual Abuse*</b>	<b>First Degree:</b> 1) Subjecting another person to sexual contact by forcible compulsion, or with someone unable to consent because the person is physically helpless, mentally incapacitated or under age 12	1-5 years
	2) First degree sexual abuse where victim is under 12	5-10 years
	<b>Second Degree:</b> 3) Subjecting another person under age 18 to sexual contact who is incapable	Up to 1 year
	4) As an employee, contractor, vendor, or volunteer of a correctional or detention facility, subjecting an offender to sexual contact.	
	5) Being over age 21, having sexual contact with person under age 18 for whom offender provides a foster family home	
	6) Being in a position of authority or special trust to a person under age 16 subjecting that person to sexual contact	
	<b>Third Degree:</b> 7) Sexual contact with a person under age 18 without consent, unless other person was aged 14-16 and actor was less than five years older	Up to 90 days
<b>Sexual Misconduct</b>	Engaging in sexual intercourse or deviate sexual intercourse with person under age 18 without their consent	Up to 1 year
<b>Indecent Exposure</b>	<b>First Degree:</b> Intentionally exposing genitals to a person under age 18	3 <sup>rd</sup> Offense: 1-5 years if committed within 3 years of prior conviction
<b>Electronic Solicitation of Minor</b>	Procuring or promoting the use of a minor, for any activity in violation of rape and sodomy laws where that offense involves commercial sexual activity, illegal sexual activity or controlled substances, or pornography.	1-5 years
<b>Incest</b>	1) Sexual intercourse or deviate sexual intercourse with person known to be ancestor, descendant, brother or sister where committed by consenting adults	5-10 years
	2) Incest committed by forcible compulsion, or on a victim under age 18 or incapable of consent due to physical helplessness or mental incapacitation	10-20 years
	3) Incest committed on a victim under age 12, or where victim receives serious physical injury	20-50 years or Life

## KENTUCKY

Crime	Description	Penalty
<b>Unlawful Transaction with a Minor in the First Degree</b>	1) Inducing, assisting, or causing a minor to engage in illegal sexual activity where the minor is under age 18	5-10 years
	2) Inducing, assisting, or causing a minor to engage in illegal sexual activity where the minor is under age 16	10-20 years
	3) Inducing, assisting, or causing a minor to engage in illegal sexual activity if the minor incurs physical injury	20-50 years or Life
<b>Use of a Minor in a Sexual Performance</b>	1) Employing, consenting to, authorizing or inducing a minor to engage in a sexual performance if the minor is under age 18	5-10 years
	2) Employing, consenting to, authorizing or inducing a minor to engage in a sexual performance if the minor is under age 16	10-20 years
	3) Employing, consenting to, authorizing or inducing a minor to engage in a sexual performance if the minor incurs physical injury	20-50 years or Life
<b>Promoting a Sexual Performance by a Minor</b>	1) Producing, directing or promoting any performance which includes sexual conduct by a minor if the minor is under age 18	5-10 years
	2) Producing, directing or promoting any performance which includes sexual conduct by a minor if the minor is under age 16	10-20 years
	3) Producing, directing or promoting any performance which includes sexual conduct by a minor if the minor incurs physical injury	20-50 years or Life
<b>Kidnapping*</b>	1) Except by a parent, unlawfully restraining a person with intent to hold him for ransom or reward, accomplish or to advance the commission of a felony, inflict bodily injury or to terrorize the victim or another, interfere with the performance of a governmental or political function, use him as a shield or hostage, or deprive parents of custody where victim is released alive in safe place	10-20 years
	2) Kidnapping where victim suffers serious physical injury	20-50 years or Life
	3) Kidnapping where victim in not released alive or dies as a result of injuries sustained in kidnapping	Capital offense
<b>Unlawful Imprisonment in the First Degree*</b>	Except by a parent, restraining a person under circumstances which expose that person to a risk of serious physical injury	1-5 years
<b>Human Trafficking*</b>	1) Intentionally subjecting someone to human trafficking	10-20
	2) Intentionally subjecting someone to human trafficking which results in serious injury	20-50 years or Life
<b>Promoting Prostitution*</b>	1) Advancing or profiting from prostitution of person	Up to 1 year
	2) Advancing or profiting from prostitution of person where multiple prostitutes involved	1-5 years
<b>Distribution of Obscene Matter to Minors*</b>	Sending, exhibiting or distributing obscene material to a minor.	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: 1-5 years
<b>Using Minors to Distribute Obscene Material*</b>	Hiring, employing or using a minor to send, exhibit or distribute obscene material.	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: 1-5 years
<b>Advertising Obscene Material*</b>	Writing or creating advertising or soliciting another to publish such advertising or otherwise promotes the sale or distribution of obscene matter, when it involves persons under 18.	Up to 90 days

## KENTUCKY

Crime	Description	Penalty
<b>Possession of Matter Portraying a Sexual Performance by a Minor</b>	Having in one's possession or control any matter which visually depicts an actual sexual performance by a minor person.	1-5 years
<b>Distribution of Matter Portraying a Sexual Performance by a Minor</b>	Sending or bringing into the state for sale or distribution; exhibiting for profit; distributing; or possessing with intent to distribute or exhibit any matter portraying a sexual performance by a minor.	1 <sup>st</sup> Offense: 1-5 years 2 <sup>nd</sup> Offense: 5-10 years
<b>Promoting Sale of Material Portraying a Sexual Performance by a Minor</b>	Requiring someone to receive any matter portraying a sexual performance of a minor as a condition of their selling other publications	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: 1-5 years 3 <sup>rd</sup> Offense: 5-10 years
<b>Advertising Material Portraying a Sexual Performance by a Minor</b>	Writing or creating advertising or soliciting anyone to publish such advertising or otherwise promoting the sale or distribution of matter portraying a sexual performance by a minor	1 <sup>st</sup> Offense: 1-5 years 2 <sup>nd</sup> Offense: 5-10 years
<b>Using Minors to Distribute Material Portraying a Sexual Performance by a Minor</b>	Hiring, employing, or using a minor to do or assist in distributing any of the material outlawed under the sexual performance by minor statute.	1 <sup>st</sup> Offense: 1-5 years 2 <sup>nd</sup> Offense (including distribution of obscene matters): 5-10 years.
<b>Voyeurism*</b>	Watching or recording a person under age 18 engaging in sexual conduct or views the genitals (and, for a female victim, breasts) of that person without their knowledge	Up to 1 year
<b>Video Voyeurism*</b>	Recording a person under age 18 engaging in sexual conduct or views the genitals (and, for a female victim, breasts) of that person without their knowledge, and uses, divulges or distributes any image so contained	1-5 years

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see K.R.S. 17.510)

Registration	
<b>Year Enacted</b>	1994
<b>Responsible Agency</b>	Kentucky Justice and Public Safety Cabinet (JPSC)
<b>Eligible Offenses/Statutes</b>	All offenses listed in Part A, above
<b>Information Collected</b>	Name, including any lawful name change together with the previous name and aliases used, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, a photograph, residence, electronic mail address and any instant messaging, chat, or other Internet communication name identities, description of the crime or crimes committed, and other information determined to be useful in the identification of registrants (including maximum date of sentence or supervision, whichever is longer, and date of registry expiration); DNA sample for certain sex offenses against a minor



## KENTUCKY

<b>Registration</b>	
<b>Reporting Frequency</b>	Every 2 years and upon any change in address
<b>Duration</b>	20 years from date of discharge from confinement or maximum discharge date on probation, shock probation, conditional discharge, parole or other form of early release, whichever is greater. Lifetime registration: For those convicted of 1st degree rape, 1st degree sodomy, kidnapping, unlawful confinement of a minor (except by a parent) and those convicted of a sex crime who have prior convictions of specified offenses, those convicted of 2 or more felony criminal offenses against victims who are minors, or anyone designated as a sexually violent predator in another jurisdiction
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: 1-5 years 2 <sup>nd</sup> Offense: 5-10 years  (Possible revocation of parole, probation, or conditional discharge)

### **D. Community Notification**

(For complete information, see KRS 17.510)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	All registered offenders	Name, aliases, photo, birth date, gender, race, height, weight, hair color, eye color, date registered, type of registration, compliance, address, offense, age of victim, supervision level, comments (e.g., number of counts, email address, etc.)
Sex Offender Alert Line	Members of the Public	All registered offenders	Upon entering specific zip codes, individual will receive a telephone alert notifying him or her that an offender has moved into that area; they are directed to the website for more details

### **E. Residency Restrictions**

(For complete information, see KRS 17.545)

Restriction Applies To	Type of Restriction
Adult registered sex offenders	Offenders are prohibited from living within 1,000 feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility. If a new facility is built less than 1,000 feet from an offender's residence, the offender must move within 90 days

## **KENTUCKY**

### **F. Required Employment Restrictions**

- No Statutory Provisions.

### **G. Required Electronic Monitoring**

- No Statutory Provisions

### **H. Civil Commitment**

- No Statutory Provisions

# LOUISIANA

## LOUISIANA

### A1. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Louisiana RS 14:283, 14:41-46; 14:78, 14:80-84; 14:86; 14:89, 14:92-93; and 23:251)

Crime	Description	Penalty
<b>Video Voyeurism</b>	1) Using any camera, videotape, photo-optical, photo-electric, or any other image recording device for the purpose of observing, viewing, photographing, filming, or videotaping a person where that person has not consented to the observing, viewing, photographing, filming, or videotaping and it is for a lewd or lascivious purpose	1 <sup>st</sup> Offense: 2 years with or without hard labor, up to \$2,000 fine 2 <sup>nd</sup> Offense: 6 months–3 years without Parole, up to \$2,000 fine
	2) Transferring of an image obtained by activity described above by live or recorded telephone message, electronic mail, the Internet, or a commercial online service	
	3) Video voyeurism involving viewing sexual intercourse or genitals	1-5 years at hard labor without Parole, up to \$10,000
	4) Video voyeurism involving viewing a child under age 17 with intent to arouse or gratify sexual desires of offender	2–10 years at hard labor without Parole, up to \$10,000 fine
<b>Rape</b>	1) Act of anal, oral, or vaginal sexual intercourse with a male or female person committed without the person's lawful consent	1 <sup>st</sup> Offense: Life imprisonment at hard labor without Parole
	2) Rape where victim is younger than 13	Death or Life imprisonment at hard labor without Parole
<b>Aggravated Rape</b>	1) Rape where the victim is a person 65 years of age or older	1 <sup>st</sup> Offense: Life imprisonment at hard labor without Parole
	2) Rape without lawful consent of the victim because it is committed under any one or more of the following circumstances:	3 <sup>rd</sup> Offense: Life without Parole
	a) victim resists the act to the utmost, but whose resistance is overcome by force	
	b) victim is prevented from resisting the act by threats of great and immediate bodily harm, accompanied by apparent power of execution, or offender is armed with a dangerous weapon	
	c) 2 or more offenders participated in the act	
d) when the victim suffers from a physical or mental infirmity		
e) victim is younger than 13	Death or Life imprisonment at hard labor without Parole	

## LOUISIANA

Crime	Description	Penalty
<b>Forcible Rape</b>	Rape committed without lawful consent due to any of the following circumstances: 1) Victim is prevented from resisting the act by force or threats of physical violence where the victim reasonably believes that such resistance would not prevent the rape	1 <sup>st</sup> Offense: 5-40 years at hard labor, at least two years without Parole
	2) Victim is in a stupor or abnormal condition of the mind produced by a narcotic or anesthetic agent or other controlled dangerous substance administered by the offender and without the knowledge of the victim	3 <sup>rd</sup> Offense: Life without Parole
<b>Simple Rape</b>	Anal, oral, or vaginal sexual intercourse that is without consent due to any of the following circumstances: 1) Victim is intoxicated and the offender knew or should have known of the victim's incapacity	1 <sup>st</sup> Offense: Up to 25 years with or without hard labor without Parole 3 <sup>rd</sup> Offense: Life without Parole
	2) Victim is of unsoundness of mind, whether temporary or permanent, or understanding the nature of the act and the offender knew or should have known of the victim's incapacity	
	3) When the female victim submits under the belief that the person committing the act is her husband and such belief is intentionally induced by any artifice, pretense, or concealment practiced by the offender	
<b>Sexual Battery</b>	1) Engaging in any of the following acts without the consent of the victim, or where the act is consensual but the other person, who is not the spouse of the offender, has not yet attained fifteen years of age and is at least three years younger than the offender: a) touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender b) touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim	1 <sup>st</sup> Offense: 10 years with or without hard labor without Parole 3 <sup>rd</sup> Offense: Life without Parole
	2) Sexual battery where victim is under 13 and offender is 17 or older	25 years to Life imprisonment at hard labor (25 year mandatory minimum)
<b>Second Degree Sexual Battery</b>	1) The touching of the anus or genitals of the victim by the offender or vice versa, using any instrumentality or any part of the body of the offender, which inflicts serious bodily injury on the victim	Up to 15 years with or without hard labor without Parole
	2) Second degree sexual battery where victim is under 13 and offender is 17 or older	25 years to Life imprisonment at hard labor (25 year mandatory minimum)

## LOUISIANA

Crime	Description	Penalty
<b>Oral Sexual Battery</b>	1) Touching of the anus or genitals of a victim younger than 15 by the offender (or vice versa) using the mouth or tongue, when the offender is 3 or more years older and not the victim's spouse	1 <sup>st</sup> Offense: Up to 10 years with or without hard labor without Parole 3 <sup>rd</sup> Offense: Life without Parole
	2) Oral sexual battery where victim is younger than 13 and offender is 17 or older	25 years to Life at hard labor, 25 years without Parole
<b>Intentional Exposure to AIDS Virus</b>	1) Intentionally exposing another to any acquired immunodeficiency syndrome (AIDS) virus through sexual contact or any other means or contact without the knowing and lawful consent of the victim	1 <sup>st</sup> Offense: Up to 10 years with or without hard labor, up to \$5,000 fine 3 <sup>rd</sup> Offense: Life without Parole
	2) Intentional exposure to AIDS Virus where victim is a police officer	11 years with or without hard labor, up to \$6,000 fine
<b>Incest<sup>179</sup></b>	1) Marriage to or sexual intercourse between parent and child or brother and sister with knowledge of their relationship	1 <sup>st</sup> Offense: 15 years at hard labor; no good time 3 <sup>rd</sup> Offense: Life without Parole
	2) Marriage to or sexual intercourse between uncle and niece or aunt and nephew with knowledge of their relationship	1 <sup>st</sup> Offense: Up to 5 years with or without hard labor and/or up to \$1,000 fine; no good time 3 <sup>rd</sup> Offense: Life without Parole
<b>Aggravated Incest</b>	1) Engaging in any sexual intercourse, sexual battery, second degree sexual battery, carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, crime against nature, cruelty to juveniles, parent enticing a child into prostitution, any other unlawful involvement of a child in sexual activity, or any lewd fondling or touching of the person of either the child or the offender by an adult with a juvenile who is the offender's child, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew, or niece	1 <sup>st</sup> Offense: 5-20 years with or without hard labor, up to \$50,000 fine; Restitution 3 <sup>rd</sup> Offense: Life without Parole
	2) Aggravated incest where victim is under 13 and offender is over 17	25 years to Life imprisonment at hard labor (25 year mandatory minimum); no good time

<sup>179</sup> If there is a child victim, offender is also a child predator.

## LOUISIANA

Crime	Description	Penalty
<b>Crime Against Nature</b>	Unnatural carnal copulation by a human being with a minor of the same or opposite sex or with an animal	5 years with or without hard labor, up to \$2,000 fine; no good time
<b>Aggravated Crime Against Nature</b>	<p>Engaging in a crime against nature:</p> <ol style="list-style-type: none"> <li>1) When the victim resists the act to the utmost, but such resistance is overcome by force</li> <li>2) When the victim is prevented from resisting the act by threats of great and immediate bodily harm accompanied by apparent power of execution</li> <li>3) When the victim is prevented from resisting the act because the offender is armed with a dangerous weapon</li> <li>4) When the victim is incapable of giving consent because of mental incapacity which the offender knew or should have known</li> <li>5) When the victim is incapable of resisting or of understanding the nature of the act, by reason of stupor or abnormal condition of mind produced by a narcotic or anesthetic agent which the offender caused or knew or should have known of</li> <li>6) When the victim is under the age of seventeen years and the offender is at least three years older than the victim</li> </ol>	<p>1<sup>st</sup> Offense: 3-15 years at hard labor without Parole; no good time</p> <p>3<sup>rd</sup> Offense: Life without Parole</p>
<b>Sexual Battery of the Infirm</b>	<p>Engaging in a sexual act with a person not the offender's spouse which involves one of the following:</p> <ol style="list-style-type: none"> <li>1) Compel the victim, who is physically incapable of preventing the act because of advanced age or physical infirmity, to submit by placing the victim in fear of receiving bodily harm</li> <li>2) The victim is incapable of resisting or of understanding the nature of the act due to intoxicating, narcotic, or anesthetic agent administered by or with knowledge of the offender</li> <li>3) The victim has such incapacity, by reason of a stupor or abnormal condition of mind from any cause, and offender knew or should have known of the victim's incapacity</li> <li>4) The victim is incapable of understanding the nature of the act due to unsound mind, and offender knew or should have known of the victim's incapacity</li> </ol>	Up to 10 years with or without hard labor; no good time

## LOUISIANA

### A2. Offenses against a victim under 18 (not the child of offender) for which offender must register as a “child predator.”

(For complete information, see Louisiana RS 15:541, 14:44-46, 14:80-84; 14:86, 14:92, and 23:251)

Crime	Description	Penalty
<b>Aggravated Kidnapping</b>	Forcibly seizing and carrying of any person from one place to another; enticing or persuading of any minor person to go from one place to another; or the imprisoning or forcible secreting of any minor person, with the intent to force the victim or another to give up something of value or grant an advantage or immunity to in order to secure the person’s release	Life imprisonment at hard labor without Parole
<b>Second Degree Kidnapping</b>	Kidnapping of a minor child (by adult not the parent) wherein the victim is used as a shield or hostage; used to facilitate the commission of a felony or the flight after felony or attempt thereof, physically injured or sexually abused, imprisoned or kidnapped for seventy-two or more hours (except in issues of custody); or imprisoned or kidnapped by armed offender	5-40 years hard labor, 2 years without Parole
<b>Aggravated Kidnapping of a Child</b>	1) Unauthorized taking, enticing, or decoying away and removing from a location for an unlawful purpose by any person other than a parent, grandparent, or legal guardian of a child under 13 with the intent to secret the child from his parent or legal guardian 2) Aggravated kidnapping where the child is returned and is not physically injured or sexually abused	Life imprisonment at hard labor without Parole 5-40 years at hard labor, 2 years without Parole
<b>Simple Kidnapping</b>	1) Intentional and forcible seizing and carrying of any minor person from one place to another without his consent  2) The intentional taking, enticing or decoying away, for an unlawful purpose, of any child not his own and under the age of fourteen years, without parental consent  3) The intentional taking, enticing or decoying away, without the consent of the proper authority, of any institutionalized person under 18  4) The taking, enticing or decoying away and removing from the state, by any person, other than the parent, of a child temporarily placed in his custody by any court of competent jurisdiction in the state, with intent to defeat the jurisdiction of said court over the custody of the child.	5 years with or without hard labor, up to \$5,000 fine
<b>Interference with the Custody of a Child</b>	Taking, enticing, or decoying away of a minor child by a parent not having a right of custody, with intent to detain or conceal such child from a parent having a right of custody pursuant to a court order or from a person entrusted with the care of the child by a parent having custody pursuant to a court order. Note: this is only an offense for the purposes of registering as a child predator if the offender is not a parent of the child – which seems contradictory	5 years with or without hard labor, up to \$5,000 fine
<b>False Imprisonment</b>	Intentional confinement or detention of a minor without consent and without proper legal authority.	Up to 6 months, up to \$200 fine
<b>False Imprisonment; Offender Armed With Dangerous Weapon</b>	Unlawful intentional confinement or detention of a minor while the offender is armed with a dangerous weapon	Up to 10 years with or without hard labor

## LOUISIANA

Crime	Description	Penalty
<b>Felony Carnal Knowledge of a Juvenile</b>	1) Engaging in sexual intercourse with a person age 13 – 17 when the victim is not the spouse of the offender, and the offender is age 19 or older	1 <sup>st</sup> Offense: Up to 10 years with or without hard labor (conviction not to be set aside or dismissed), up to \$5,000 fine; no good time
	2) Engaging in sexual intercourse with a person age 13 – 15 when the victim is not the spouse of the offender, and the offender is age 17 or older	
	3) A person who is seventeen years of age or older has sexual intercourse, with consent, with a person who is thirteen years of age or older but less than fifteen years of age, when the victim is not the spouse of the offender	3 <sup>rd</sup> Offense: Life without Parole
	4) Second or subsequent offense of misdemeanor carnal knowledge of a juvenile (17 – 19 year old offender having sexual intercourse with consent with a 15 – 17 year old who is over two years older than offender and not their spouse)	
	5) Committing misdemeanor carnal knowledge after conviction of an offense for which the offender is required to register as a sex offender	
<b>Indecent Behavior With Juveniles</b>	Any lewd or lascivious act upon the person or in the presence of any child under the age of seventeen, where there is an age difference of greater than two years between the two persons, or transmission of an electronic textual communication or an electronic visual communication depicting lewd or lascivious conduct, text, or images to any person reasonably believed to be under the age of seventeen and reasonably believed to be at least two years younger than the offender	1 <sup>st</sup> Offense: Up to 7 years hard labor, up to \$5,000 fine (conviction cannot be set aside or dismissed); no good time 3 <sup>rd</sup> Offense: Life without Parole
<b>Pornography Involving Juveniles</b>	1) The photographing, videotaping, filming, or otherwise reproducing visually of any sexual performance involving a child under the age of seventeen	1 <sup>st</sup> Offense: 2-10 years at hard labor without parole, up to \$10,000 fine; no good time
	2) Soliciting, promoting, or coercing of any child under the age of seventeen for the purpose of (1) above	
	3) The consent of a parent, legal guardian, or custodian of a child under the age of seventeen for the purpose of (1) above	3 <sup>rd</sup> Offense: Life without parole
	4) Possessing, selling, distributing, or possessing with intent to sell or distribute any photographs, films, videotapes, or other visual reproductions of any sexual performance involving a child under the age of seventeen	
	5) Pornography where victim is under 13 and offender is 17 or older	25 years to life (25 year mandatory minimum)



## LOUISIANA

Crime	Description	Penalty
<b>Molestation of a Juvenile</b>	1) Being over age 17 committing a lewd or lascivious act upon the person or in the presence of any child under 17, where there is an age difference of greater than two years between the two persons, by the use of force, violence, duress, menace, psychological intimidation, threat of great bodily harm, or by the use of influence by virtue of a position of control or supervision over the juvenile	1 <sup>st</sup> Offense: 1-10 years with or without hard labor (conviction not to be set aside or dismissed), up to \$5,000 fine 2 <sup>nd</sup> Offense: 5-40 years with or without hard labor (5 year mandatory minimum), up to \$10,000 fine 3 <sup>rd</sup> Offense: Life without parole
	2) Molestation of a juvenile where offender has control or supervision of the child	1-20 years with or without hard labor (conviction not to be set aside or dismissed); no good time
<b>Computer-Aided Solicitation for Sexual Purposes</b>	An adult contacting or communicating, through the use of electronic textual communication, with a minor for the purpose of or with the intent to persuade, induce, entice, or coerce the person to engage or participate in sexual conduct or a crime of violence, or with the intent to engage or participate in sexual conduct in the presence of a minor. Consent is a defense if victim was over 16 and offender reasonably believed victim to be 18	1 <sup>st</sup> Offense: 2-10 years at hard labor without parole, up to \$10,000 fine 2 <sup>nd</sup> Offense: 10-20 years at hard labor without parole
<b>Prostitution</b>	1) Engaging in indiscriminate sexual intercourse with others for compensation	1 <sup>st</sup> Offense: 6 months, up to \$500 fine
	2) The solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with a minor for compensation	2 <sup>nd</sup> Offense: Up to 2 years with or without hard labor, \$250-\$2,000 fine 3 <sup>rd</sup> Offense: 2- 4 years with or without hard labor, \$500-\$4,000 fine
	3) Prostitution as a result of a solicitation by the offender while the offender was located on a public road or highway, or the sidewalk, walkway, or public servitude	At least 90 days imprisonment
	4) Prostitution where a portion of the sentence is suspended	Supervised probation with 240 hours community service picking up roadside litter and trash
<b>Prostitution: Persons Under the Age of 17</b>	1) Engaging in sexual intercourse with any person under age 17 who is practicing prostitution, and there is an age difference of greater than 2 years between the persons	2-10 years with or without hard labor, up to \$5,000 fine
	2) Being a parent or tutor of any person under age 17, knowingly consenting to the person's	

## LOUISIANA

Crime	Description	Penalty
	entrance or detention in the practice of prostitution	
<b>Soliciting For Prostitutes</b>	Soliciting, inviting, inducing, directing or transporting a person to any place with the intention of promoting prostitution involving a minor	2-10 years with or without hard labor, up to \$5,000.
<b>Pandering</b>	Involving a minor child in any of the following: 1) Enticing, placing, persuading, encouraging, or causing the entrance of any person into the practice of prostitution, either by force, threats, promises, or by any other device or scheme  2) Detaining person in place of prostitution by force, threats, promises, or any other device or scheme  3) Consenting, on the part of any parent or tutor of any person, to the person's entrance or detention in the practice of prostitution  4) Transporting any person from one place to another for the purpose of promoting the practice of prostitution.	Up to 5 years with or without hard labor, up to \$5,000 fine
<b>Enticing Persons Into Prostitution</b>	Enticing, placing, persuading, encouraging, or causing the entrance of any other person under the age of 18 into the practice of prostitution, either by force, threats, promises, or by any other device or scheme.	2-10 years with or without hard labor
<b>Contributing to the Delinquency of a Minor - Perform Sexually Immoral Acts</b>	Intentional enticing, aiding, soliciting, or permitting, by anyone over the age of seventeen, of any child under the age of seventeen, into performing any sexually immoral act	Up to 2 years with or without hard labor, up to \$1,000 fine
<b>Minors Under 16: Prohibited Employment Exhibited or Used for Exhibition</b>	No minor under sixteen years of age shall be employed, exhibited, used, or trained for the purpose of exhibition in any illegal, indecent, or immoral exhibition or practice	2 years, up to \$1,000 fine
<b>Human Trafficking</b>	Recruit, harbor, transport, provide, solicit, or obtain a minor child when the services include commercial sexual activity or any illegal sexual conduct	20 years at hard labor, up to \$15,000 fine

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, Louisiana RS 15:542)

Registration	
<b>Year Enacted</b>	1992
<b>Responsible Agency</b>	Louisiana State Police, Bureau of Criminal Identification and Information

## LOUISIANA

<b>Registration</b>	
<b>Eligible Offenses/Statutes</b>	Adults: All offenses listed in Parts A1-A2 above Juveniles: 1) All offenses listed in Part A1 above, except simple rape 2) Second degree kidnapping 3) Where the juvenile is over age 14: Aggravated or forcible rape; second degree sexual battery; aggravated or second degree kidnapping of victim under age 13; aggravated incest, aggravated crime against nature
<b>Information Collected</b>	Name and any aliases; address; offense for which required to register; date and place of conviction; social security number; criminal history; photo; identifying factors; and fingerprints; place of employment or school; description of vehicles registered to or used by offender; email addresses and other online identities; DNA sample; other such information as may be required by the Department of Public Safety and Corrections
<b>Reporting Frequency</b>	Annually and within 3 days of any change in address, name, place of employment or school enrollment Aggravated offenses: <sup>180</sup> Every 3 months in person and within 3 days of any change in address, name, place of employment or school enrollment Other registrable offenses against a minor: Every 6 months and within 3 days of any change in address, name, place of employment or school enrollment
<b>Duration</b>	10 years Lifetime: Sexually violent predators <sup>181</sup> or any person with a prior sex offense conviction
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: Up to \$1,000 fine and 2-10 years with hard labor without parole 2 <sup>nd</sup> Offense: Up to \$3,000 fine and for 5-20 years with hard labor without parole Failure to register or verify address may also result in revocation of probation or parole of offender under supervision

### **D. Community Notification**

(For complete information, Louisiana 15:542.1)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	All registered offenders	Name, aliases, photo, birth date, gender, ethnicity, height, weight, hair color, eye color, date registered, compliance, address, offense, age of victim, supervision level, comments (e.g., number of counts, email address, etc.)
Sex Offender Email Alert	Members of the Public, upon request	All registered offenders	Upon entering specific zip codes or addresses, individual will receive an email notifying him or her that an offender has moved into that area

<sup>180</sup> An aggravated offense is defined as: Aggravated or forcible rape and simple rape in most adult cases, and all cases of a minor; second degree sexual battery; aggravated, second degree kidnapping of a minor, aggravated kidnapping of child, simple kidnapping of a minor, aggravated incest involving sexual intercourse, second degree sexual battery, or oral sexual battery; aggravated crime against nature, sexual battery of the infirm.

<sup>181</sup> A person who has been convicted of a sex offense and who has a mental abnormality or anti-social personality disorder that makes the person likely to engage in predatory sexually violent offenses, as determined by the Sex Offender Assessment Panel.

## LOUISIANA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Households and businesses within 1 mile of offender in rural areas; within 3/10 mile in urban area	All adult registered offenders, with some exceptions	Must give notice of offense committed; name, address, physical description, and photo. Must publish this information in paper of record as well. Must provide community notification every five years
	School superintendent	All registered offenders, with minor exceptions	As above and two photos
	Superintendents of parks and playgrounds	All adult registered offenders	As above and two photos
	Individuals to whom offender is providing recreational instruction	All adult registered offenders	Must give notice of offense committed; date and jurisdiction of offense; name, address, physical description, and photo

### E. Residency Restrictions

- No statutory provisions

### F. Employment Restrictions

- No statutory provisions

### G. Required Electronic Monitoring

(For complete information, see RS 15:560.4)

Type of Monitoring	Applicable To	Duration
Electronic Monitoring	1) A child sexual predator or a sexual offender determined to be a sexually violent predator 2) Anyone convicted of: aggravated rape, sexual battery, second degree sexual battery, oral sexual battery, aggravated incest, pornography involving juveniles, molestation of a juvenile	Not specified

### H. Civil Commitment

- No statutory provisions

**MAINE**

**MAINE**

**A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Maine Revised Statutes, Title 34-A, 11203 and statutes referred to therein)

<b>Crime<sup>182</sup></b>	<b>Description</b>	<b>Penalty</b>	
<b>Gross Sexual Assault</b>	Engaging in a sexual act with another person who: 1) Submits as a result of compulsion	Up to 30 years	
	2) Is not the offender's spouse, under age 14		
	3) Is not the offender's spouse, under age 12		
	4) Has been substantially impaired due to the offender’s administering or employing drugs, intoxicants or other similar means	Up to 10 years	
	5) The offender compels or induces to engage in the sexual act by any threat		
	6) Is unable to give consent due to a reasonably apparent mental disability		
	7) Is unconscious or otherwise physically incapable of resisting and has not consented		
	8) Is under official correctional supervision or is detained in a hospital, prison or other institution, and whom the offender has supervisory or disciplinary authority over (not the offender's spouse)*		
	9) Is a minor person when the offender is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term care and welfare of the victim*		
	10) Is a minor person not the offender’s spouse who is a student enrolled in a school, facility or institution; or is a resident in or attending a children's home, day or residential child care facility, drug treatment center, camp or similar institution providing care or services for children, and offender is a teacher, employee or other official with authority over the student*		Up to 5 years
	11) Offender is or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the offender's spouse, is a patient or client for mental health therapy of the offender*		
	12) Is person with mental retardation when the offender owns, operates or is an employee of a state-funded agency serving people with mental retardation, unless the offender also is a person with mental retardation*		

<sup>182</sup> Offenses or sections of offenses marked with an asterisk (\*) are registerable sex offenses only when the victim is under 18; repeat sexual assault offenders (whose earlier conviction was or was accompanied by gross sexual assault, or rape) may be sentenced to any term of years.

## MAINE

Crime	Description	Penalty
<b>Sexual Abuse of Minors</b>	1) Engaging in a sexual act with another person, not the offender's spouse, who is either age 14 or 15 and the offender is at least 5 years older than the other person	Up to 1 year
	2) Sexual abuse of minors as described in 1) above where a) the offender is related within the 2nd degree of consanguinity (parent, child, grandparent, grandchild, aunt or uncle, niece or nephew) or b) the offender is at least 10 years older than the other person	Up to 5 years
	3) Being at least 21 years of age, engaging in a sexual act with another person, not the offender's spouse, who is aged 16-17 and is a student enrolled in a school or institution and the offender is a teacher, employee or other official in that school or institution	Up to 6 months
	4) Sexual abuse of minors as described in 3) above where a) the offender is related within the 2nd degree of consanguinity or b) the offender is at least 10 years older than the other person	Up to 1 year
	5) Intentionally subjecting another person, not the offender's spouse, who is age 14-15 to any sexual contact and the offender is at least 10 years older than the other person	Up to 1 year
<b>Unlawful Sexual Contact</b>	Intentionally subjecting another person to any sexual contact and: 1) The other person has not expressly or impliedly acquiesced in the sexual contact*  2) The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual contact*  3) The other person suffers from a mental disability that is reasonably apparent/known to the offender that renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that he/she has the right to deny or withdraw consent*  4) The other person, not the offender's spouse, is on 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 offender has supervisory or disciplinary authority over the other person*  5) The other person, not the offender's spouse, is under 18 and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the offender is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student*  6) The offender owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Dept. of Health and Human Services and the other person, not the offender's spouse, receives services from the organization, program or residence which recognizes that other person as a person with mental retardation, unless the offender also is a person with mental retardation*	Up to 1 year

## MAINE

Crime	Description	Penalty	
<b>Unlawful Sexual Contact (cont.)</b>	7) Unlawful sexual contact as described in sections 1) to 6) above that involves penetration	Up to 5 years	
	8) The other person, not the offender's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the offender, who is at least 21 years of age, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled*	Up to 6 months	
	9) Unlawful sexual contact as described in section 8) above that involves penetration	Up to 1 year	
	10) Unlawful sexual contact where the other person, not the offender's spouse, is in fact less than 14 years and the offender is at least 3 years older	Up to 5 years	
	11) Unlawful sexual contact where the other person is in fact less than 18 years of age and the offender is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of that other person*		
	12) Unlawful sexual contact where the other person submits as a result of compulsion		
	13) Unlawful sexual contact as described in sections 10) to 12) above that involves penetration	Up to 10 years	
	14) Unlawful sexual contact where the other person, not the offender's spouse, is less than 12 years and the offender is at least 3 years older	Up to 10 years	
	15) Unlawful sexual contact as described in section 14) that involves penetration	Up to 30 years	
	<b>Visual Sexual Aggression Against Child*</b>	1) Exposing the adult offender's genitals to another person under 14 years (not their spouse) or causing the other person to expose that person's genitals to the offender and the other person, not the offender's spouse	Up to 1 year
		2) Exposing the adult offender's genitals to another person under 12 years (not their spouse) or causing the other person to expose that person's genitals to the offender and the other person, not the offender's spouse	Up to 5 years
		3) Being an adult, engaging in visual surveillance, aided or unaided by mechanical or electronic equipment, of the genitals (broadly defined) of another person under 14 years (not the offender's spouse) in a private place in which a reasonable person would expect to be safe from such visual surveillance	Up to 1 year
4) Being an adult, engaging in visual surveillance, aided or unaided by mechanical or electronic equipment, of the genitals (broadly defined) of another person under 12 years (not the offender's spouse) in a private place in which a reasonable person would expect to be safe from such visual surveillance		Up to 5 years	
<b>Sexual Misconduct with a Child under 14 Years of age*</b>		1) An adult knowingly displaying any sexually explicit material (books, magazines, videos, etc.) to another person under 14 years, not the offender's spouse, with the intent to encourage the other person to engage in a sexual act or sexual contact	Up to 1 year
	2) Sexual misconduct with a child under 12 years	Up to 5 years	

## MAINE

Crime	Description	Penalty
<b>Solicitation of Child by Computer to Commit a Prohibited Act*</b>	1) Being age 16 or older, using the computer knowingly to solicit, entice, persuade or compel another person who is three or more years younger than the offender and the offender knows or believes to be under age 14, to meet with the offender; with the intent to commit a prohibited act (sexual act, sexual contact or sexual exploitation of a minor) with that person	Up to 1 year
	2) Solicitation of child by computer to commit a prohibited act where child is under 12 years	Up to 5 years
<b>Sexual Exploitation of Minor*</b>	1) Employing, soliciting, enticing, persuading, using or compelling another person, not that person's spouse, who is in fact a minor, to engage in sexually explicit conduct knowing or intending that the conduct will be photographed	1 <sup>st</sup> Offense: Up to 10 years, 5 year minimum 2 <sup>nd</sup> Offense: up to 30 years, 10 year minimum
	2) Employing, soliciting, enticing, persuading, using or compelling another person, not that person's spouse, who is in fact a minor under 12 years, to engage in sexually explicit conduct knowing or intending that the conduct will be photographed	Up to 30 years
	3) Being a parent, guardian or other person having care of a minor, permitting that minor to engage in sexually explicit conduct, knowing that the conduct will be photographed	1 <sup>st</sup> Offense: Up to 10 years, 5 year minimum 2 <sup>nd</sup> Offense: up to 30 years, 10 year minimum
	4) Being a parent, guardian or other person having care of a minor under 12 years, permitting that minor to engage in sexually explicit conduct, knowing that the conduct will be photographed	Up to 30 years
<b>Dissemination of Sexually Explicit Material*</b>	1) Disseminating or possessing with intent to disseminate (i.e., 10 or more copies) any book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file, etc., that depicts any minor who the person knows or has reason to know is a minor engaging in sexually explicit conduct	1 <sup>st</sup> Offense: Up to 5 years 2 <sup>nd</sup> Offense: Up to 10 years
	2) Dissemination of sexually explicit material where minor depicted is under 12 years	1 <sup>st</sup> Offense: Up to 10 years 2 <sup>nd</sup> Offense: Up to 30 years
<b>Possession of Sexually Explicit Material*</b>	1) Transporting, exhibiting, purchasing or possessing any book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file, etc., that depicts a person who is younger than age 16 (that the offender has reason to know is under 16) who is not the offender's spouse and whom the offender knows or has reason to know is engaging in sexually explicit conduct	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: Up to 5 years
	2) Possession of sexually explicit material where minor depicted is under 12 years	1 <sup>st</sup> Offense: Up to 5 years 2 <sup>nd</sup> Offense: Up to 10 years



## MAINE

Crime	Description	Penalty
<b>Kidnapping* (except by a parent)</b>	1) Restraining another person (who is not the child of the offender) with the intent to: <ul style="list-style-type: none"> <li>a) hold the other person for ransom or reward</li> <li>b) use the other person as a shield or hostage</li> <li>c) inflict bodily injury upon the other person or subject the other person to conduct defined as criminal</li> <li>d) terrorize the other person or another person</li> <li>e) facilitate the commission of another crime by any person or flight thereafter, or</li> <li>f) interfere with the performance of any governmental or political function</li> </ul>	Up to 30 years
	2) Restraining another person (who is not the child of the offender) <ul style="list-style-type: none"> <li>a) under circumstances which expose the other person to risk of serious bodily injury, or</li> <li>b) by secreting and holding the other person in a place where the other person is not likely to be found</li> </ul>	
	Kidnapping where defendant voluntarily released the victim alive and not suffering from serious bodily injury, in a safe place:	Up to 10 years
<b>Criminal Restraint* (except by a parent)</b>	1) Knowing the offender has no legal right to do so, taking, retaining or enticing another person who is not the child of the offender, and: <ul style="list-style-type: none"> <li>a) victim is under age 14</li> <li>b) victim is incompetent, or</li> <li>c) victim is age 14-16 and offender is adult, with intent to hold victim permanently or for a long period</li> </ul>	Up to 1 year
	2) Restraining another person who is not the offender's child	
	3) Criminal restraint where victim is under age 8	Up to 5 years
<b>Violation of Privacy*</b>	Engaging in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe, photograph, record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance. It is a defense if the person subject to surveillance had in fact attained 14 years of age and had consented to the visual surveillance	Up to 1 year
<b>Incest*</b>	Being an adult, engaging in sexual intercourse with a person (not his/her spouse) who the offender knows is related to the offender within the 2nd degree of consanguinity	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: Up to 5 years
<b>Aggravated Promotion of Prostitution*</b>	Promoting prostitution by compelling (including through the use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature; withholding or threatening to withhold a narcotic drug or alcoholic liquor from a drug or alcohol-dependent person) a person to enter into, engage in, or remain in prostitution	Up to 10 years
<b>Patronizing Prostitution of Minor*</b>	1) Giving or agreeing to give a pecuniary benefit in return for the prostitution of a person under age 18, either to the person whose prostitution is sought or to a 3rd person	Up to 1 year
	2) Patronizing prostitution of a minor who offender <i>knows</i> to be under 18	Up to 5 years

## MAINE

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Maine Revised Statutes, Ch. 15, Title 34-A, §11222-27)

Registration	
<b>Year Enacted</b>	1995; Original legislation repealed and replaced in 1999 with Sex Offender Registration and Notification Act of 1999
<b>Responsible Agency</b>	State Bureau of Investigation, Department of Public Safety, Maine State Police
<b>Eligible Offenses/Statutes</b>	All offenses listed in Part A above
<b>Information Collected</b>	Name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and physical location of expected domicile and residence, place of employment and college or school being attended, if applicable, and the corresponding address and location; offense history; notation of any treatment received for a mental abnormality or personality disorder; a photograph and set of fingerprints; a description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; and any other information the bureau determines important
<b>Reporting Frequency</b>	10 year registrants: Annually and within 24 hours of change of address, school or employment Lifetime registrants: Every 90 days and within 24 hours of change of address, school or employment
<b>Duration</b>	10-years or Life (determined by Court)
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: Up to 5 years 3 <sup>rd</sup> Offense: Up to 10 years

### D. Community Notification

(For complete information, see Maine Revised Statutes, Ch. 15, Title 34-A, §11221)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	All registrants	Name, date of birth and photograph; city or town of domicile and residence; place of employment and college or school being attended, if applicable, and the corresponding address and location; and the statutory citation and name of the offense
Public Notification	Members of the Public, upon request	All registrants	Name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and physical location of domicile and residence; place of employment and college or school being attended, if applicable, and the corresponding address and location; description of the offense, the date of conviction and the sentence imposed; and the registrant's photograph

## MAINE

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Local Internet Registry	Members of the Public	Registrants within the jurisdiction	Law enforcement agency posting the website is solely responsible for the website's content; contains information regarding only registrants who are domiciled, reside, attend college or school or work within the posting law enforcement agency's jurisdiction; must have link to state website and update at least once a week
Discretionary Notification	Members of the Public where it is deemed appropriate for public safety	All registrants	Not specified

### **E. Residency Restrictions**

- No statutory restrictions

### **F. Employment Restrictions**

- No statutory restrictions

### **G. Required Electronic Monitoring**

- No statutory provisions

### **H. Civil Commitment**

- No statutory provisions

## MARYLAND

### MARYLAND

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Maryland Code, Criminal Law, Titles 3 and 11)

Crime <sup>183</sup>	Description	Penalty
<b>Child Sexual Abuse*</b>	Sexual molestation or exploitation of a minor, including incest, rape, sexual offense of any degree, sodomy, and unnatural or perverted sexual practices (except where the perpetrator is a parent, household or family member)	Up to 25 years
<b>Rape in the First Degree*</b>	1) Engaging in vaginal intercourse with another by force, or the threat of force, without consent and: a) using a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon b) inflicting serious physical injury on the victim or another in the course of committing the crime c) threatening or placing the victim in fear that they will be killed, injured or kidnapped d) committing the crime while aided and abetted by another, or e) committing the crime in connection with a burglary in the first, second, or third degree	1 <sup>st</sup> Offense: Up to Life 2 <sup>nd</sup> Offense: Up to Life without Parole
	2) Rape in the first degree where the victim is under 16 years	Up to Life without Parole
	3) Rape in the first degree while also engaged in kidnapping a child under 16 years	
	4) Rape in the first degree where the offender is over 18 years and the victim is under 13 years	25 years – Life without Parole (25 year mandatory minimum)
<b>Rape in the Second Degree*</b>	1) Engaging in vaginal intercourse without consent of another: a) by force or threat thereof without consent b) if victim is mentally or physically impaired and the offender reasonably should know this, or c) if victim is under 14 years and the offender is 4 or more years older	Up to 20 years
	2) Rape in the second degree where the victim is under 13 years and the offender is at least 18 years	5-20 years (5 year mandatory minimum)
<b>Sexual Offense in the First Degree*</b>	1) Engaging in a sexual act with another by force or the threat of force, without consent and: a) using a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon b) inflicting serious physical injury on the victim or another in the course of committing the crime c) threatening or placing the victim in fear that they will be killed, injured or kidnapped d) committing the crime while aided and abetted by another, or e) committing the crime in connection with a burglary in the first, second, or third degree	1 <sup>st</sup> Offense: Up to Life 2 <sup>nd</sup> Offense: Up to Life without Parole

<sup>183</sup> All offenses marked with an asterisk (\*) result in classification as a child sex offender if the victim is a child under 15 years.

## MARYLAND

Crime	Description	Penalty
<b>Sexual Offense in the First Degree (cont.)*</b>	2) Sexual offense in the first degree while also engaged in kidnapping a child under 16 years	Up to Life without Parole
	3) Sexual offense in the first degree where the offender is over 18 years and the victim is under 13 years	25 years – Life without parole (25 year mandatory minimum)
<b>Sexual Offense in the Second Degree*</b>	1) Engaging in a sexual act with another: a) by force or threat thereof without consent b) if victim is mentally or physically impaired and the offender reasonably should know this, or c) if victim is under 14 years and the offender is 4 or more years older	Up to 20 years
	2) Sexual offense in the second degree where the victim is under 13 years and the offender is at least 18 years	5-20 years (5 year mandatory minimum)
<b>Sexual Offense in the Third Degree*</b>	1) Engaging in sexual contact with another without their consent while employing or displaying a dangerous weapon, inflicting or threatening to inflict serious physical injury or kidnapping, or committing the crime while aided and abetted by another	Up to 10 years
	2) Engaging in sexual contact if the victim is mentally or physically impaired and the offender reasonably should know this	
	3) Engaging in sexual contact with another if the victim is under 14 years, and the person performing the sexual contact is at least 4 years older than the victim	
	4) Engaging in a sexual act or sexual intercourse with another if the victim is 14 or 15 years, and the person performing the sexual act is at least 21 years old	
	5) Engaging in vaginal intercourse with another if the victim is 14 or 15 years, and the person performing the act is at least 21 years old	
<b>Sex Offense in the Fourth Degree<sup>184</sup></b>	1) Engaging in sexual contact with another without their consent	1 <sup>st</sup> offense: Up to 1 year and/or fine of up to \$1,000
	2) Engaging in a sexual act or vaginal intercourse if the victim is 14 or 15 years, and the person performing the sexual act is at least 4 years older than the victim	2 <sup>nd</sup> Offense: Up to 3 years and/or fine of up to \$1,000
	3) Engaging in a sexual act, sexual contact or intercourse with a minor when the offender is in a position of authority at the school where the victim is a student	
<b>Kidnapping<sup>185</sup></b>	Carrying a person in or outside the State by force or fraud with the intent to have the person carried or concealed in or outside the State (except by a parent of a minor child)	Up to 30 years

<sup>184</sup> This is only a registrable offense if committed against a child less than 18 years. Where the victim is under 15 years and the offender is ordered by the court to register, registration as a child sex offender is required.

<sup>185</sup> This is only a registrable offense if the victim is under 18 years.

## MARYLAND

Crime	Description	Penalty
<b>Child Kidnapping</b>	1) Enticing or forcibly abducting, taking or carrying away a child under 12 years from their home or parent's custody or secreting or harboring a child under 12 years with the intent of depriving the parent or guardian of the custody, care and control of the child	Up to 20 years
	2) Kidnapping, stealing, taking or carrying away a child under 16 years by force or fraud (except by the parent of the child)	Up to 30 years
	3) Child Kidnapping as described in 2) above where the person is also convicted of rape or sexual assault	Up to Life without Parole
<b>Child Pornography</b>	1) Causing, inducing, soliciting, or knowingly allowing a minor to engage in the production of obscene matter or a visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct, or promoting, distributing, or possessing with intent to distribute the same	1 <sup>st</sup> Offense: Up to 10 years and/or fine of up to \$25,000 2 <sup>nd</sup> Offense: Up to 20 years and/or fine of up to \$50,000
	2) Photographing or filming a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct or using a computer to depict or describe the same	
	3) Using a computer to compile, transmit, make, buy, sell, or disseminate a minor's name, phone number, address, or other descriptive characteristics or identifying information for the purpose of engaging in, facilitating, encouraging, offering, or soliciting unlawful sadomasochistic abuse or sexual conduct of or with a minor	
<b>Pandering</b> <sup>186</sup>	1) Knowingly taking or causing another to be taken to any place for prostitution	Up to 25 years and/or fine of up to \$15,000
	2) Knowingly placing, causing to be placed, or harboring another in any place for prostitution	
	3) Knowingly persuading or encouraging by threat or promise another to be taken to or placed in any place for prostitution	
	4) Knowingly and unlawfully taking or detaining another with the intent to use force, threat, or persuasion to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse	
	5) Knowingly receiving consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation	
	6) Being a parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another, consenting to the taking or detention of the other for prostitution	

<sup>186</sup> Pandering, Receiving Earnings of a Prostitute, Abducting a Child under 16 and House of Prostitution offenses are only registrable offenses if the intended prostitute or victim is under 18 years.

## MARYLAND

Crime	Description	Penalty
<b>Receiving Earnings of Prostitute</b>	Receiving or acquiring money or proceeds from the earnings of a person engaged in prostitution with the intent to promote, profit from, or conceal or disguise the nature, location, source, ownership, or control of money or proceeds of a prostitution-related crime	Up to 10 years and/or fine of up to \$10,000
<b>Abduction of a Child under 16</b>	1) Persuading or enticing victim under 16 years from their home or the custody of the parent or guardian for the purposes of prostitution  2) Knowingly secreting, harboring or aiding in the secreting or harboring of an individual under the 16 years who has been persuaded or enticed in the manner described above	Up to 10 years and/or fine of up to \$5,000
<b>House of Prostitution</b>	1) Knowingly engaging in prostitution or assignation by any means  2) Keeping, setting up, occupying, maintaining, or operating a building, structure, or conveyance for prostitution or assignation  3) Allowing a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation  4) Allowing or agreeing to allow a person into a building, structure, or conveyance for prostitution or assignation  5) Procuring or soliciting or offering to procure or solicit for prostitution or assignation	Up to 1 year and/or fine of up to \$500

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Maryland Code, Criminal Procedure, Title 11)

Registration	
<b>Year Enacted</b>	1994
<b>Responsible Agency</b>	Department of Public Safety & Correctional Services
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any crime that involves conduct that by its nature is a sexual offense against an individual under the age of 18 3) The Common Law crime of False Imprisonment where the victim is under 18 years and the perpetrator is not the victim's parent 4) Any crime that involves soliciting a person under 18 years to engage in sexual conduct

## MARYLAND

<b>Registration</b>	
<b>Information Collected</b>	Full name, including any suffix, as well as aliases or other legal names the registrant has been known by; address; place of employment or school enrollment; date and description of the crime for which the registrant was convicted; jurisdiction in which the registrant was convicted; Social Security number; registrant's signature and date signed; photograph, fingerprints and a DNA sample (unless the crime for which registration is required was a misdemeanor) Sexually violent predators: <sup>187</sup> As above and: identifying factors, including a physical description; anticipated future residence; offense history; and documentation of treatment received for a mental abnormality or personality disorder
<b>Reporting Frequency</b>	Every 6 months and within 5 days of any change of name, address, employment or school enrollment Sexually violent predators: Every 3 months and within 5 days of any change of name, address, employment or school enrollment
<b>Duration</b>	10 years Life: Sexually violent predators, sexually violent offenders, those convicted of engaging in a sex act with a child under 12 years or repeat sex offenders
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: Up to 3 years and/or fine of up to \$5,000 2 <sup>nd</sup> Offense: Up to 5 years and/or fine of up to \$10,000

### **D. Community Notification**

(For complete information, see Maryland Code, Criminal Procedure, Title 11)

<b>Type of Notification</b>	<b>Individual/Group to whom Notification is Available</b>	<b>Notification Applies To:</b>	<b>Information Available</b>
Public Internet Registry	Members of the Public	All registrants	Name, address and how long a resident there, registerable charge, category of registrant, photo
Telephone Notification	Any individual or entity, any time a registered sex offender moves into the designated area or if there is a change in the offender's compliance status	All registrants	Notification of new registrant information on website
Public Notification	Members of the general public, upon request (must indicate why they want the information)	All registrants	Photograph, name (and any aliases used), address, place of employment or school enrollment (where applicable); category of registrant, duration of registration (ten years or life), whether resident or non-resident registrant; description of registerable crime, dates of conviction, offense, and release, jurisdiction where convicted

<sup>187</sup> Sexually Violent Offenders (those convicted of rape in first or second degree, a sexual offense in the first, second, or third degree or attempt to commit rape in first or second degree or a sexual offense in the first or second degree) where the person is deemed to be at risk of committing a subsequent sexually violent offense.



## MARYLAND

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Schools within 1 mile of offender's residence	Child Sexual Offenders	Registration statement (see above) and changes of address
Discretionary Notification	Child care facilities, child recreation facilities, faith institutions and other organizations serving children and vulnerable populations	Child Sexual Offenders	As above

### E. Required Residency Restrictions

- No Statutory Provisions

### F. Required Employment Restrictions

(For complete information, see Maryland Code, Criminal Procedure, Title 11)

Restriction Applies To	Type of Restriction
All registrants	May not be employed by a school or daycare center
Registrants under extended sexual offender parole supervision <sup>188</sup>	May not be employed in an activity that would bring the registrant in contact with minors

### G. Required Electronic Monitoring

- No Statutory Provisions

### H. Civil Commitment

- No Statutory Provisions

---

<sup>188</sup> Sexually violent predators, repeat sex offenders and those convicted of certain serious sex offenses.

## MASSACHUSETTS

### MASSACHUSETTS

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Massachusetts General Laws, Chapters 6 and 265)

Crime <sup>189</sup>	Description	Penalty
<b>Indecent Assault and Battery on a Child under 14*</b>	Committing an indecent assault and battery on a child under the age of 14	1 <sup>st</sup> Offense: Up to 10 years 2 <sup>nd</sup> Offense: Life or a term of years
<b>Indecent Assault and Battery on a Mentally Retarded Person*</b>	Committing indecent assault and battery on a mentally retarded person knowing such person to be mentally retarded (unless the actor is also a mentally retarded person)	1 <sup>st</sup> Offense: 5-10 years 2 <sup>nd</sup> Offense: At least 10 years (mandatory minimum)
<b>Indecent Assault and Battery on a Person age 14 or over</b>	Committing an indecent assault and battery on a person who has attained age fourteen	Up to 5 years
<b>Rape*</b>	1) Having sexual intercourse or unnatural sexual intercourse with person, and compelling such person to submit by force and against his will, or compelling such person to submit by threat of bodily injury and results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise, or is committed during the commission of certain violent and property offenses	Life or a term of year
	2) Having sexual intercourse or unnatural sexual intercourse with a person and compelling such person to submit by force and against his will, or compelling such person to submit by threat of bodily injury	1 <sup>st</sup> Offense: Up to 20 years 2 <sup>nd</sup> Offense: Life or a term of years
	3) Rape while armed with a firearm, rifle, shotgun, machine-gun or assault weapon	1 <sup>st</sup> Offense: At least 10 years 2 <sup>nd</sup> Offense: Life or at least 15 years
<b>Rape of a Child under 16 with Force*</b>	1) Having sexual intercourse or unnatural sexual intercourse with a child under 16, and compelling said child to submit by force and against his will or compelling said child to submit by threat of bodily injury	1 <sup>st</sup> Offense: Life or a term of years 2 <sup>nd</sup> Offense: Life or at least 5 years
	2) Rape of a child under 16 with force while armed with a firearm, rifle, shotgun, machine gun or assault weapon	1 <sup>st</sup> Offense: Life or at least 10 years 2 <sup>nd</sup> Offense: Life or at least 20 years
<b>Rape and Abuse of a Child</b>	Having sexual intercourse or unnatural sexual intercourse, and abusing a child under 16	1 <sup>st</sup> Offense: Life or a term of years 2 <sup>nd</sup> Offense: Life or at least 5 years
<b>Assault with Intent to Commit Rape*</b>	1) Assaulting a person with intent to commit a rape	1 <sup>st</sup> Offense: Up to 20 years 2 <sup>nd</sup> Offense: Life or a term of years

<sup>189</sup> Offenses marked with an asterisk (\*) are also sexually violent offenses.

## MASSACHUSETTS

Crime	Description	Penalty
<b>Assault with Intent to Commit Rape (cont.)*</b>	2) Assault with intent to commit rape while armed with a firearm, rifle, shotgun, machine gun or assault weapon	1 <sup>st</sup> Offense: At least 5 years 2 <sup>nd</sup> Offense: Life or at least 20 years
<b>Assault of a Child with Intent to Commit Rape*</b>	1) Assaulting a child under 16 with intent to commit a rape shall be punished by imprisonment in the state prison for life or for any term of years; and whoever over the age of eighteen commits a subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years but not less than five years	1 <sup>st</sup> Offense: Life or a term of years 2 <sup>nd</sup> Offense: Life or at least 5 years
	2) Assault of a child with intent to commit rape while being armed with a firearm, rifle, shotgun, machine gun or assault weapon	1 <sup>st</sup> Offense: Life or at least 10 years 2 <sup>nd</sup> Offense: Life or at least 15 years
<b>Kidnapping of a Child</b>	Without lawful authority, forcibly or secretly confining or imprisoning a child under 16 within the commonwealth against his will or forcibly carrying or sending such person out of the commonwealth or forcibly seizing and confining or inveigling or kidnapping a child under 16 with the intent either to cause him to be secretly confined or imprisoned in the commonwealth against his will or to cause him to be sent out of the commonwealth against his will or in any way held to service against his will (except for parents)	Up to 15 years
<b>Enticing a Child under 16 for the purposes of Committing a Crime</b>	Luring, inducing, persuading, tempting, inciting, soliciting, coaxing or inviting a child under 16, or someone he believes to be a child under 16, to enter, exit or remain within any vehicle, dwelling, building, or other outdoor space with the intent that he or another person will commit certain crimes	Up to 5 years and fine of up to \$5,000
<b>Enticing Away a Person for Prostitution or Sexual Intercourse</b>	Fraudulently and deceitfully enticing or taking away a person from the house of his parent or guardian or elsewhere, for the purpose of prostitution or for the purpose of unlawful sexual intercourse, or aiding and assisting in such abduction for such purpose	Up to 3 years and/or fine of up to \$1,000
<b>Drugging Persons for Sexual Intercourse*</b>	Applying, administering to or causing to be taken by a person any drug, matter or thing with intent to stupefy or overpower such person so as to thereby enable any person to have sexual intercourse or unnatural sexual intercourse with such person	Life or at least 10 years
<b>Inducing a Minor into Prostitution</b>	Inducing a minor to become a prostitute, or knowingly aiding and assisting in such inducement	3-5 years (3 year mandatory minimum) and fine of \$5,000
<b>Living Off or Sharing Earnings of a Minor Prostitute</b>	Living or deriving support or maintenance, in whole or in part, from the earnings or proceeds of prostitution committed by a minor, knowing the same to be earnings or proceeds of prostitution, or sharing in such earnings, proceeds or monies	At least 5 years (mandatory minimum) and fine of \$5,000
<b>Open and Gross Lewdness and Lascivious Behavior (2<sup>nd</sup> Offense)</b>	Committing open and gross lewdness and lascivious behavior, shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two years or by a fine of not more than three hundred dollars	Up to 3 years or fine of up to \$300

## MASSACHUSETTS

Crime	Description	Penalty
<b>Incestuous Marriage or Intercourse</b>	Intermarrying or having sexual intercourse with, or engaging in sexual activities (including but not limited to, oral or anal intercourse, fellatio, cunnilingus, or other penetration of a part of a person's body, or insertion of an object into the genital or anal opening of another person's body, or the manual manipulation of the genitalia of another person's body) with a person within a degree of consanguinity within which marriages are prohibited or declared by law to be incestuous and void	Up to 20 years
<b>Disseminating to a Minor Matter Harmful to a Minor</b>	Disseminating to a minor any matter harmful to minors or possessing any such matter with the intent to disseminate the same to minors	1 <sup>st</sup> Offense: Up to 5 years and/or fine of \$1,000-\$10,000 2 <sup>nd</sup> Offense: Up to 5 years and/or fine of \$5,000-\$20,000 3 <sup>rd</sup> Offense: Up to 5 years and/or fine of \$10,000-\$30,000
<b>Posing or Exhibiting a Child in a State of Nudity</b>	Knowing that a person is a child under 18 years (or should have known), with lascivious intent, hiring, coercing, soliciting or enticing, employing, procuring, using, causing, encouraging, or knowingly permitting such child a) to pose or be exhibited in a state of nudity, or b) to participate or engage in any act that depicts, describes, or represents sexual conduct, for the purpose of representation or reproduction in any visual material	10-20 years and fine of \$10,000-\$50,000
<b>Dissemination of Visual Material of a Child in a State of Nudity or Sexual Conduct</b>	With lascivious intent, disseminating any visual material that contains a representation or reproduction of a) any posture or exhibition in a state of nudity involving the use of a child who is under 18 years, or b) any act that depicts, describes, or represents sexual conduct participated or engaged in by a child who is under 18 years, knowing the contents of such visual material or having sufficient facts in his possession to have knowledge of the contents thereof, or having in his possession any such visual material knowing the contents or having sufficient facts in his possession to have knowledge of the contents thereof, with the intent to disseminate the same	10-20 years and fine of \$10,000-\$50,000 or 3 times the monetary value of any economic gain derived from the dissemination
<b>Possession of Child Pornography</b>	Knowingly purchasing or possessing a negative, slide, book, magazine, film, videotape, photograph or other similar visual reproduction, or depiction by computer, of any child whom the person knows or reasonably should know to be under the age of 18 years and such child is: a) actually or by simulation engaged in any act of sexual intercourse with any person or animal, b) actually or by simulation engaged in any act of sexual contact involving the sex organs of the child and the mouth, anus or sex organs of the child and the sex organs of another person or animal, c) actually or by simulation engaged in any act of masturbation, d) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal, e) actually or by simulation engaged in any act of excretion or urination within a sexual context, f) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context, or g) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed genitals, pubic area, buttocks or, if such person is female, a fully or partially developed breast of the child	1 <sup>st</sup> Offense: Up to 5 years and/or fine of \$1,000-\$10,000 2 <sup>nd</sup> Offense: Up to 5 years and/or fine of \$5,000-\$20,000 3 <sup>rd</sup> Offense: Up to 10 years and/or fine of \$10,000-\$30,000

## MASSACHUSETTS

Crime	Description	Penalty
<b>Unnatural and Lascivious Acts with a Child under 16*</b>	Committing any unnatural and lascivious act with a child under 16	1 <sup>st</sup> Offense: Up to 5 years and/or fine of \$100-\$1,000 2 <sup>nd</sup> Offense: Up to 5 years
<b>Aggravated Rape*</b>	Sexual intercourse or unnatural sexual intercourse by a person with another person who is compelled to submit by force and against his will or by threat of bodily injury; and either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise, or is committed during the commission or attempted commission of certain violent offenses	Not Specified

### B. Risk Assessment

(For complete information, see Massachusetts General Law, Chapter 6, Section 178C et seq.)

Risk Assessment	
<b>Applies to</b>	Registration and Community Notification
<b>Responsible Agency</b>	Sex Offender Registry Board
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	N/A
<b>Risk Levels Utilized</b>	Level 1 (the risk of reoffense is low and the degree of dangerousness posed to the public is not such that a public safety interest is served by public availability) Level 2 (the risk of reoffense is moderate and the degree of dangerousness posed to the public is such that a public safety interest is served by public availability of registration information) Level 3 (the risk of reoffense is high and the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active dissemination)
<b>Assessment Details</b>	If the board, in finally giving an offender a level 3 classification, also concludes that such sex offender should be designated a sexually violent predator, <sup>190</sup> the board shall transmit a report to the sentencing court explaining the board's reasons for so recommending; with respect to sex offenders who are not sexually violent predators, were not convicted of a sexually violent offense or a sex offense involving a child and who have only been convicted of one sex offense, the board may also make specific written findings that the circumstances of the offense in conjunction with the offender's criminal history do not indicate a risk of reoffense or a danger to the public and relieve such sex offender of any further obligation to register

<sup>190</sup> A person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes such person likely to engage in predatory sexually violent offenses.

## MASSACHUSETTS

### C. Registration

(For complete information, see Massachusetts General Law, Chapter 6, Section 178C et seq.)

Registration	
<b>Year Enacted</b>	1996
<b>Responsible Agency</b>	Sex Offender Registry Board
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt to commit an offense listed in Part A above
<b>Information Collected</b>	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; a photograph and set of fingerprints; 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; any other information which may be useful in assessing the risk of the sex offender to re-offend; and any other information which may be useful in identifying the sex offender
<b>Reporting Frequency</b>	Level 1 and 2 Offenders: Annually and within 10 days of any change in home or work address or employment/enrollment at an institution of higher learning
<b>Duration</b>	10 years Life: Those convicted of two or more sex offenses; Those convicted of a sexually violent offense; Sexually Violent Predators
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: 6 months – 5 years and/or fine of \$1,000 and lifetime supervision for those convicted of certain offenses 2 <sup>nd</sup> Offense: At least 5 years and lifetime supervision for Level 2 and Level 3 Offenders

### D. Community Notification

(For complete information, see Massachusetts General Law, Chapter 6, Section 178C et seq.)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public, upon request, for the their own protection or for the protection of a child under 18	Level 2 and 3 Offenders	A report that indicates whether an individual identified by name, date of birth or sufficient personal identifying characteristics is a sex offender with an obligation to register pursuant to this chapter, the offenses for which he was convicted or adjudicated and the dates of such convictions or adjudications
Mandatory Notification	Organizations and Individuals in the community likely to encounter the sex offender	Level 3 Offenders	Name, home address and any secondary address, work address, the offense for which the offender was convicted or adjudicated and the date of the conviction or adjudication, the sex offender's age, sex, race, height, weight, eye and hair color, a photograph of the sex offender, and the name and address of the institution of higher learning that the sex offender is attending

## MASSACHUSETTS

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	Level 3 Offenders	Name of the sex offender; the offender's home address and any secondary addresses; the offender's work address; the offense for which the offender was convicted or adjudicated and the date of the conviction or adjudication; the sex offender's age, sex, race, height, weight, eye and hair color; a photograph of the sex offender, if available; whether the sex offender has been designated a sexually violent predator; and whether the offender is in compliance with the registration obligations

### E. Required Residency Restrictions

(For complete information, see Massachusetts General Law, Chapter 6, Section 178C et seq.)

Restriction Applies To	Type of Restriction
Level 3 Offenders	Prohibition from knowingly and willingly establishing living conditions within, moving to, or transferring to any convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded

### F. Required Employment Restrictions

- No Statutory Provisions

### G. Required Electronic Monitoring

- No Statutory Provisions

### H. Civil Commitment

(For complete information, see Massachusetts General Laws, Chapter 123A)

Commitment Applies To	Treatment Setting	Period of Confinement
Sex offenders who suffer from a mental abnormality or personality disorder that makes them likely to engage in sex offenses if not confined to a secure facility	Department of Corrections Treatment Center	Indeterminate (1 day – 1 year)

## MICHIGAN

### MICHIGAN

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Michigan Compiled Laws, Chapters 28 and 750)

Crime <sup>191</sup>	Description	Penalty <sup>192</sup>
<b>Accosting, Enticing or Soliciting Child for Immoral Purpose</b>	Accosting, enticing, or soliciting a child less than 16 years or an individual whom he or she believes is a child less than 16 years with the intent to induce or force that child or individual to commit an immoral act, to submit to an act of sexual intercourse or an act of gross indecency, or to any other act of depravity or delinquency, or who encouraging a child less than 16 years or an individual whom he or she believes is a child less than 16 years to engage in any of those acts	1 <sup>st</sup> Offense: Up to 4 years and/or fine of up to \$4,000 2 <sup>nd</sup> Offense: Up to 10 years and/or fine of up to \$10,000
<b>Child Sexually Abusive Activity or Material</b>	1) Persuading, inducing, enticing, coercing, causing, or knowingly allowing a child less than 18 years to engage in a child sexually abusive activity (a child engaging in sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity) for the purpose of producing any child sexually abusive material (any depiction, whether made or produced by electronic, mechanical, or other means which is of a child or appears to include child sexually abusive activity) or arranging for, producing, making, or financing, or attempting, preparing or conspiring to arrange for, produce, make, or finance any child sexually abusive activity or child sexually abusive material	Up to 20 years and/or fine of up to \$100,000
	2) Distributing or promoting, or financing the distribution or promotion of, or receiving for the purpose of distributing or promoting, or conspiring, attempting, or preparing to distribute, receive, finance, or promote any child sexually abusive material or child sexually abusive activity	Up to 7 years and/or fine of up to \$50,000
	3) Knowingly possessing any child sexually abusive material	Up to 4 years and/or fine of up to \$10,000
<b>Sodomy*</b>	1) Committing the abominable and detestable crime against nature either with mankind or with any animal	Up to 15 years
	2) Sodomy where the actor is a sexually delinquent person <sup>193</sup>	Up to Life
<b>Indecent Exposure (2<sup>nd</sup> Offense)</b>	Knowingly making any open or indecent exposure of his or her person or of the person of another where the person was fondling his or her genitals, pubic area, buttocks, or, if the person is female, breasts	Up to 2 years and/or fine of up to \$2,000
<b>Gross Indecency between Male Persons*</b>	1) Being a male person, in public or in private, committing or being a party to the commission of or procuring or attempting to procure the commission by any male person of any act of gross indecency with another male person	Up to 5 years or fine of up to \$2,500
	2) Gross indecency between males where the actor is a sexually delinquent person	Up to Life

<sup>191</sup> Offenses marked with an asterisk (\*) are only registrable offenses where the victim was under 18 years.

<sup>192</sup> Minimum sentences are determined in accordance with sentencing guidelines.

<sup>193</sup> Any person whose sexual behavior is characterized by repetitive or compulsive acts which indicate a disregard of consequences or the recognized rights of others, or by the use of force upon another person in attempting sex relations of either a heterosexual or homosexual nature, or by the commission of sexual aggressions against children under the age of 16.



## MICHIGAN

Crime	Description	Penalty
<b>Gross Indecency between Female Persons*</b>	1) Being a female person, in public or in private, committing or being a party to the commission of, or procuring or attempting to procure the commission by any female person of any act of gross indecency with another female person	Up to 5 years or fine of up to \$2,500
	2) Gross indecency between females where the actor is a sexually delinquent person	Up to Life
<b>Gross Indecency between Male and Female Persons*</b>	1) Being a male person, in public or in private, committing or being a party to the commission of any act of gross indecency with a female person	Up to 5 years or fine of up to \$2,500
	2) Being a female person, in public or in private, committing or being a party to the commission of any act of gross indecency with a male person	
	3) Procures or attempting to procure the commission of any act of gross indecency by and between any male person and any female person	
	4) Gross indecency between male and female persons where the actor is a sexually delinquent person	Up to Life
<b>Kidnapping*</b>	Knowingly restraining another person with the intent to do one or more of the following: a) hold that person for ransom or reward, b) use that person as a shield or hostage, c) engage in criminal sexual penetration or criminal sexual contact with that person, d) take that person outside of this state, e) hold that person in involuntary servitude	Life or a term of years and/or fine of up to \$50,000
<b>Kidnapping a Child under 14 years</b>	Except for parents, maliciously, forcibly, or fraudulently leading, taking, carrying away, decoying, or enticing away, any child under 14 years, with the intent to detain or conceal the child from the child's parent or legal guardian, or from the person or persons who have adopted the child, or from any other person having the lawful charge of the child	Life or a term of years
<b>Soliciting and Accosting*</b>	Being 16 years or older, accosting, soliciting, or inviting another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act	1 <sup>st</sup> Offense: Up to 93 days and/or fine of up to \$500 2 <sup>nd</sup> Offense: Up to 1 year and/or fine of up to \$1,000 3 <sup>rd</sup> Offense: Up to 2 years and/or fine up to \$2,000
<b>Pandering</b>	1) Procuring a female inmate for a house of prostitution	Up to 20 years
	2) Inducing, persuading, encouraging, inveigling or enticing a female person to become a prostitute	
	3) By promises, threats, violence or by any device or scheme, causing, inducing, persuading, encouraging, inveigling or enticing a female person to become an inmate of a house of prostitution or assignation place or any place where prostitution is practiced, encouraged or allowed, or to remain therein as an inmate	

## MICHIGAN

Crime	Description	Penalty
<b>Pandering (cont.)</b>	<p>4) By promises, threats, violence, by any device or scheme, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, taking, placing, harboring, inveigling, enticing, persuading, encouraging or procuring any female person to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution;</p> <p>5) Inveigling, enticing, persuading, encouraging or procuring any female person to come into this state or to leave this state for the purpose of prostitution</p> <p>6) Upon the pretense of marriage taking or detaining a female person for the purpose of sexual intercourse</p> <p>7) Receiving or giving or agreeing to receive or give any money or thing of value for procuring or attempting to procure any female person to become a prostitute or to come into this state or leave this state for the purpose of prostitution</p>	Up to 20 years
<b>Criminal Sexual Assault in the First Degree</b> <sup>194</sup>	<p>Engaging in sexual <i>penetration</i> with another person if any of the following circumstances exists:</p> <p>1) The other person is under 13 years of age</p> <p>2) The other person is at least 13 but less than 16 years of age and any of the following:</p> <ul style="list-style-type: none"> <li>a) the actor is a member of the same household as the victim</li> <li>b) the actor is related to the victim by blood or affinity to the fourth degree</li> <li>c) the actor is in a position of authority over the victim and used this authority to coerce the victim to submit</li> <li>d) the actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled</li> <li>e) the actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person</li> </ul> <p>3) Sexual penetration occurs under circumstances involving the commission of any other felony</p>	<p>1<sup>st</sup> Offense: Life or a term of years and lifetime electronic monitoring</p> <p>2<sup>nd</sup> Offense (for criminal sexual conduct in any degree): As above and a 5 year mandatory minimum</p>

<sup>194</sup> This offense and those of criminal sexual assault in the second, third, and fourth degrees were recently amended. The versions presented here take effect July 1, 2008.

## MICHIGAN

Crime	Description	Penalty	
<b>Criminal Sexual Assault in the First Degree (cont.)</b>	4) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists: <ul style="list-style-type: none"> <li>a) the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless</li> <li>b) the actor uses force or coercion (as described in 6) below) to accomplish the sexual penetration</li> </ul>	1 <sup>st</sup> Offense: Life or a term of years and lifetime electronic monitoring 2 <sup>nd</sup> Offense (for criminal sexual conduct in any degree): As above and a 5 year mandatory minimum	
	5) 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		
	6) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances: <ul style="list-style-type: none"> <li>a) when the actor overcomes the victim through the actual application of physical force or physical violence</li> <li>b) when the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats</li> <li>c) when the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat</li> <li>d) when the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable</li> <li>e) when the actor, through concealment or by the element of surprise, is able to overcome the victim</li> </ul>		
	7) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless		
	8) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following: <ul style="list-style-type: none"> <li>a) the actor is related to the victim by blood or affinity to the fourth degree</li> <li>b) the actor is in a position of authority over the victim and used this authority to coerce the victim to submit</li> </ul>		
	9) Criminal sexual conduct in the first degree by an individual 17 years or older against an individual less than 13 years by imprisonment for life or any term of years		1 <sup>st</sup> Offense: Life or at least 25 years 2 <sup>nd</sup> Offense (for criminal sexual conduct in any degree): Life without Parole

## MICHIGAN

Crime	Description	Penalty
<b>Criminal Sexual Assault in the Second Degree</b>	<p>Engaging in sexual <i>contact</i> with another person under any of the circumstances described in criminal sexual assault in the first degree or:</p> <p>1) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections</p> <p>2) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility who knows that the other person is under the jurisdiction of the department of corrections</p> <p>3) That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county's jurisdiction</p> <p>4) The actor knows or has reason to know that a court has detained the victim in a facility while the victim is awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed</p> <p>5) Criminal sexual assault in the second degree committed by an individual 17 years or older against an individual less than 13 years</p>	<p>1<sup>st</sup> Offense: Up to 15 years</p> <p>2<sup>nd</sup> Offense (for criminal sexual conduct in any degree): As above and a 5 year mandatory minimum</p> <hr/> <p>1<sup>st</sup> Offense: Up to 15 years and lifetime electronic monitoring</p> <p>2<sup>nd</sup> Offense (for criminal sexual conduct in any degree): As above and a 5 year mandatory minimum</p>
<b>Criminal Sexual Conduct in the Third Degree</b>	<p>Engaging in sexual <i>penetration</i> with another person if any of the following circumstances exist:</p> <p>1) That other person is at least 13 years of age and under 16 years of age</p> <p>2) Force or coercion is used to accomplish the sexual penetration</p> <p>3) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless</p> <p>4) That other person is related to the actor by blood or affinity to the third degree (unless married to each other ) and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter</p>	<p>1<sup>st</sup> Offense: Up to 15 years</p> <p>2<sup>nd</sup> Offense (for criminal sexual conduct in any degree): As above and a 5 year mandatory minimum</p>

## MICHIGAN

Crime	Description	Penalty
<b>Criminal Sexual Conduct in the Third Degree (cont.)</b>	<p>5) That other person is at least 16 years but less than 18 years (unless emancipated or married to each other) and a student at a public school or nonpublic school, and either of the following applies:</p> <ul style="list-style-type: none"> <li>a) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district</li> <li>b) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person</li> </ul> <p>6) That other person is at least 16 years but less than 26 years (unless married to each other) and is receiving special education services, and either of the following applies:</p> <ul style="list-style-type: none"> <li>a) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services</li> <li>b) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person</li> </ul>	<p>1<sup>st</sup> Offense: Up to 15 years</p> <p>2<sup>nd</sup> Offense (for criminal sexual conduct in any degree): As above and a 5 year mandatory minimum</p>
<b>Criminal Sexual Conduct in the Fourth Degree</b>	<p>Engaging in sexual <i>contact</i> with another person if any of the following circumstances exist:</p> <ul style="list-style-type: none"> <li>1) That other person is at least 13 years but less than 16 years, and the actor is 5 or more years older than that other person</li> <li>2) Force or coercion is used to accomplish the sexual contact</li> <li>3) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless</li> <li>4) That other person is related to the actor by blood or affinity to the third degree (unless married to each other) and the sexual contact occurs under circumstances not otherwise prohibited by this chapter</li> <li>5) The actor is a mental health professional and the sexual contact occurs during or within 2 years after the period in which the victim is his or her client or patient and not his or her spouse</li> </ul>	<p>Up to 2 years and/or fine of up to \$500</p>

## MICHIGAN

Crime	Description	Penalty
<b>Criminal Sexual Conduct in the Fourth Degree (cont.)</b>	<p>6) That other person is at least 16 years but less than 18 years and a student at a public school or nonpublic school, and either of the following applies:</p> <p>a) the actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district unless the other person is emancipated or if both persons are married to each other</p> <p>b) the actor is an employee or a contractual service provider of the school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person</p> <p>7) That other person is at least 16 years but less than 26 years and is receiving special education services, and either of the following applies:</p> <p>a) the actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services unless both persons are married to each other</p> <p>b) the actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person</p>	Up to 2 years and/or fine of up to \$500
<b>Assault with Intent to Commit Criminal Sexual Conduct</b>	<p>1) Assault with intent to commit criminal sexual conduct involving sexual penetration</p> <p>2) Assault with intent to commit criminal sexual conduct in the second degree</p>	<p>Up to 10 years</p> <p>Up to 5 years</p>

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Michigan Compiled Laws, Chapter 28)

Registration	
<b>Year Enacted</b>	1994
<b>Responsible Agency</b>	Department of State Police

## MICHIGAN

<b>Registration</b>	
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) A third or subsequent offense of any combination of indecent exposure (other than as described in Part A), being a person who is engaged in indecent or obscene conduct, or any similar municipal ordinance 3) Any other violation of state or local law that by its nature constitutes a sexual offense against an individual under 18 years 4) An offense committed by a person who was, at the time of the offense, a sexually delinquent person 5) Any attempt or conspiracy to commit any offense listed above
<b>Information Collected</b>	Name, social security number, date of birth, and address or expected address; 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; A complete physical description of the individual, photograph and fingerprints; certain information related to associations with institutes of higher education; A registration may contain the individual's blood type and whether a DNA identification profile of the individual is available
<b>Reporting Frequency</b>	1) Misdemeanors: Annually and within 10 days of any change in residence, domicile, place of work or education 2) Felonies: Every 3 months and within 10 days of any change in residence, domicile, place of work or education
<b>Duration<sup>195</sup></b>	25 years Life: Those convicted of criminal sexual assault in the first degree, criminal sexual assault in the second degree where the victim is under 13 years, kidnapping, kidnapping a child under 14 years, child sexually abusive activity or materials (except possession); Those convicted of a second or subsequent sex offense
<b>Penalties for Non-Compliance<sup>196</sup></b>	1 <sup>st</sup> Offense: Up to 4 years and/or fine of up to \$2,000 2 <sup>nd</sup> Offense: Up to 7 years and/or fine of up to \$5,000 3 <sup>rd</sup> Offense: Up to 10 years and/or fine of up to \$10,000

### **D. Community Notification**

(For complete information, see Michigan Compiled Laws, Chapter 28)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public, upon request via inspection during regular business hours	All sex offenders	The compilation of individuals shall be indexed numerically by zip code area; Within each zip code area, the compilation shall contain all of the following information: the name and aliases, address, physical description, and birth date of each individual registered under this act who is included in the compilation and who resides in that zip code area and any listed offense of which the individual has been convicted; the name and campus location of each institution of higher education to which the individual is required to report; Photograph
Public Internet Registry	Members of the Public	All sex offenders	As above

<sup>195</sup> Certain juvenile offenders may petition the Court for permission to register for 10 years only.

<sup>196</sup> Penalties depend on the specific provision violated; the most serious possible penalties are presented here.

## **MICHIGAN**

### **E. Required Residency Restrictions**

(For complete information, see Michigan Compiled Laws, Chapter 28)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All sex offenders	Prohibition from living within 1,000 feet of school property

### **F. Required Employment Restrictions**

(For complete information, see Michigan Compiled Laws, Chapter 28)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All sex offenders	Prohibition from working within 1,000 feet of school property

### **G. Required Electronic Monitoring**

(For complete information, see Michigan Compiled Statutes, Chapter 750)

<b>Type of Monitoring</b>	<b>Applicable To</b>	<b>Duration</b>
GPS	Those convicted of criminal sexual conduct in the first or second degree committed by an individual 17 years or older against an individual less than 13 years	Life

### **H. Civil Commitment**

- No Statutory Provisions

### **I. Other Restrictions**

(For complete information, see Michigan Compiled Laws, Chapter 28)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All sex offenders	Prohibition from loitering within 1,000 feet of school property



## MINNESOTA

### MINNESOTA

#### A. Crimes classified as “predatory offenses” or for which conviction results in classification as a “predatory offender.”

(For complete information, see Minnesota Statutes, Chapter 243)

Crime	Description	Penalty
<b>Murder</b>	Causing the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence	Life
<b>Kidnapping</b>	1) Confining or removing any person without the person's consent or, if the person is under the age of 16 years, without the consent of the person's parents or other legal custodian, for any of the following purposes: a) to hold for ransom or as shield or hostage; or b) to facilitate the commission of any felony or flight thereafter; or c) to commit great bodily harm or to terrorize the victim or another; or d) to hold in involuntary servitude	
	2) Kidnapping where the victim is released in a safe place without great bodily harm	Up to 20 years, fine up to \$35,000
	3) Kidnapping where the victim is not released in a safe place, suffers great bodily harm, or is under the age of 16	Up to 40 years, fine up to \$50,000
<b>Criminal Sexual Conduct in the First Degree</b>	Engaging in sexual penetration with another person, or in sexual contact with a person under 13 years of age under any of the following circumstances:  1) Offender is more than 36 months older than the victim  2) Victim is at least 13 but less than 16 years old and the offender is more than 48 months older than the victim and in a position of authority over the victim  3) Victim has a reasonable fear of imminent great bodily harm  4) Offender is armed with a dangerous weapon and uses or threatens to use the weapon to cause the victim to submit  5) Offender causes personal injury to the victim and either a) uses force or coercion to sexually penetrate the victim; or b) knows that the victim is mentally impaired, mentally incapacitated, or physically helpless  6) Offender is aided by an accomplice and either a) the accomplice uses force or coercion to cause the victim to submit, or b) the accomplice is armed with a dangerous weapon and uses or threatens to use the weapon to cause the victim to submit  7) Offender has a significant relationship to the victim and the victim was less than 16 years old at the time of the sexual penetration	12-30 years, fine up to \$40,000

## MINNESOTA

Crime	Description	Penalty
<b>Criminal Sexual Conduct in the First Degree (cont.)</b>	8) Offender has a significant relationship to the victim, the victim was less than 16 years old at the time of the sexual penetration, and either a) the offender or an accomplice used force or coercion to accomplish the penetration, b) the victim suffered personal injury, or c) the sexual abuse involved multiple acts committed over an extended period of time	12-30 years, fine up to \$40,000
<b>Criminal Sexual Conduct in the Second Degree</b>	Engaging in sexual contact with another person under any of the following circumstances: <ol style="list-style-type: none"> <li>1) Victim is under 13 years and offender is more than 36 months older than the victim</li> <li>2) Victim is at least 13 but less than 16 years old and the offender is more than 48 months older than the victim and in a position of authority over the victim</li> <li>3) Victim has a reasonable fear of imminent great bodily harm</li> <li>4) Offender is armed with a dangerous weapon and uses or threatens to use the weapon to cause the victim to submit</li> <li>5) Offender causes personal injury to the victim and either a) uses force or coercion to sexually contact the victim, or b) offender knows that the victim is mentally impaired, mentally incapacitated, or physically helpless</li> <li>6) Offender is aided by an accomplice and either a) the accomplice uses force or coercion to cause the victim to submit, or b) the accomplice is armed with a dangerous weapon and uses or threatens to use the weapon to cause the victim to submit</li> <li>7) Offender has a significant relationship to the victim and the victim was less than 16 years old at the time of the sexual contact</li> <li>8) Offender has a significant relationship to the victim, the victim was less than 16 years old at the time of the sexual contact, and either a) the offender or an accomplice used force or coercion to accomplish the contact, b) the victim suffered personal injury, or c) the sexual abuse involved multiple acts committed over an extended period of time</li> </ol>	7.5 – 25 years, fine up to \$35,000
<b>Criminal Sexual Contact in the Third Degree</b>	Engaging in sexual penetration with another person under any of the following circumstances: <ol style="list-style-type: none"> <li>1) Victim is under 13 years old and offender is no more than 36 months older</li> <li>2) Victim is at least 13 but less than 16 years old and offender is more than 24 months older</li> <li>3) Offender uses force or coercion to accomplish the penetration</li> <li>4) Offender knows or has reason to know that the complainant is mentally impaired, mentally</li> </ol>	Up to 15 years and/or fine of up to \$30,000

## MINNESOTA

Crime	Description	Penalty
	incapacitated, or physically helpless	
<b>Criminal Sexual Contact in the Third Degree (cont.)</b>	<p>5) Victim is at least 16 but less than 18 years old and offender is more than 48 months older and in a position of authority over the victim</p> <p>6) Offender has a significant relationship to the victim and the victim was at least 16 but under 18 years old at the time of the sexual penetration</p> <p>7) Offender has a significant relationship to the victim, the victim was at least 16 but under 18 years old at the time of the sexual penetration, and either a) the offender or an accomplice used force or coercion to accomplish the penetration, b) the victim suffered personal injury, or c) the sexual abuse involved multiple acts committed over an extended period of time</p> <p>8) Offender is a psychotherapist and the victim is a patient of the psychotherapist and the sexual penetration occurred either a) during the psychotherapy session, or b) outside the session if an ongoing psychotherapist-patient relationship exists</p> <p>9) Offender is a psychotherapist and the victim is a former patient and is emotionally dependent upon the offender</p> <p>10) Offender is a psychotherapist and the victim is a patient or former patient and the sexual penetration occurred by means of therapeutic deception</p> <p>11) Offender accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose</p> <p>12) Offender is or purports to be a member of the clergy, the victim is not married to the offender, and either a) the sexual penetration occurred during a private meeting at which the victim sought religious or spiritual advice, aid, or comfort from the offender, or b) the sexual penetration occurred during a period of time in which the victim was privately meeting regularly with the offender to seek or receive religious or spiritual advice, aid, or comfort</p> <p>13) Offender is an employee, independent contractor, or volunteer of an adult or juvenile correctional system and the victim is a resident of or under supervision of the correctional system</p> <p>14) Offender provides special transportation service, the victim used such service, and the sexual penetration occurred during or immediately before or after the offender transported the victim</p> <p>15) Offender performs massage or other bodywork for hire, the victim used such services, and nonconsensual sexual penetration occurred during or immediately before or after such services</p>	Up to 15 years and/or fine of up to \$30,000

## MINNESOTA

Crime	Description	Penalty
<b>Criminal Sexual Contact in the Fourth Degree</b>	Engaging in sexual contact with another person under any of the same circumstances listed under Criminal Sexual Contact in the Third Degree	Up to 10 years and/or fine of up to \$20,000
<b>Criminal Sexual Contact in the Fifth Degree</b>	The second offense of engaging in masturbation or lewd exhibition of the genitals in the presence of a minor under 16 years old	Up to 5 years and/or fine of up to \$10,000
<b>Criminal Sexual Predatory Contact</b>	<p>1) Committing a predatory crime that was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal</p> <p>2) Criminal sexual predatory contact where offender was previously convicted of a sex offense</p>	<p>Up to 25% longer than the penalty for the underlying predatory crime, fine up to \$20,000</p> <p>Up to 50% longer than the penalty for the underlying predatory crime</p>
<b>Indecent Exposure</b>	<p>1) The second offense of:</p> <p style="margin-left: 20px;">a) willfully and lewdly exposing one's body, or the private parts thereof; procuring another to expose private parts; or engaging in any open or gross lewdness or lascivious behavior, or any public indecency in the presence of a minor under 16 years old, or</p> <p style="margin-left: 20px;">b) criminal sexual conduct in the fifth degree</p> <p>2) Willfully and lewdly exposing one's body, or the private parts thereof, in the presence of a victim while intentionally confining the victim or otherwise restricting the victim's freedom to move</p>	Up to 5 years and/or fine of up to \$10,000
<b>False Imprisonment</b>	<p>Intentionally confining or restraining</p> <p style="margin-left: 20px;">a) a person without their consent, or</p> <p style="margin-left: 20px;">b) a child under 18 years old without the consent of the child's parent or legal custodian</p>	Up to 3 years and/or fine of up to \$5,000
<b>Prostitution of a Minor</b>	<p>1) Soliciting or inducing someone under 18 years old to practice prostitution; promoting the prostitution of someone under the 18 years old; or receiving profit knowing that it is derived from the prostitution, or the promotion of the prostitution, of an individual under 18 years old</p> <p>2) Engaging in prostitution with someone under 13 years old; or hiring or offering to hire someone under 13 years old to engage in sexual penetration or sexual contact</p> <p>3) Engaging in prostitution with someone under 16 but at least 13 years old; or hiring or offering to hire someone of that age to engage in sexual penetration or sexual contact</p> <p>4) Engaging in prostitution with someone under 18 years but at least 16 years old; or hiring or offering to hire someone of that age to engage in sexual penetration or sexual contact</p>	<p>Up to 20 years and/or fine of up to \$40,000</p> <p>Up to 20 years and/or fine of up to \$40,000</p> <p>Up to 10 years and/or fine of up to \$20,000</p> <p>Up to 5 years and/or fine of up to \$10,000</p>
<b>Soliciting a Minor to Engage in Sexual Conduct</b>	Soliciting a child to engage in sexual conduct; by the use of the Internet or otherwise	Up to 3 years and/or fine of up to \$5,000
<b>Using a Minor in a Sexual Performance</b>	Promoting or using a minor to pose or model alone or with others in any sexual performance or pornographic work	<p>1<sup>st</sup> Offense: Up to 10 years and/or fine of up to \$20,000</p> <p>2<sup>nd</sup> Offense: Up to 10 years and/or fine of up to \$40,000</p>

## MINNESOTA

Crime	Description	Penalty
<b>Pornography</b>	1) Possessing a pornographic work (work depicting a minor engaged in sexual performance or conduct)	Up to 5 years and/or fine of up to \$5,000
	2) Pornography where offender is a registered predatory offender	Up to 10 years

### B. Risk Assessment

(For complete information, see Minnesota Statutes, Chapter 244)

Risk Assessment	
<b>Applies to</b>	Community Notification
<b>Responsible Agency</b>	Department of Corrections
<b>Assessment Tool/Scale Used</b>	At the discretion of the Commissioner of Corrections
<b>Appealable?</b>	N/A
<b>Risk Levels Utilized</b>	Risk level I: An offenders whose risk assessment scores indicates a low risk of re-offense Risk level II: An offender whose risk assessment score indicates a moderate risk of re-offense Risk level III: An offender whose risk assessment score indicates a high risk of re-offense
<b>Assessment Details</b>	The commissioner of corrections, in consultation with county attorneys, treatment professionals, law enforcement officials, and probation officers, is required to develop a risk assessment scale which assigns weights-specified risk factors and specifies the risk level to which offenders with various risk assessment scores shall be assigned.

### C. Registration

(For complete information, see Minnesota Statutes, Chapter 243)

Registration	
<b>Year Enacted</b>	1991
<b>Responsible Agency</b>	Department of Corrections
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) All offenders sentenced as patterned sex offenders <sup>197</sup>
<b>Information Collected</b>	Addresses of: primary and all secondary residences; all property owned, leased, or rented in Minnesota; employment locations; where he or she resides while attending school; and the year, model, make, license-plate number, and color of all motor vehicles owned or regularly driven; In addition, an offender who is required to register following commitment pursuant to a court order as a person with a sexual psychopathic personality or as a sexually dangerous person, or a similar law of another jurisdiction, must provide offense history and documentation of treatment received during his or her commitment

<sup>197</sup> When 1) the offender is being convicted of criminal sexual conduct, 2) the factfinder determines that the offender is a danger to public safety, and 3) the factfinder determines that the offender's criminal sexual behavior is so engrained that the risk of re-offending is great without intensive psychotherapeutic intervention or other long-term treatment or supervision extending beyond the presumptive term of imprisonment and supervised release.

## MINNESOTA

Registration	
<b>Reporting Frequency</b>	Annually Risk Level II Offenders: Semi-annually Offenders required to register following commitment pursuant to a court order as a person with a sexual psychopathic personality or as a sexually dangerous person: Quarterly
<b>Duration</b>	10 years Life, if: <ol style="list-style-type: none"> <li>1) the offender has previously been convicted for an offense that required registration;</li> <li>2) the person is required to register based upon a conviction of murder related to sexual conduct;</li> <li>3) the person is required to registered based upon a conviction of criminal sexual conduct; and</li> <li>4) all offenders required to register following commitment pursuant to a court order as a person with a sexual psychopathic personality or as a sexually dangerous person, or a similar law of another jurisdiction</li> </ol>
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: Up to 5 years and/or fine up to \$10,000 2 <sup>nd</sup> Offense: 2-5 years

### D. Community Notification

(For complete information, see Minnesota Statutes, Chapter 244)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
<b>Victim Notification</b>	Any victims of or witnesses to the offense	Risk level I offenders	Any information collected by the agency (including all information collected for the risk assessment determination) that is relevant and necessary to protect the public and to counteract the offender's dangerousness; the extent of the information disclosed must relate to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety
	Victims of the offense who request disclosure and adult members of the offender's immediate household	Risk level I, II and III offenders	
<b>Discretionary Notification</b>	Agencies and groups that the offender is likely to encounter, such as day care establishments, educational institutions, and other organizations that serve individuals likely to be victimized by the offender	Risk level II offenders	
	Individuals likely to be victimized by the offender	Risk level II and III offenders	
	Members of the community whom the offender is likely to encounter	Risk level III offenders	

## MINNESOTA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	Risk level III offenders	As above

### E. Required Residency Restrictions

- No statutory provisions

### F. Required Employment Restrictions

- No statutory provisions

### G. Required Electronic Monitoring

- No statutory provisions

### H. Civil Commitment

(For complete information, see Minnesota Statutes, Chapter 253B)

Commitment Applies To	Treatment Setting	Period of Confinement
Persons classified as having a sexual psychopathic personality <sup>198</sup> or denominated sexually dangerous persons <sup>199</sup>	Secure treatment facility	Indeterminate

<sup>198</sup> The existence in any person of such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of personal acts, or a combination of any of these conditions, which render the person irresponsible for personal conduct with respect to sexual matters, if the person has evidenced, by a habitual course of misconduct in sexual matters, an utter lack of power to control the person's sexual impulses and, as a result, is dangerous to other persons.

<sup>199</sup> Those who have engaged in a course of harmful sexual conduct (sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another), have manifested a sexual, personality, or other mental disorder or dysfunction, and as a result, are likely to engage in acts of harmful sexual conduct.

## MISSISSIPPI

### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.” (For complete information, see Mississippi Statutes Annotated, Title 97, Chapters 3, and 29, Title 43, Chapter 47, and Title 45, Chapter 33)

Crime <sup>200</sup>	Description	Penalty
<b>Kidnapping<sup>201</sup></b>	Without lawful authority and with or without intent to secretly confine, forcibly seizing and confining any other person, or inveigling or kidnapping any other person with intent to cause such person to be confined or imprisoned against his or her will, or without lawful authority forcibly seizing, inveigling or kidnapping any child under 16 years against the will of the parents or guardian or person having the lawful custody of the child	Life or 1-30 years
<b>Statutory Rape; Drugging</b>	1) Being 17 years of age or older having sexual intercourse with a child who: a) is at least 14 but under 16 years, b) is 36 or more months younger than the actor, and c) is not the actor's spouse*	
	2) Having sexual intercourse with a child who a) is under the age of 14) years, b) is 24 or more months younger than the actor, and c) is not the actor's spouse	
	3) Statutory rape as described in 1) above where the actor is 18 years or older, but under 21 years	Up to 30 years and/or fine of up to \$5,000
	4) Statutory rape as described in 1) above where the actor is 21 years or older	1 <sup>st</sup> Offense: Up to 30 years and/or fine of up to \$10,000 2 <sup>nd</sup> Offense: Up to 40 years
	5) Statutory Rape as described in 2) above where the actor is 18 years or older	Life or at least 20 years
	6) Statutory Rape as described in 1) or 2) above where the actor is 13 years or older but under 18) years	Imprisonment, fine, or other sentence at the court's discretion
	7) Having forcible sexual intercourse with any person, or having sexual intercourse not constituting forcible sexual intercourse or statutory rape with any person without that person's consent by administering to such person any substance or liquid which shall produce such stupor or such imbecility of mind or weakness of body as to prevent effectual resistance	Life or a term of years
<b>Rape and Assault with Intent to Ravish</b>	Assault with intent to forcibly ravish any female of previous chaste character	Life or a term of years

<sup>200</sup> Offenses or sections of offenses marked with an asterisk (\*) are not registrable if the offender is 18 years or younger.

<sup>201</sup> Kidnapping is only a sex offense if the victim is under 18 years.



## MISSISSIPPI

Crime	Description	Penalty
<b>Sexual Battery</b>	1) Engaging in sexual penetration with another person without his or her consent	1 <sup>st</sup> Offense: Up to 30 years
	2) Engaging in sexual penetration with a mentally defective, mentally incapacitated or physically helpless person	2 <sup>nd</sup> Offense: Up to 40 years
	3) Engaging in sexual penetration with a child under the age of 18 years if the person is in a position of trust or authority over the child including without limitation the child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach	
	4) Engaging in sexual penetration with a child at least 14 but under 16 years, if the person is 36 or more months older than the child where the actor is 21 years or older*	1 <sup>st</sup> Offense: Up to 30 years and/or fine of up to \$10,000 2 <sup>nd</sup> Offense: Up to 40 years
	5) Sexual battery as described in 4) above where the actor is at least 18 but under 21 years*	Up to 5 years and/or fine of up to \$5,000
	6) Engaging in sexual penetration with a child under the age of 14 years if the person is 24 or more months older than the child (and at least 18 years)	Life or at least 20 years
	7) Sexual battery where the actor is 13 years or older but under 18 years	Imprisonment, fine, or other sentence at the court's discretion
<b>Enticing a Child under 14</b>	Maliciously, willfully, or fraudulently leading, taking, carrying away, decoying or enticing away, any child under 14 years, with intent to detain or conceal such child from its parents, guardian, or other person having lawful charge of such child, or for the purpose of prostitution, concubinage, or marriage	Up to 10 years and/or fine of up to \$1,000
<b>Fondling Child</b>	1) Being older than 18 years, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, handling, touching or rubbing with hands or any part of his or her body or any member thereof, any child under 16 years or a mentally defective, mentally incapacitated or physically helpless person	1 <sup>st</sup> Offense: 2-15 years and/or fine of \$1000-\$5,000 2 <sup>nd</sup> Offense: Up to 20 years (mandatory minimum of ½ the sentence)
	2) Being older than 18 years, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, handling, touching or rubbing with hands or any part of his or her body or any member thereof, any child younger than himself or herself and under 18 years who is not such person's spouse, when the person occupies a position of trust or authority over the child	
<b>Disseminating Sexually Oriented Material to Children; Computer Luring</b>	Intentionally and knowingly disseminating sexually oriented material to any person under 18 years by:	Up to 1 year and/or fine of \$500-\$5,000
	1) Selling, delivering or providing, or offering or agreeing to sell, deliver or provide, any sexually oriented writing, picture, record or other representation or embodiment that is sexually oriented	

## MISSISSIPPI

Crime	Description	Penalty
<b>Disseminating Sexually Oriented Material to Children; Computer Luring (cont.)</b>	2) Presenting or directing a sexually oriented play, dance or other performance or participating directly in that portion thereof which makes it sexually oriented	Up to 1 year and/or fine of \$500-\$5,000
	3) Exhibiting, presenting, renting, selling, delivering or providing, or offering or agreeing to exhibit, present, rent or to provide any sexually oriented still or motion picture, film, filmstrip or projection slide, or sound recording, sound tape or sound track or any matter or material which is a representation, embodiment, performance or publication that is sexually oriented	
	4) Knowing the character and content of any communication of sexually oriented material, a) intentionally using any computer communication system allowing the input, output, examination or transfer of computer data or computer programs from one computer to another, to initiate or engage in such communication with a person under 18 years and b) by means of such communication importuning, inviting or inducing a person under 18 years to engage in sexual intercourse, deviant sexual intercourse or sexual contact with him, or to engage in a sexual performance, obscene sexual performance or sexual conduct for his benefit	Up to 3 years and fine of up to \$10,000
<b>Exploitation of Children</b>	1) Causing, soliciting or knowingly permitting any child to engage in sexually explicit conduct or in the simulation of sexually explicit conduct for the purpose of producing any visual depiction of such conduct	1 <sup>st</sup> Offense: 5-40 years and fine of \$50,000-\$500,000 2 <sup>nd</sup> Offense: Life or at least 20 years and fine of \$100,000-\$1,000,000
	2) Depicting or recording a child engaging in sexually explicit conduct or in the simulation of sexually explicit conduct by any means including computer, photograph, film, video tape or otherwise	
	3) Knowingly sending, transporting, transmitting, shipping, mailing or receiving any photograph, drawing, sketch, film, video tape or other visual depiction of an actual child engaging in sexually explicit conduct, by any means including computer	
	4) Receive with intent to distribute, distributing for sale, selling or attempting to sell in any manner any photograph, drawing, sketch, film, video tape or other visual depiction of an actual child engaging in sexually explicit conduct, by any means including computer	
	5) Possessing any photograph, drawing, sketch, film, video tape or other visual depiction of an actual child engaging in sexually explicit conduct, by any means including computer	
	6) Knowingly enticing, inducing, persuading, seducing, soliciting, advising, coercing, or ordering a child to meet with the defendant or any other person for the purpose of engaging in sexually explicit conduct, by any means including computer	
	7) Knowingly enticing, inducing, persuading, seducing, soliciting, advising, coercing, or ordering a child to produce any visual depiction of adult sexual conduct or any sexually explicit conduct, by any means including computer	

## MISSISSIPPI

Crime	Description	Penalty
<b>Carnal Knowledge of Certain Children</b>	1) Having carnal knowledge of his or her unmarried stepchild or adopted child younger than himself or herself and over 14 and under 18 years	Up to 10 years
	2) Having carnal knowledge of an unmarried child younger than himself or herself and over 14 and under 18 years, with whose parent he or she is cohabiting or living together as husband and wife	
<b>Sodomy</b>	Committing the detestable and abominable crime against nature with mankind or a beast	Up to 10 years
<b>Sex between Teacher and Pupil</b>	Being a pupil under 18 years, having sexual intercourse with a teacher (to whom he/she is not married)	Up to \$500 fine
	Being a teacher, having sexual intercourse with a pupil under 18 years (to whom he/she is not married)	3-6 months and up to \$500
<b>Sexual Battery or Fondling of a Vulnerable Adult</b>	1) Engaging in sexual penetration with a vulnerable adult if the person is a volunteer at, or an employee of, or contracted to work for, a health care facility in which the vulnerable adult is a patient or resident	1 <sup>st</sup> Offense: Up to 30 years 2 <sup>nd</sup> Offense: Up to 40 years
	2) Engaging in sexual penetration with a vulnerable adult if the person is in a position of trust or authority over the vulnerable adult, including, without limitation, the vulnerable adult's teacher, counselor, physician, psychiatrist, psychologist, nurse, certified nursing assistant, direct care worker, technical assistant, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, other relative, caretaker or conservator	
	3) For the purpose of gratifying the person's lust, or indulging the person's depraved licentious sexual desires, handling, touching or rubbing with hands or any part of the person's body or any member thereof, any vulnerable adult, with or without the vulnerable adult's consent, when the person is a volunteer at, or an employee of, or contracted to work for, a health care facility in which the vulnerable adult is a patient or resident	2-15 years and/or fine of \$1000-\$5,000
	4) For the purpose of gratifying the person's lust, or indulging the person's depraved licentious sexual desires, handling, touching or rubbing with hands or any part of the person's body or any member thereof, any vulnerable adult, with or without the vulnerable adult's consent, when the person occupies a position of trust or authority over the vulnerable adult	
<b>Human Trafficking</b>	Knowingly subjecting or attempting to subject, or recruiting, enticing, harboring, transporting, providing or obtaining by any means (or attempting to do so) a minor, knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or causing or attempting to cause a minor to engage in such activity	Up to 30 years
<b>Photographing, Taping or Filming Person in Violation of Expectation of Privacy</b>	Having lewd, licentious or indecent intent secretly photographing, filming, videotaping, recording or otherwise reproducing the image of another person without the permission of such person when such a person is located in a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, private dwellings or any facility, public or private, used as a restroom, bathroom, shower room, tanning booth, locker room, fitting room, dressing room or bedroom	Up to 5 years and/or fine of \$5,000

# MISSISSIPPI

## B. Risk Assessment

- No Statutory Provisions

## C. Registration

(For complete information, see Mississippi Statutes Annotated, Title 45, Chapter 33)

Registration	
<b>Year Enacted</b>	1994
<b>Responsible Agency</b>	Mississippi Department of Public Safety
<b>Eligible Offenses/Statutes<sup>202</sup></b>	1) All offenses listed in Part A above 2) Any conviction for attempt, conspiracy to commit or accessory to commission of any offense listed in Part A
<b>Information Collected</b>	Name, including former names; Street address of all current permanent and temporary residences within state or out of state; Date, place and address of employment; Crime for which convicted; Date and place of conviction, adjudication or acquittal by reason of insanity; Aliases used; Social security number; Date and place of birth; Age, race, sex, height, weight, hair and eye colors, and any other physical description or identifying factors; A brief description of the offense or offenses for which the registration is required; Driver's license or state identification card number, which license or card may be electronically accessed by the Department of Public Safety; Anticipated future residence; If the registrant's residence is a motor vehicle, trailer, mobile home or manufactured home: 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 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; Vehicle make, model, color and license tag number; Offense history; Photograph; Fingerprints and palm prints; Documentation of any treatment received for any mental abnormality or personality disorder of the person; Biological sample; Name of any educational institution 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; Copy of conviction or sentencing order for the sex offense for which registration is required; The offender's parole, probation or supervised release status and the existence of any outstanding arrest warrants; Every online identity, screen name or username used, registered or created by a registrant; any other information deemed necessary
<b>Reporting Frequency</b>	Every 90 days and within 10 days of any change of address and 3 days of any name or employment change or any change in enrollment/employment/vocation status at any public or private educational institution
<b>Duration</b>	Life: 1) Those convicted of rape, rape and assault with intent to ravish, sexual battery, exploitation of children, carnal knowledge of certain children, kidnapping of a minor, human trafficking, or sexual abuse of a vulnerable adult; 2) Those convicted of 2 separate convictions registrable offenses; 3) Any offender, 21 years or older, who is convicted of any sex offense where the victim was 14 years or younger 15 years (after which offender may petition the court to be relieved of registration requirements): Those convicted of misdemeanor dissemination of sexually oriented material to children 25 years (after which offender may petition the court to be relieved of registration requirements): All other offenders
<b>Penalties for Non-Compliance</b>	Up to 5 years and/or fine of up to \$5,000

<sup>202</sup> Those under 14 years are not required to register.

# MISSISSIPPI

## D. Community Notification

(For complete information, see Mississippi Statutes Annotated, Title 45, Chapter 33)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public	All registered offenders	Name, address, place of employment, crime for which convicted, date and place of conviction of any registrant, and any other information deemed necessary for the protection of the public (except the identity of a victim)
	Members of the Public, upon written request	All registered offenders	Name, address, photograph, if available, date of photograph, place of employment, crime for which convicted, date and place of conviction of any registrant, hair, eye color, height, race, sex and date of birth of any registrant, and any other information deemed necessary for the protection of the public (except the identity of a victim)
Public Internet Registry	Members of the Public	All registered offenders	Name, address, photograph, if available, date of photograph, place of employment, crime for which convicted, date and place of conviction of any registrant, hair, eye color, height, race, sex and date of birth of any registrant, and any other information deemed necessary for the protection of the public (except the identity of a victim)

## E. Required Residency Restrictions

(For complete information, see Mississippi Statutes Annotated, Title 45, Chapter 33)

Restriction Applies To	Type of Restriction
All registered offenders	Prohibition from residing within 1,500 feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility

## F. Required Employment Restrictions

- No Statutory Provisions

## G. Required Electronic Monitoring

- No Statutory Provisions

# MISSISSIPPI

## H. Civil Commitment

- No Statutory Provisions

## I. Other Restrictions

(For complete information, see Mississippi Statutes Annotated, Title 45, Chapter 33)

Restriction Applies To	Type of Restriction
All registered offenders	Prohibition (with certain exceptions) from being 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 18 are present in the building, on the grounds or in the conveyance
	Prohibition from loitering within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds

# MISSOURI

## MISSOURI

### A1. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see RSMo 589.400)

Crime	Description	Penalty <sup>203</sup>
<b>Rape</b>	1) Having sexual intercourse with another person by the use of forcible compulsion	5 years – Life
	2) Rape where offender a) inflicts serious physical injury b) displays a deadly weapon or instrument, or c) forces victim to have sexual intercourse with more than one person	15 years – Life
	3) Rape where victim is less than 12 years old	Life without probation or parole until defendant has served 30 years (or reaches the age of 75, and has served at least 15 years)
<b>Statutory Rape</b>	1) Having sexual intercourse with another person who is less than 14 years old	5 years – Life
	2) Statutory rape where offender a) inflicts serious physical injury, b) displays a deadly weapon or instrument, or c) forces victim to have sexual intercourse with more than one person; or the victim is less than 12 years old	10 years – Life
	3) Having sexual intercourse with another person who is less than 17 years old where offender is 21 years or older	Up to 7 years
<b>Sexual Assault</b>	Having sexual intercourse with another person knowingly without that person's consent	Up to 7 years
<b>Sodomy</b>	1) Having deviate sexual intercourse (any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person; or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim) with another person by the use of forcible compulsion	5 years – Life

<sup>203</sup> An extended term of imprisonment is given to a defendant if found to be a “persistent sexual offender” or a “predatory sexual offender.” A persistent sexual offender is a defendant who has previously pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, or statutory sodomy in the first degree (including an attempt to commit any of the foregoing crimes). A persistent sexual offender will receive an extended term of imprisonment for life without eligibility for probation or parole. A “predatory sexual offender” is a defendant who has previously pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree (including an attempt to commit any of the foregoing crimes) or child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony; or who has previously committed an act that would constitute any of the foregoing crimes, whether or not the act resulted in a conviction; or who has committed an act against more than one victim that would constitute any of the foregoing crimes, whether or not the act resulted in a conviction. A predatory sexual offender will receive an extended term of imprisonment for life with eligibility for probation or parole, but the minimum mandatory years in prison will be between 15-30 years, depending on the crime (see RSMo 558.018 for further details).

## MISSOURI

Crime	Description	Penalty
<b>Sodomy (cont.)</b>	2) Sodomy where offender a) inflicts serious physical injury b) displays a deadly weapon or instrument, or c) forces victim to have sexual intercourse with more than one person	10 years – Life
	3) Sodomy where the victim is less than 12 years old	Life without probation or parole until defendant has served 30 years (or reaches the age of 75, and has served at least 15 years)
<b>Statutory Sodomy</b>	1) Having deviate sexual intercourse with another person who is less than 14 years old	5 years – Life
	2) Statutory sodomy where offender a) inflicts serious physical injury b) displays a deadly weapon or instrument, or c) forces victim to have sexual intercourse with more than one person; or the victim is less than 12 years old	10 years – Life
	3) Having deviate sexual intercourse with another person who is less than 17 years old where offender is 21 years or older	Up to 7 years
<b>Child Molestation</b>	1) Sexually contacting another person who is less than 14 years old	5-15 years
	2) Sexually contacting another person who is less than 14 years where offender	10-30 years, or Life
	3) Sexually contacting another person who is less than 12 years old where offender a) has previously been convicted of a sexual offense b) inflicts serious physical injury c) displays a deadly weapon or instrument, or d) commits offense as part of a ritual or ceremony	10-30 years, or Life without probation or parole
	4) Sexually contacting another person who is less than 17 years old	Up to 1 year
	5) Sexually contacting another person who is less than 17 years old where offender a) has previously been convicted of a sexual offense b) inflicts serious physical injury c) displays a deadly weapon or instrument, or d) commits offense as part of a ritual or ceremony	Up to 4 years
<b>Deviate Sexual Assault</b>	Having deviate sexual intercourse with another person knowingly without that person's consent	Up to 7 years
<b>Sexual Misconduct with a Child</b>	1) Exposing one's genitals to a child less than 14 years old under circumstances in which one's conduct is likely to cause affront or alarm to the child	Up to 4 years
	2) Exposing one's genitals to a child less than 14 years old for the purpose of arousing or gratifying the sexual desire of any person, including the child	



## MISSOURI

Crime	Description	Penalty
<b>Sexual Misconduct with a Child (cont.)</b>	3) Coercing or inducing a child less than 14 years old to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child	Up to 4 years
	4) Sexual misconduct as above and the offender has previously been convicted of a sex offense	Up to 7 years
<b>Sexual Contact with Student</b>	Sexually contacting a student of a public school while on any public school property where the offender is a teacher or student teacher, an employee or contractor of the school, or a volunteer of the school	Up to 4 years
<b>Sexual Misconduct in the First Degree</b>	1) Subjecting a minor <sup>204</sup> to sexual contact without his or her consent	Up to 1 year
	2) Sexual misconduct in the first degree where a) the offender has previously been convicted of a sex offense b) the offender displays a deadly weapon in a threatening manner, or c) the offense is committed as a part of a ritual or ceremony	Up to 4 years
	1) Exposing one's genitals to a minor under circumstances in which one knows that his or her conduct is likely to cause affront or alarm	Up to 6 months
<b>Sexual Misconduct in the Second Degree</b>	2) Having sexual contact in the presence of a third person when offender knows that such conduct is likely to cause affront or alarm	
	3) Having sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person	
	4) Sexual misconduct in the second degree where the offender has previously been convicted of a sex offense	Up to 1 year
<b>Sexual Misconduct in the Third Degree</b>	Soliciting or requesting a minor to engage in sexual conduct under circumstances in which he knows that his requests or solicitation is likely to cause affront or alarm	Up to 15 days
<b>Sexual Abuse</b>	1) Sexually contacting another person by the use of forcible compulsion	Up to 7 years
	2) Sexual abuse where a) the offender inflicts serious physical injury b) displays a deadly weapon or instrument in a threatening manner c) subjects the victim to sexual contact with more than one person, or d) the victim is less than 14 years old	5-15 years
<b>Sex With Animals</b>	Engaging in sexual conduct with an animal for any purpose, including a commercial or recreational purpose where the offender has previously been convicted of this offense	Up to 4 years
<b>Sexual Contact with Prisoner</b>	Having sexual intercourse or deviate sexual intercourse with a prisoner where the offender is an employee of a correctional facility or a probation or parole officer	Up to 4 years
<b>Enticement of a Child</b>	Soliciting, enticing or luring a minor less than 15 years old through any communication (words, actions or via the Internet) for the purpose of engaging in sexual conduct where the offender is 21 years old or older	5-30 years without probation or parole for 5 years

<sup>204</sup>A "minor" is defined as someone under the age of 18.

## MISSOURI

Crime	Description	Penalty
<b>Sexual Trafficking</b>	1) Obtaining by any means another person for the use or employment of such person in sexual conduct, without his or her consent	5-15 years
	2) Obtaining by any means a person under the age of 18 to participate in a commercial sex act; benefiting, by receiving anything of value, from participation in such activities; or causing a person under the age of 18 to engage in a commercial sex act	10-30 years
	3) Sexual trafficking as above in 2) where the victim is under the age of 12	Life without probation or parole until offender has served at least 25 years

### **A2. Other crimes that require registration**

(For complete information, see RSMo 589.400)

Crime	Description	Penalty
<b>Kidnapping of a Child</b>	Unlawfully removing or confining a child under the age of 14 without the consent of such child's parent or guardian	10-30 years
<b>Felonious Restraint of a Child</b>	Restraining a child unlawfully and without consent so as to interfere substantially with the child's liberty and exposing the child to a substantial risk of serious physical injury	Up to 7 years
<b>Prostitution</b>	1) Promoting prostitution by compelling a person to enter into, engage in, or remain in prostitution; or promoting prostitution of a person less than 16 years old	5-15 years
	2) Promoting prostitution by managing, supervising, controlling or owning a house of prostitution or a prostitution business involving prostitution activity by two or more prostitutes	Up to 7 years
	3) Promoting prostitution of a person	Up to 4 years
<b>Sexual Exploitation</b>	1) Creating obscene material with a minor or child pornography	5-15 years
	2) Creating obscene material with a child	10-30 years
<b>Child Pornography</b>	1) Possessing with the intent to promote or promoting obscene material that has or portrays what appears to be a child as a participant or observer of sexual conduct	5-15 years
	2) Promoting child pornography as above in 1) to a minor	10-30 years
	3) Possessing with the intent to promote or promoting child pornography or obscene material that has or portrays what appears to be a minor as a participant or observer of sexual conduct	Up to 7 years
	4) Promoting child pornography as above in 3) to a minor	5-15 years
	5) Possessing any obscene material that has or portrays what appears to be a child as an observer or participant of sexual conduct	1 <sup>st</sup> Offense: Up to 4 years 2 <sup>nd</sup> Offense: Up to 7 years
	6) Promoting or possessing with the purpose to promote any obscene material for pecuniary gain; or producing, presenting, directing or participating in any obscene performance for pecuniary gain	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: Up to 4 years

## MISSOURI

Crime	Description	Penalty
<b>Obscene Material</b>	1) Requiring acceptance of obscene material as a condition to any sale, allocation, consignment or delivery of any other material; or denying any franchise or imposing any penalty for refusing to accept any material obscene or pornographic for minors	Up to 4 years
	2) Wholesale promoting or possessing with the purpose to wholesale promote any obscene material	
	3) Wholesale promoting for minors or possessing with the purpose to wholesale promote for minors any material pornographic for minors	
	4) Promoting, wholesale promoting or possessing with the purpose to wholesale promote material that is pornographic for minors via computer, Internet or computer network if the person made the matter available to a specific individual known by the offender to be a minor	
<b>Incest</b>	Marrying or engaging in sexual intercourse or deviate sexual intercourse with a person who is an ancestor or descendant by blood or adoption, a stepchild, while the marriage creating that relationship exists, a brother or sister of the whole or half-blood, or an uncle, aunt, nephew or niece of the whole blood	Up to 4 years
<b>Sexual Performance</b>	Employing, authorizing, or inducing a child less than 17 years of age to engage in a sexual performance or, if a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance	Up to 7 years
	As above and the offender inflicts serious emotional injury on the child	5-15 years
	Promoting a sexual performance by a child less than 17 years of age or producing, directing, or promoting any performance which includes sexual conduct by a child less than 17 years of age	Up to 7 years
<b>Endangering the Welfare of a Child</b>	1) Acting in a manner that creates a substantial risk to the life, body, or health of a child less than 17 years old, and the act is sexual in nature	1 <sup>st</sup> Offense: Up to 7 years 2 <sup>nd</sup> Offense: 5-15 years
	2) Engaging in sexual conduct with a person under the age of 17 years over whom the person is a parent, guardian, or otherwise charged with the care and custody	
	3) Endangering the welfare of a child where the offense is committed as part of a ritual or ceremony	5-15 years
<b>Sexual Act or Intercourse with Resident of Nursing Home</b>	1) Having sexual contact with a resident of a skilled nursing facility or an Alzheimer's special unit or program, and the offender is the owner or employee of such facility	1 <sup>st</sup> Offense: Up to 6 months 2 <sup>nd</sup> Offense: up to 1 year
	2) Having sexual intercourse or deviate sexual intercourse with a resident of a skilled nursing facility or an Alzheimer's special unit or program, and the offender is the owner or employee of such facility	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: Up to 4 years

## MISSOURI

Crime	Description	Penalty
<b>Genital Mutilation of a Female Child</b>	1) Excising or infibulating, in whole or in part, the labia majora, labia minora, vulva or clitoris of a female child less than 17 years of age	5-15 years
	2) Permitting genital mutilation of a female child where the offender is a parent, guardian or other person legally responsible for the child	
<b>Furnishing Pornography to Minors</b>	1) Furnishing any material pornographic for minors	Up to 1 year
	2) Producing, presenting, directing or participating in any performance pornographic for minors that is furnished to a minor	
	3) Making available to an individual known by the offender to be a minor material that is pornographic for minors via computer, electronic transfer, Internet or computer network	Up to 4 years
	4) Furnishing pornographic material to minors where offender has been previously convicted of a pornography or related offense, a sexual offense or an offense against the family	
<b>Public Display of Sexual Material</b>	Displaying publicly explicit sexual material; or failing to take prompt action to remove such a display from property in his possession	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: Up to 4 years
<b>Promoting Pornography for Minors</b>	1) Promoting or possessing with the purpose to promote any material pornographic for minors for pecuniary gain	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: Up to 4 years
	2) Producing, presenting, directing or participating in any performance pornographic for minors for pecuniary gain	
	3) Promoting, possessing with the purpose to promote, producing, presenting, directing or participating in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor	

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see RSMO 589)

Registration	
<b>Year Enacted</b>	1994
<b>Responsible Agency</b>	Missouri State Highway Patrol

## MISSOURI

Registration	
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Parts A1 and A2 above 2) Any attempt to commit an offense listed in Parts A1 and A2 above 3) Any person committed to the Department of Mental Health as a criminal sexual psychopath 4) Any person found not guilty as a result of a mental disease or defect of any offense listed in Part A above
<b>Information Collected</b>	Name, home address, Social Security number and phone number; fingerprints; photograph; the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated; photocopies of driver's license and vehicle registration; proof of residency; name and addresses of any place of employment and schools; nature and date of offense and conviction that requires registration; the age and gender of the victim at the time of the offense; whether the person has successfully completed the Missouri sexual offender program
<b>Reporting Frequency</b>	Every 6 months Every 90 days: 1) Predatory or persistent sexual offenders 2) Offenders who are registered for a crime where the victim was less than eighteen years of age at the time of the offense 3) Offenders who have been convicted of failing to register.
<b>Duration</b>	Lifetime
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: Up to 1 year 2 <sup>nd</sup> Offense: Up to 4 years 3 <sup>rd</sup> Offense: 10-30 years  If offense requiring registration is a sexual offense that is a class A or B felony or one involving a child under 14 years old: 1 <sup>st</sup> Offense: Up to 4 years 2 <sup>nd</sup> Offense: Up to 7 years 3 <sup>rd</sup> Offense: 10-30 years

### D. Community Notification

(For complete information, see RSMo 589)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public, upon request	All registered offenders	Names, addresses and crimes for which offenders are registered
Public Internet Registry	Members of the Public	All registered offenders	Name and any known aliases of the offender; date of birth; physical description of the offender; residence, temporary, work, and school addresses of the offender, any photographs of the offender; physical description of the offender's vehicles, including the year, make, model, color, and license plate number; the nature and dates of all offenses qualifying the offender to register; the date on which the offender was released from state control or placed on parole, supervised release, or probation for the offenses qualifying the offender to register; and whether the offender is compliant with all registration requirements

## MISSOURI

### E. Required Residency Restrictions

(For complete information, see RSMo 566.147)

Restriction Applies To	Type of Restriction
All those convicted of: an offense listed in Part A1 above, incest, endangering the welfare of a child in the first degree, use of a child in a sexual performance, promoting a sexual performance by a child, sexual exploitation of a minor, promoting child pornography in the first or second degree, possession of child pornography, furnishing pornographic material to minors	Prohibition from residing within 1,000 feet of any public or private primary school (up to the twelfth grade), or child-care facility, which is in existence at the time the individual begins to reside at the location

### F. Required Employment Restrictions

- No statutory provisions.

### G. Required Electronic Monitoring

(For complete information, see RSMo 559.106)

Type of Monitoring	Applicable To	Duration
Global positioning system or other technology that identifies and records the offender's location at all times	An offender who is convicted of rape, statutory rape, sodomy, statutory sodomy, child molestation, sexual misconduct, sexual abuse, enticement of a child, sexual trafficking of a child, incest or using or promoting a child in sexual performance where the victim is less than 14 years old, the offender is a prior sex offender, and the court orders that the offender is subject to lifetime probation	Lifetime

### H. Civil Commitment

(For complete information, see RSMo 632.483-513)

Commitment Applies To	Treatment Setting	Period of Confinement
Sexually violent predators <sup>205</sup>	Secure Facility designated by the Department of Mental Health	Indeterminate

<sup>205</sup> Any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who (a) has pled guilty or been found guilty, or been found not guilty by reason of mental disease or defect of a sexually violent offense; or (b) has been committed as a criminal sexual psychopath under the law.

# MISSOURI

## **I. Other Restrictions**

(For complete information, see RSMo 566.149)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All those convicted of: an offense listed in Part A1 above, incest, endangering the welfare of a child in the first degree, use of a child in a sexual performance, promoting a sexual performance by a child, sexual exploitation of a minor, promoting child pornography in the first or second degree, possession of child pornography, furnishing pornographic material to minors	Offender cannot be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any area used 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 area, unless the offender is a parent, legal guardian, or custodian of a student present in the building. However, any offender who is a parent, legal guardian or custodian of any student in the building must have permission from the superintendent or school board or principal

## MONTANA

### MONTANA

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Montana Code Annotated, Title 45, Chapter 5 and Title 46, Chapter 23)

<b>Crime<sup>206</sup></b>	<b>Description</b>	<b>Penalty</b>
<b>Unlawful Restraint*</b>	Restraining person under 18 years of age (unless perpetrator is parent of victim) so as to interfere substantially with his liberty	Up to 6 months in county jail and up to \$500 fine
<b>Kidnapping*</b>	Restraining person under 18 years of age (unless perpetrator is parent of victim) by either secreting or holding the other person in a place of isolation or by using or threatening to use physical force	2-10 years and up to \$50,000 fine
<b>Aggravated Kidnapping*</b>	1) Restraining a person under 18 years of age (unless perpetrator is parent of victim) by secreting or holding them in a place of isolation or by using or threatening to use physical force, in order to: a) hold for ransom or reward or as a shield or hostage; b) facilitate commission of any felony or flight thereafter; c) inflict bodily injury on or to terrorize the victim or another; d) interfere with the performance of any governmental or political function; or e) hold another in a condition of involuntary servitude	1 <sup>st</sup> Offense: Death, Life, or 2-100 years and up to \$50,000 fine 2 <sup>nd</sup> Offense: Life without parole or death
	2) Aggravated kidnapping where offender voluntarily releases the victim alive in a safe place without serious bodily injury	2-10 years and up to \$50,000 fine
<b>Sexual Assault*</b>	Knowingly subjecting another person to any sexual contact without consent where victim is younger than 16 and offender is 3 or more years older than the victim	Life or 4-100 years (unless judge believes there is good cause to impose a term of less than 4 years) up to \$50,000 fine; may also be sentenced to chemical treatment
<b>Sexual Intercourse Without Consent</b>	1) Knowingly having sexual intercourse without consent with another person	1 <sup>st</sup> Offense: Life or 2-100 years and up to \$50,000 fine and restitution 2 <sup>nd</sup> Offense: Life without parole or death
	2) Sexual intercourse without consent where victim is less than 16 years old and the offender is 3 or more years older than the victim	Life or 4-100 years and up to \$50,000 fine; may also be sentenced to chemical treatment

<sup>206</sup> Offenses marked with an asterisk (\*) are registerable offenses due to the age of the victim and/or the offender, as indicated in the description.



## MONTANA

Crime	Description	Penalty
<b>Sexual Intercourse Without Consent (cont.)</b>	3) Sexual intercourse without consent if the offender inflicts bodily injury upon anyone in the course of committing the act	1 <sup>st</sup> Offense: Life or 4-100 years and up to \$50,000 fine; may also be sentenced to chemical treatment 2 <sup>nd</sup> Offense: Death (unless the offender was under 18 years at time of offense) or life without parole
	4) Sexual intercourse without consent when two offenders involved	Life or 5-100 years and up to \$50,000 fine
	5) Sexual intercourse without consent when victim was institutionalized at time of the offense and offender had supervisory or disciplinary authority over victim	Up to 5 years up to \$50,000 fine
<b>Indecent Exposure*</b>	Exposure of a person's genitals under circumstances in which the person knows the conduct is likely to cause affront or alarm in order to abuse, humiliate, harass, or degrade another; or arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person: 1) Where offender is over 18 years and victim is under 18 years of age, or 2) Upon third offense	1 <sup>st</sup> Offense: 6 months in county jail and up to \$500 fine 2 <sup>nd</sup> Offense: 1 year in county jail and up to \$1,000 fine 3 <sup>rd</sup> Offense: Life or 5-100 years and up to \$10,000 fine
<b>Prostitution</b>	Engaging in, agreeing to or offering to engage in sexual intercourse with another person for compensation, where offender is an adult and prostitute is 12 years or younger	100 years (mandatory minimum of 25 years except in certain special circumstances) and up to \$50,000 fine; Lifetime electronic supervision and mandatory treatment
<b>Promoting Prostitution</b>	Where prostitute is 12 or younger and offender is an adult and: 1) Owns, controls, manages, supervises, resides in, or otherwise keeps, alone or in association with others, a prostitution business  2) Procures an individual for a house of prostitution or a place in a house of prostitution for an individual  3) Encourages, induces, or otherwise purposely causes another to become or remain a prostitute  4) Solicits clients for another person who is a prostitute	100 years (mandatory minimum of 25 years except in certain special circumstances) and up to \$50,000 fine; Lifetime electronic supervision and mandatory treatment

## MONTANA

Crime	Description	Penalty
<b>Promoting Prostitution (cont.)</b>	5) Procures a prostitute for a patron	100 years (mandatory minimum of 25 years except in certain special circumstances) and up to \$50,000 fine; Lifetime electronic supervision and mandatory treatment
	6) Transports an individual with the purpose to promote that individual's engaging in prostitution or procures or pays for transportation with that purpose	
	7) Leases or otherwise permits a place to be regularly used for prostitution or for the procurement of prostitution or fails to make reasonable effort to abate that use by ejecting the tenant, notifying law enforcement authorities, or using other legally available means	
	8) Lives in whole or in part upon the earnings of an individual engaging in prostitution, unless the person is the prostitute's minor child or other legal dependent incapable of self-support	
<b>Aggravated Promoting Prostitution</b>	1) Compelling another to engage in or promote prostitution	Life or up to 20 years and up to \$50,000 fine
	2) Promotes prostitution of a child under the age of 18 years, whether or not the person is aware of the child's age	
	3) Promoting the prostitution of one's spouse, child, ward, or any person for whose care, protection, or support the person is responsible where prostitute is under 18	
	4) Aggravated promoting prostitution where both prostitute and offender are both under 18	Life or 4-100 years and up to \$100,000 fine
	5) Aggravated promoting prostitution where offender is an adult and prostitute is 12 or younger	100 years (mandatory minimum of 25 years except in certain special circumstances) and up to \$50,000 fine; lifetime electronic supervision and mandatory treatment
<b>Incest *</b>	1) Knowingly marries, cohabits with, has sexual intercourse or sexual contact with an ancestor, descendant, brother or sister, any stepson or stepdaughter (biological or adopted) where victim is under 18 years and the offender is 3 or more years older than the victim	1 <sup>st</sup> Offense: Life or up to 100 years and up to \$50,000 fine and restitution. 2 <sup>nd</sup> Offense: May also be sentenced to chemical treatment
	2) Incest where either: a) victim is under 16 and offender is 3 or more years older than the victim, or b) where offender inflicts bodily injury	Life or 4-100 years and up to \$50,000 fine; may also be sentenced to chemical treatment

## MONTANA

Crime	Description	Penalty
<b>Sexual Abuse of Children</b>	1) Knowingly employing, using, or permitting the employment or use of a child in an exhibition of sexual conduct, actual or simulated	1 <sup>st</sup> Offense: Life or up to 100 years, up to \$10,000 fine 2 <sup>nd</sup> Offense: Life without Parole or Death
	2) Knowingly photographing, filming, videotaping, developing or duplicating the photographs, films, or videotapes, or records a child engaging in sexual conduct, actual or simulated	
	3) Knowingly, by any means of communication, including electronic communication, persuading, enticing, counseling, or procuring a child under 16 years or a person the offender believes to be a child under 16 years to engage in sexual conduct, actual or simulated	
	4) Knowingly processing, developing, printing, publishing, transporting, distributing, selling, exhibiting, or advertising any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated	
	5) Knowingly possessing any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated	
	6) Financings any of the activities described in 1) to 4) above and 7) below	
	7) Possesses with intent to sell any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated	
	8) Sexual abuse of children where victim is under 16 years	4-100 years, up to \$10,000 fine
	9) Sexual abuse of children involving possession of material	Up to 10 years, up to \$10,000 fine

### **B. Risk Assessment**

(For complete information, see Montana Code Annotated, Title 46, Chapter 23)

Risk Assessment	
<b>Applies to</b>	Registration; Community Notification
<b>Responsible Agency</b>	Department of Corrections
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	N/A

## MONTANA

### Risk Assessment

<b>Risk Levels Utilized</b>	Level 1: The risk of a repeat sexual offense is low Level 2: The risk of a repeat sexual offense is moderate Level 3: The risk of a repeat sexual offense is high, there is a threat to public safety, and the sexual offender evaluator believes that the offender is a sexually violent predator
Assessment Details	Tier levels are a method of assessment to predict the likelihood that a sexual offender will re-offend and they also assess the threat that an offender poses to public safety. Prior to sentencing of a person convicted of a sexual offense, the department or a sexual offender evaluator must provide the court with a sexual offender evaluation report recommending a tier level

### C. Registration

(For complete information, see Montana Code Annotated, Title 46, Chapter 23)

#### Registration

<b>Year Enacted</b>	1989
<b>Responsible Agency</b>	Department of Justice
<b>Eligible Offenses/Statutes</b>	All offenses listed in Part A above
<b>Information Collected</b>	Name, date of birth, address, employment, conviction information, photo, fingerprints
<b>Reporting Frequency</b>	Level 1: Annually and within 3 days of any change in address, name, employment or student status Level 2: Every 180 days and within 3 days of any change in address, name, employment or student status Level 3: Every 90 days and within 3 days of any change in address, name, employment or student status Transients: Every 30 days and within 3 days of entering a county; must provide past and intended future locations
<b>Duration</b>	Life (after 10 years for level 1 and 25 years for level 2, certain sex offenders can petition to be relieved of registering)
<b>Penalties for Non-Compliance</b>	Up to 5 years, up to \$10,000 fine

### D. Community Notification

(For complete information, see Montana Code Annotated, Title 46, Chapter 23)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Discretionary Notification	Victim, agencies that serve children/vulnerable populations	Level 2 Sex Offenders	Offender's address, the type of victim targeted by the offense, the name, photograph, and physical description of the offender, the offenses for which the offender is required to register under this part; and any conditions imposed by the court upon the offender for the safety of the public

## MONTANA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Discretionary Notification	Members of the Public, where agency determines that the offender poses an increased risk to a community's public safety, and dissemination will enhance public safety	All sex offenders	Information available depends on the Tier level of the offender – as indicated below
Public Internet Registry	Members of the Public	Level 1 Sex Offenders with adult victim	Name, address, offense, photograph, physical description, date of birth
		Level 1 Sex Offenders with minor victim and Level 2 Sex Offenders	All of the above, plus: type of victim targeted, license plate number, vehicle information, conditions of sentence imposed for public safety
		Level 3 Sex Offenders	All the above, plus date of release, date of sentence, community where offense occurred

### E. Required Residency Restrictions

- No Statutory Provisions

### F. Required Employment Restrictions.

- No Statutory Provisions

### G. Required Electronic Monitoring

(For complete information, see Montana Code Annotated, Title 46, Chapter 23)

Type of Monitoring	Applicable To	Duration
Continuous, satellite-based monitoring	Level 3 offenders	Lifetime or at judge's discretion

### H. Civil Commitment

- No Statutory Provisions

## NEBRASKA

### NEBRASKA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Nebraska Revised Statutes, Chapter 28)

Crime	Description	Penalty
<b>Sexual Assault in the First Degree</b>	Subjecting another person to sexual penetration: 1) without the consent of the victim  2) the victim was knowingly mentally or physically incapable of resisting or appraising the nature of his or her conduct  3) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age	1 <sup>st</sup> Offense: 1-50 years 2 <sup>nd</sup> Offense: Mandatory minimum of 25 years
<b>Sexual Assault in the Second or Third Degree</b>	1) Subjecting another person to sexual contact without the consent of the victim or the victim was knowingly mentally or physically incapable of resisting or appraising the nature of his or her conduct and causing serious personal injury to the victim	1-20 years and/or \$25,000 fine
	2) Subjecting another person to sexual contact without the consent of the victim or the victim was knowingly mentally or physically incapable of resisting or appraising the nature of his or her conduct without causing serious personal injury to the victim	Up to 1 year and/or \$1,000 fine
<b>Sexual Assault of a Child in the First Degree</b>	Subjecting another person under 12 years of age to sexual penetration and the actor is at least nineteen years of age	1 <sup>st</sup> Offense: Mandatory minimum of 15 years 2 <sup>nd</sup> Offense: Mandatory minimum of 25 years
<b>Sexual Assault of a Child in the Second or Third Degree</b>	1) Subjecting another person 14 years or younger to sexual contact and the actor is at least 19 years or older and causing serious personal injury to the victim	1 <sup>st</sup> Offense: 1-50 years 2 <sup>nd</sup> Offense: 25-50 years
	2) Subjecting another person 14 years or younger to sexual contact and the actor is at least 19 years or older without causing serious personal injury to the victim	1 <sup>st</sup> Offense: 5 years and/or \$10,000 fine 2 <sup>nd</sup> Offense: 5-50 years
<b>Debauching a Minor</b>	Knowingly debauching or depraving the morals of any boy or girl under 17 years by: 1) Lewdly inducing such boy or girl carnally to know any other person  2) Soliciting any such boy or girl to visit a house of prostitution or other place where prostitution, debauchery, or other immoral practices are permitted or encouraged, for the purpose of prostitution or sexual penetration  3) Arranging or assisting in arranging any meeting for such purpose between any such boy or girl and any female or male of dissolute character or any inmate of any place where prostitution	Up to 1 year and/or \$1,000 fine

## NEBRASKA

Crime	Description	Penalty
<b>Criminal Child Enticement</b>	Knowingly soliciting, coaxing, enticing, or luring any child under the age of fourteen years to enter into any vehicle, whether or not the person knows the age of the child, if: a) The person does not have the express or implied permission of the parent, guardian, or other legal custodian of the child in undertaking the activity; and b) The person is not a law enforcement officer, emergency services provider as defined in section, firefighter, or other person who regularly provides emergency services, is not the operator of a bookmobile or other such vehicle operated by the state or a political subdivision and used for informing, educating, organizing, or transporting children, is not a paid employee of, or a volunteer for, a nonprofit or religious organization which provides activities for children, and is not an employee or agent of or a volunteer acting under the direction of any board of education	1 <sup>st</sup> Offense: Up to 1 year and/or \$1,000 fine 2 <sup>nd</sup> Offense: 5 years and/or \$10,000 fine
<b>Pandering</b>	1) Enticing another person to become a prostitute  2) Procuring or harboring an inmate for a house of prostitution or for any place where prostitution is practiced or allowed  3) Inveigling, enticing, persuading, encouraging, or procuring any person to come into or leave this state for the purpose of prostitution or debauchery  4) Receiving or giving or agreeing to receive or give any money or other thing of value for procuring or attempting to procure any person to become a prostitute or commit an act of prostitution or come into this state or leave this state for the purpose of prostitution or debauchery	Up to 5 years and/or \$10,000 fine
<b>Visual Depiction of Sexually Explicit Conduct of a Child</b>	1) Knowingly making, publishing, directing, creating, providing, or generating any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers  2) Knowingly to purchasing, renting, selling, delivering, distributing, displaying for sale, advertising, trading, or providing to any person any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers  3) Knowingly employing, forcing, authorizing, inducing, or otherwise causing a child to engage in any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers	1 <sup>st</sup> Offense: 1-20 years and/or \$25,000 fine 2 <sup>nd</sup> Offense: 1-50 years
	4) Being a parent, stepparent, legal guardian, or any person with custody and control of a child, knowingly consenting to such child engaging in any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers	1 <sup>st</sup> Offense: 1-20 years and/or \$25,000 fine 2 <sup>nd</sup> Offense: 1-50 years
<b>Visual Depiction of Sexually Explicit Acts Related to Possession</b>	Knowingly possessing with intent to rent, sell, deliver, distribute, trade, or provide to any person any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers	Maximum 5 years and/or \$10,000 fine

## NEBRASKA

Crime	Description	Penalty
<b>Sexually Explicit Conduct; Visual Depiction</b>	Knowingly possessing any visual depiction of sexually explicit conduct, which has a child, as one of its participants or portrayed observers	Maximum 5 years and/or \$10,000 fine
<b>Soliciting Child via Computer</b>	Knowingly soliciting, coaxing, enticing, or luring: a child sixteen years of age or younger or a peace officer who is believed by such person to be a child sixteen years of age or younger, by means of a computer to engage in an act which would be in violation committing a sex offense	Maximum 5 years and/or \$10,000 fine
<b>Kidnapping</b>	1) Kidnapping is defined as abducting another or, having abducted another, continuing to restrain him with intent to do any of the following: a) hold him for ransom or reward b) use him as a shield or hostage c) terrorize him or a third person d) commit a felony e) interfere with the performance of any government or political function	Life without Parole
	2) Kidnapping where the person kidnapped was voluntarily released or liberated alive by the abductor and in a safe place without having suffered serious bodily injury	1-50 years
<b>False Imprisonment in the First Degree</b>	Knowingly restraining or abducting another person under terrorizing circumstances or under circumstances which expose the person to the risk of serious bodily injury; or with intent to hold him or her in a condition of involuntary servitude	Maximum 5 years and/or \$10,000 fine
<b>False Imprisonment in the Second Degree</b>	Knowingly restraining another person without legal authority	Up to 1 year and/or \$1,000 fine
<b>Knowing and Intentional Abuse of Vulnerable Adult</b>	Knowingly causing or permitting a vulnerable adult to be sexually abused	5 years and/or \$10,000 fine
<b>Incest</b>	Knowingly intermarrying or engaging in sexual penetration with any person who falls within the degrees of consanguinity or any engaging in sexual penetration with his/her minor stepchild	1-20 years and/or \$25,000 fine

### **B. Risk Assessment:**

(For complete information, see Nebraska Revised Statutes, Chapter 29)

Risk Assessment	
<b>Applies to</b>	Community Notification
<b>Responsible Agency</b>	Nebraska State Patrol
<b>Assessment Tool/Scale Used</b>	Tool developed by the University of Nebraska Law/Psychology Department
<b>Risk Levels Utilized</b>	Level I: Low Level II: Moderate Level III: High
<b>Assessment Details</b>	Based on risk to re-offend sexually and classifies the sex offender by looking at specified factors



## NEBRASKA

### C. Registration

(For complete information, see Nebraska Revised Statutes, Chapter 29)

Registration	
<b>Year Enacted</b>	1997
<b>Responsible Agency</b>	Nebraska State Patrol (Sex Offender Registry Division of Investigative Services)
<b>Eligible Offenses/Statutes</b>	1) All Offenses Listed in Part A 2) Any attempt, solicitation, or conspiracy to commit the crimes listed in Part A
<b>Information Collected</b>	Name and all aliases; A complete description of the person, including date of birth, social security number, photographs, and fingerprints; A listing of each registrable offense, 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; 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; The address of the person's current residence and place of employment or vocation and any school he or she is attending.
<b>Reporting Frequency</b>	Annually and within 5 days of change of address for sex offenders Sexually Violent Predators: <sup>207</sup> Quarterly
<b>Duration</b>	10 years Lifetime: Offenders who were convicted of an aggravated offense <sup>208</sup> or have prior convictions for sex-related offenses
<b>Penalties for Non-Compliance</b>	Felonies: 1 <sup>st</sup> Offense: Maximum 5 years and/or \$10,000 fine 2 <sup>nd</sup> Offense: 1-20 years and/or \$25,000 fine Misdemeanors: misdemeanor of the same class as the sex offense requiring registration

### D. Community Notification

(For complete information, see Nebraska Revised Statutes, Chapter 29)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Victim Notification	Victims, Parents/Guardians of Victims, upon request	All sex offenders	Risk level, name, address, photograph, physical description and the offense or offenses which required the individual to register as a sex offender.

<sup>207</sup> A person who suffers from a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses directed at a stranger or at a person with whom a relationship has been established or promoted, for the primary purpose of victimization.

<sup>208</sup> Any registration offense which involves the penetration of a victim aged 12 years or older through the use of force or the threat of serious violence or a victim under the age of 12.

## NEBRASKA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Institution Notification	Law enforcement, schools, daycare centers, and religious and youth organizations, health care facilities providing services to children or vulnerable adults	Level 2 Offenders	Risk level, name, address, photograph, physical description and the offense or offenses which required the individual to register as a sex offender.
Public Notification	Members of the Public through news releases, community meetings or direct contact with neighbors	Level 3 Offenders	As above
Public Internet Registry	Members of the Public	Level 3 Offenders	As above

### **E. Required Residency Restrictions**

- No statutory provisions

### **F. Required Employment Restrictions**

- No statutory provisions

### **G. Required Electronic Monitoring**

- No statutory provisions

# **NEBRASKA**

## **H. Civil Commitment**

(For complete information, see Nebraska Revised Statutes, Chapter 71)

<b>Commitment Applies To</b>	<b>Treatment Setting</b>	<b>Period of Confinement</b>
Dangerous sex offenders <sup>209</sup>	Medical facility, jail, DOCS facility, outpatient treatment facility	Indeterminate

---

<sup>209</sup> A dangerous sex offender is defined as person who suffers from a mental illness which makes the person likely to engage in repeat acts of sexual violence, who has been convicted of one or more sex offenses, and who is substantially unable to control his or her criminal behavior or a person with a personality disorder which makes the person likely to engage in repeat acts of sexual violence, who has been convicted of two or more sex offenses, and who is substantially unable to control his or her criminal behavior.

## NEVADA

### NEVADA<sup>210</sup>

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see NRS 179D)

Crime	Description	Penalty <sup>211</sup>
<b>Sexual Assault</b>	1) Subjecting or forcing sexual penetration against the victim’s will, or knowing that the victim is incapable of resisting or understanding the nature of his conduct (where no substantial bodily harm results)	1 <sup>st</sup> Offense: 10 years – Life 2 <sup>nd</sup> Offense (of this or any sexual offense): Life
	2) Sexual assault where substantial bodily harm results	15 years – Life
	3) Sexual assault where the victim is a child between the ages of 14 and 16	25 years – Life
	4) Sexual assault where the victim is a child under the age of 14 and no substantial bodily harm results	35 years – Life
	5) Sexual assault where the victim is a child under the age of 16 and substantial bodily harm results	Life
<b>Sexual Seduction</b>	1) Sexual penetration by a person aged 18-21 years with a person under the age of 16	Up to 1 year and/or fine of up to \$2,000
	2) Sexual penetration by a person aged 21 years or older with a person under the age of 16	1-5 years and fine of up to \$10,000
<b>Sexual Abuse or Exploitation of a Child</b>	1) Willfully causing a child under the age of 18 to suffer physical pain or mental suffering as a result of abuse or neglect (where no substantial bodily or mental harm results)	1 <sup>st</sup> Offense: 1-6 years 2 <sup>nd</sup> Offense: 2-15 years
	2) Sexual abuse or exploitation of a child as described in 1) above where substantial bodily or mental harm results and child is less than 14	15 years – Life
	3) Sexual abuse or exploitation of a child as described in 1) above where substantial bodily or mental harm results and child is 14 or older	2-20 years
	4) Permitting or allowing a child to whom the offender is responsible for the child’s safety or welfare to suffer physical pain or mental suffering as a result of abuse or neglect (where no substantial bodily or mental harm results)	1 <sup>st</sup> Offense: Up to 1 year and/or fine of up to \$2,000 2 <sup>nd</sup> Offense: 1- 5 years and fine of up to \$10,000
	5) Sexual abuse or exploitation of a child as described in 4) above where substantial bodily or mental harm results and child is less than 14	10 years – Life
	6) Sexual abuse or exploitation of a child as described in 4) above where no substantial bodily or mental harm results and child is 14 or older	2-20 years
<b>Administration of a Drug</b>	Administering a drug to another person with the intent to assist in the commission of a sexual offense	1-10 years
<b>Administration of a Controlled Substance</b>	Administering a controlled substance to another person with the intent to assist in the commission of a crime of violence that is also a sexual offense	1-20 years

<sup>210</sup> New legislation was enacted in 2007 and becomes effective July 1, 2008. This appendix reflects the legislation as of July 1, 2008.

<sup>211</sup> In addition to regular conditions of probation, all sex offenders are subject to special conditions of probation, including periodic polygraph examinations.

## NEVADA

Crime	Description	Penalty
<b>Battery with Intent to Commit Sexual Assault</b>	1) Using force or violence with intent to commit sexual assault where substantial bodily harm results	10 years – Life and fine of up to \$10,000
	2) Using force or violence with intent to commit sexual assault where no substantial bodily harm results and the victim is 16 years or older	2 years – Life and fine of up to \$10,000
	3) Using force or violence with intent to commit sexual assault where no substantial bodily harm and the victim is under the age of 16	5 years – Life and fine of up to \$10,000
<b>Incest</b>	Marrying or fornicating between persons related to each other to a degree declared incestuous by law	2 years – Life and up to \$10,000 fine
<b>Infamous Crime Against Nature</b>	1) Soliciting a minor to engage in same-sex sexual penetration where the minor did not engage in such an act	1 <sup>st</sup> Offense: Up to 1 year and/or fine of up to \$2,000 2 <sup>nd</sup> Offense: 5 years – Life
	2) Soliciting a minor to engage in same-sex sexual penetration where the minor actually engaged in such an act and the minor is less than 14	10 years – Life
	3) Soliciting a minor to engage in same-sex sexual penetration where the minor actually engaged in such an act and the minor is 14 or older	5 years – Life
<b>Lewdness with a Child</b>	Committing a lewd or lascivious act upon or with a child less than 14 years of age, with a sexual intention	1 <sup>st</sup> Offense: 10 years – Life and fine of up to \$10,000 2 <sup>nd</sup> Offense (of this or any sexual offense): Life
<b>Open or Gross Lewdness</b>	Committing any act of open or gross lewdness	1 <sup>st</sup> Offense: Up to 1 year and/or fine of up to \$2,000 2 <sup>nd</sup> Offense: 1-4 years and up to \$5,000
<b>Indecent or Obscene Exposure</b>	Making any open and indecent or obscene exposure of his person, or another person	1 <sup>st</sup> Offense: Up to 1 year and/or fine of up to \$2,000 2 <sup>nd</sup> Offense: 1-4 years and up to \$5,000
<b>Pornography</b>	1) Using, encouraging, enticing or permitting a minor to engage in sexual conduct or be the subject of a sexual portrayal in a performance	5 years – Life and fine of up to \$100,000 fine
	2) Promoting a performance of a minor who is engaging in sexual conduct or is the subject of a sexual portrayal	
	3) Pornography as described in 1) or 2) above where victim is under the age of 14	10 years – Life and fine of up to \$100,000 fine
	4) Preparing, advertising or distributing material that depicts a minor engaging in sexual conduct	1-15 years and fine of up to \$15,000

## NEVADA

Crime	Description	Penalty
<b>Pornography (cont.)</b>	5) Possessing any film, photograph or other visual presentation of a person under the age of 16 years as the subject of a sexual portrayal or engaging in sexual conduct	1 <sup>st</sup> Offense: 1-6 years and fine of up to \$5,000 2 <sup>nd</sup> Offense: 1 year – Life and fine of up to \$5,000
<b>Sexual Penetration of a Dead Body</b>	Sexually penetrating a dead human body	5 years – Life and fine of up to \$20,000
<b>Luring a Child</b>	1) Contacting or communicating with a child under the age of 16 and who is 5 years younger than the offender, with the intent to transport the child away from his home or known location, without the consent of the parent or guardian	Up to 1 year and/or fine of up to \$2,000
	2) Contacting or communicating with a person with mental illness with the intent to transport the person away from his home or known location for any purpose that would endanger the health, safety or welfare of the person and without the consent of the person legally responsible for the person	
	3) Luring a child through the use of a computer with the intent to engage in sexual conduct with the child or person with mental illness	1-10 years and fine of up to \$10,000
	4) Luring a child through the use of a computer by providing the child or person with mental illness with material that is harmful to minors	1-5 years and fine of up to \$10,000
	5) Luring a child with the intent to engage in sexual conduct with the child or person with mental illness	2-15 years and fine of up to \$10,000
	6) Luring a child by providing the child or person with mental illness with material that is harmful to minors	1-6 years and fine of up to \$10,000

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see NRS 179B and 179D)

Registration	
<b>Year Enacted</b>	1956
<b>Responsible Agency</b>	Central Repository for Nevada Records of Criminal History
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Kidnapping, false imprisonment, pandering, or prostitution if the victim is less than 18 years of age 3) First degree murder in the perpetration of sexual assault, sexual abuse or sexual molestation of a child less than 14 years 4) An offense that is determined to be sexually motivated

## NEVADA

<b>Registration</b>	
<b>Information Collected</b>	Name and all aliases; current photograph; fingerprints and palm prints; date of birth; social security number; identification number from a State ID and photocopy of such ID; a report of the analysis of the genetic markers of the specimen obtained from the offender; current address; the name, address and type of business of all current and expected future employers; information concerning the offender's volunteer service; information concerning the offender's enrollment as a student in any educational institution or school; license plate number and a description of all motor vehicles registered to or frequently driven by the offender; level of registration and community notification; criminal history; information about each offense for which the offender was convicted
<b>Reporting Frequency</b>	Tier I Offender: <sup>212</sup> Annually and within 3 days of change of name, residence, employment or student status
	Tier II offender: <sup>213</sup> Every 180 days and within 3 days of change of name, residence, employment or student status
	Tier III offender: <sup>214</sup> Every 90 days and within 3 days of change of name, residence, employment or student status
<b>Duration</b>	Tier I offender: 15 years
	Tier II offender: 25 years
	Tier III offender: Life
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: 1-4 years and up to \$5,000 fine 2 <sup>nd</sup> offense: 1-5 years and up to \$10,000 fine

### C. Community Notification

(For complete information, see NRS 179D)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Each school, religious organization, youth organization and public housing authority in which the offender resides or is a student or worker; agencies which provide child welfare services; volunteer organizations in which contact with children might occur	All sex offenders	All information collected

<sup>212</sup> Tier I offender means a sex offender other than a Tier II or Tier III offender.

<sup>213</sup> A Tier II offender means an offender convicted of a crime against a child punishable for more than 1 year or who committed (a) luring a child (as a felony); (b) sexual abuse or exploitation of a child; (c) pandering or prostitution; (d) pornography and a minor.

<sup>214</sup> A Tier III offender means an offender who committed: (a) murder in the perpetration of sexual assault, sexual abuse or sexual molestation of a child less than 14 years; (b) sexual assault; (c) battery with intent to commit sexual assault; (d) sexual abuse or exploitation of a child less than 13 years of age; (e) kidnapping if the victim was less than 18 years of age; (f) any sexual offense or crime against a child after the person is a Tier II offender. In addition, a sex offender must be assigned a Tier III level of community notification if the sex offender has been declared to be a sexually violent predator or convicted of one or more sexually violent or violent offenses (see NRS 179D for combinations of convictions that require Tier III classification).

## NEVADA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Members of the Public who are likely to encounter the sex offender	Tier III offenders	All information collected
Discretionary Notification	Any other person or entity whom local law enforcement agency determines warrants notifications	All sex offenders	All information collected
Public Internet Registry	Members of the Public	Tier II and Tier III offenders	Name of the offender and all aliases; a complete physical description; a current photograph; year of birth; complete address of any residence at which the offender resides; the street block, but not the specific street number, of any location where the offender is currently a student or worker; the following information about each offense for which the offender has been convicted: the offense that was committed, the court of conviction; the name under which the offender was convicted; name and location of each institution to which the offender was committed; the city where the offense was committed; the tier level of notification assigned to the offender

### **E. Required Residency Restrictions**

(For complete information, see NRS 176A.410, NRS 213.1245, NRS 213.1255)

Restriction Applies To	Type of Restriction
Certain sex offenders convicted of an offense against a child under the age of 14 who are Tier III offenders	Prohibition from residing within 1,000 feet of any place or structure that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater

### **F. Required Employment Restrictions**

(For complete information, see NRS 176A.410, NRS 213.1245)

Restriction Applies To	Type of Restriction
All sex offenders	Positions of employment or positions as a volunteer may only be accepted if they have been approved by the offender's assigned parole and probation officer



## NEVADA

### **G. Required Electronic Monitoring**

(For complete information, see NRS 176A.410, NRS 213.1255)

<b>Type of Monitoring</b>	<b>Applicable To</b>	<b>Duration</b>
Active electronic monitoring that is capable of identifying an offender's location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location	Certain sex offenders convicted of an offense against a child under the age of 14 who are Tier III offenders	As long as the period of probation and as deemed appropriate by the Chief Parole and Probation Officer

### **H. Civil Commitment**

- No statutory provisions

### **I. Other Restrictions**

(For complete information, see NRS 176A.413, NRS 213.1258)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All sex offenders	Prohibition on the possession of any electronic device capable of accessing the Internet and accessing the Internet through any such device or any other means, unless possession of such a device or such access is approved by the assigned officer
All defendants convicted of: 1) stalking with the use of an Internet or other similar means of communication 2) an offense involving pornography and a minor, or 3) an offense involving luring a child or a person with mental illness through the use of a computer, system or network	Prohibition on owning or using a computer, including without limitation, using electronic mail, a chat room or the Internet
Tier III offenders	Prohibition from knowingly being within 500 feet of any place or structure that is designed primarily for use by or for children, including a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater, unless approved by the assigned officer and by a psychiatrist, psychologist or counselor treating the defendant, if any

**NEW HAMPSHIRE**

**NEW HAMPSHIRE**

**A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see New Hampshire Revised Statutes, Title 52, Chapters 169-B, 632-A, 633, 639, 645, 649 and 650)

Crime <sup>215</sup>	Description	Penalty
<b>Aggravated Felonious Sexual Assault</b>	1) Intentional touching of the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification	1 <sup>st</sup> Offense: Up to 20 years (minimum not to exceed ½ the maximum) 2 <sup>nd</sup> Offense: Up to 40 years (minimum not to exceed ½ the maximum) 3 <sup>rd</sup> Offense: Life
	2) Engaging in a pattern of sexual assault against another person, not the actor's legal spouse, who is less than 16 years	
	3) Sexual penetration with another person when: <ul style="list-style-type: none"> <li>a) the actor overcomes victim through physical force, violence or strength</li> <li>b) the victim is physically helpless to resist</li> <li>c) the actor coerces victim by threat of physical violence or strength and victim believes the actor is able to execute the threat</li> <li>d) the actor coerces victim by threat of retaliation against victim or another person and victim believes the actor is able to execute the threat</li> <li>e) the victim submits under circumstances of false imprisonment, kidnapping or extortion</li> <li>f) the actor, without victim’s knowledge/consent, administers or knows another person has administered to victim any intoxicating substance which mentally incapacitates the victim</li> <li>g) the actor provides therapy, medical treatment or examination of the victim and in the course of/within one year of that therapeutic or treating relationship: a) acts in a manner or for purposes which are not professionally recognized as ethical or acceptable; or b) uses this position as such provider to coerce the victim to submit</li> <li>h) except between spouses, the victim is mentally defective and the actor knows/has reason to know that victim is mentally defective</li> <li>i) the actor through concealment/surprise causes sexual penetration with victim before the victim has an adequate chance to flee or resist</li> <li>j) except between spouses, the victim is 13 years or older and under 16 years and the actor is a member of the same household as the victim or is related by blood/affinity to the victim</li> <li>k) except between spouses, the victim is 13 years or older and under 18 years and actor is in a position of authority over victim and uses this authority to coerce the victim to submit</li> <li>l) at the time of the assault, the victim indicates by speech/conduct that there is no consent</li> <li>m) the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit either when actor has direct supervisory/disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, secure psychiatric unit, or juvenile detention facility where the actor is employed, or when the actor is an adult or juvenile probation or parole officer who has direct supervisory/disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation</li> </ul>	

<sup>215</sup> Offenses marked with an asterisk result in classification as an “offender against children, which also requires registration.

## NEW HAMPSHIRE

Crime	Description	Penalty
<b>Aggravated Felonious Sexual Assault (cont.)</b>	1) the victim is less than 13 years	As above with option of lifetime supervision
<b>Felonious Sexual Assault</b>	<p>1) Subjecting a person to sexual contact and causes serious personal injury to victim under any circumstance named in Aggravated Felonious Sexual Assault<sup>216</sup></p> <p>2) Sexual penetration with a person (not spouse) who is 13 years or older and under 16 years where the age difference between the actor and the other person is 3 years or more</p> <p>3) Sexual contact with a person (not spouse) who is under 13 years</p> <p>4) Sexual contact with person when actor is in a position of authority over the person and uses that authority to coerce the victim to submit either</p> <p style="margin-left: 20px;">a) when actor has direct supervisory/disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, secure psychiatric unit, or juvenile detention facility where the actor is employed, or</p> <p style="margin-left: 20px;">b) when actor is an adult or juvenile probation or parole officer who has direct supervisory/disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation</p>	Up to 7 years
<b>Sexual Assault</b>	<p>1) Subjecting another person who is 13 years or older to sexual contact under any of the circumstances named in Aggravated Felonious Sexual Assault</p> <p>2) Subjecting another person (not spouse) who is 13 years or older but under 16 years to sexual contact where the age difference between the actor and the other person is 5 years or more (only a registrable offense where actor is 21 years or older)</p>	Up to 1 year
<b>Indecent Exposure</b>	<p>1) Purposefully performing any act of sexual penetration or sexual contact on himself or herself or another in the presence of a child who is 12 years or younger</p> <p>2) Purposely performing any act of sexual penetration or sexual contact on himself or herself or another in the presence of a child who is at least 13 years and less than 16 years (2<sup>nd</sup> offense only)</p>	<p>1<sup>st</sup> Offense: Up to 7 years</p> <p>3<sup>rd</sup> Offense: Up to 15 years</p>
<b>Incest*</b>	Where victim is under 18 years, marriage (or living with under representation of marriage) or sexual intercourse with a person perpetrator knows to be his ancestor, descendant, brother or sister, or an uncle, aunt, nephew or niece; provided, however, that no person under the age of 18 shall be liable under this section if the other party is at least 3 years older at the time of the act (includes blood relationships only)	Up to 20 years (minimum not to exceed ½ the maximum)

<sup>216</sup> Note that while Aggravated Sexual Assault requires sexual *penetration*, felonious sexual assault and sexual assault require only sexual *contact*.

## NEW HAMPSHIRE

Crime	Description	Penalty
<b>Prostitution*</b>	Where victim is under 18: 1) Solicitation, agreeing to perform, or engaging in sexual contact or sexual penetration as defined in return for consideration  2) Payment, agreement, or offer to pay another person to engage in sexual contact or sexual penetration with the payor or with another person	Up to 1 year
	Involving another person who is under the age of 18: 3) Inducing or otherwise purposely causing another to violate subparagraph (1)  4) Transporting another into or within this state with the purpose of promoting or facilitating such other in engaging in conduct in violation of subparagraph (1)  5) Not being a legal dependent incapable of self support, knowingly being supported in whole or in part by the proceeds of violation of subparagraph (1)  6) Knowingly permitting a place under such person's control to be used for violation of subparagraph (1)	Up to 7 years
<b>Intentional Contribution to Delinquency*</b>	Knowingly or willfully (by a parent or guardian) encouraging, aiding, causing, abetting or conniving at, or knowingly doing any act to produce, promote or contribute to the utilization of a minor in any acts of sexual conduct in order to create obscene material, of that minor	1st Offense: Up to 7 years 2nd Offense: Up to 15 years
<b>Endangering the Welfare of a Child</b>	Solicitation by any person of a child under the age of 16 to engage in sexual activity for the purpose of creating a visual representation or to engage in sexual penetration	Up to 7 years
<b>Child Pornography</b>	1) Selling, delivering or providing, or offering or agreeing to sell, deliver or provide, any visual representation of a child engaging in sexual activity  2) Presenting or directing a visual representation of a child engaging in sexual activity, or participating in that portion of such visual representation which consists of a child engaging in sexual activity  3) Publishing, exhibiting or otherwise making available any visual representation of a child engaging in sexual activity  4) Possessing any visual representation of a child engaging in sexual activity for purposes of sale or other commercial dissemination  5) Knowingly buying, procuring, possessing, or controlling any visual representation of a child engaging in sexual activity  6) Knowingly bringing or causing to be brought into this state any visual representation of a child engaging in sexual activity	1st Offense: Up to 7 years 2nd Offense: Up to 15 years

## NEW HAMPSHIRE

Crime	Description	Penalty
<b>Computer Pornography</b>	Knowingly compiling, entering into, or transmitting by means of computer; making, printing, publishing, or reproducing by other computerized means; causing or allowing to be entered into or transmitted by means of computer; or buying, selling, receiving, exchanging, or disseminating by means of computer: any notice, statement, or advertisement, or any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information, for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any child, or the visual depiction of such conduct	Up to 7 years
<b>Certain Uses of Computer Services</b>	Knowingly utilizing a computer on-line service, Internet service, or local bulletin board service to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit sexual assault, felonious sexual assault, aggravated sexual assault, indecent exposure or endangering a child	Up to 7 years
<b>Obscene Matter involving a Child</b>	With knowledge of the nature of content thereof and with knowledge that such act involves a child in material deemed obscene: 1) Selling, delivering, or providing, or offering or agreeing to sell, deliver or provide, any obscene material  2) Presenting or directing an obscene play, dance or performance, or participates in that portion thereof which makes it obscene  3) Publishing, exhibiting or otherwise making available any obscene material  4) Possessing any obscene material for purposes of sale or other commercial dissemination; or  5) Selling, advertising or otherwise commercially disseminating material, whether or not obscene, by representing or suggesting that it is obscene	1st Offense: Up to 7 years 2nd Offense: Up to 15 years

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see New Hampshire Revised Statutes, Title 52, Chapter 651-B)

Registration	
<b>Year Enacted</b>	1996
<b>Responsible Agency</b>	Department of Safety, Division of State Police

## NEW HAMPSHIRE

<b>Registration</b>	
<b>Eligible Offenses/Statutes</b>	<p>1) All offenses listed in Part A above</p> <p>2) Attempt to commit any offense listed in Part A</p> <p>3) Kidnapping, criminal restraint, or false imprisonment where victim is under 18 years (results in classification as offender against children)</p> <p>4) Any other criminal offense where court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register.</p> <p>5) Any other criminal offense committed against a victim under the age of 18 at the time of the offense where court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register.</p>
<b>Information Collected</b>	Name, age, race, sex, date of birth, height, weight, hair and eye color, address of any permanent residence and address of any current temporary residence, mailing address, date and place of any employment or schooling, vehicle make, model, color, and license tag number, any additional information required by department rules; Person must also have their photograph taken by the law enforcement agency each time they are required to report
<b>Reporting Frequency</b>	Semi-annually and within 5 days after any change of any information the person is required to report
<b>Duration</b>	<p>10 years</p> <p>Life:</p> <p>1) Those required to register for aggravated felonious sexual assault, felonious sexual assault, indecent exposure (3<sup>rd</sup> offense), and for offenders against children required to register for: intentional contribution to delinquency, kidnapping, criminal restraint, incest, endangering the welfare of a child, prostitution, child pornography, computer pornography, certain uses of computer services and obscene matter</p> <p>2) Those convicted of a second registrable offense</p> <p>3) Those sentenced to an extended term of imprisonment (by a jury under circumstances determined by statute)</p> <p>Registration for a juveniles required to register ends when juvenile turns 17 year or when court terminates jurisdiction over juvenile's case</p>
<b>Penalties for Non-Compliance</b>	<p>Negligently failing to comply: Misdemeanor</p> <p>Knowingly failing to comply: 1<sup>st</sup> Offense: Up to 7 years and if initially required to register for 10 years, registration for an additional 10 years (consecutive)</p> <p>Knowingly failing to comply: 2<sup>nd</sup> Offense: Up to 15 years and if initially required to register for 10 years, registration for life</p> <p>Juvenile: Penalty to be imposed by the Court with jurisdiction</p>

## NEW HAMPSHIRE

### D. Community Notification

(For complete information, see New Hampshire Revised Statutes, Title 52, Chapter 651-B)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public, upon request	All Offenders against Children; Sex offenders convicted of: aggravated felonious sexual assault (subsections I(j) and I(k)), felonious sexual assault (section II where age difference is greater than 3 years and section III), and indecent exposure	Name, address, date of birth, offense for which the individual is required to register, the date and court of the adjudication on the offense for which the individual is registered, outstanding arrest warrants (for those who have not complied with the obligation to register), photograph or physical description of the individual, if available  Where available: the date and court of the individual's other adjudications, if any, information on the profile of the victim or victims of the individual's offense or offenses, the method of approach utilized by the individual
Public Internet Registry	Members of the Public	As above	As above

### E. Required Residency Restrictions

- No Statutory Provisions

### F. Required Employment Restrictions

(For complete information, see New Hampshire Revised Statutes, Title 52, Chapter 632-A)

Restriction Applies To	Type of Restriction
Those convicted of any felonious offense involving child pornography, or of any sexual assault	Prohibition from employment or volunteer service involving the care, instruction or guidance of minor children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type

### G. Required Electronic Monitoring

- No Statutory Provisions

## NEW HAMPSHIRE

### **H. Civil Commitment**

(For complete information, see New Hampshire Revised Statutes, Title 10, Chapter 135-E)

<b>Commitment Applies To</b>	<b>Treatment Setting</b>	<b>Period of Confinement</b>
Sexually Violent Predators (aged 18 or over) <sup>217</sup>	Secure facility	Up to 5 years; can be extended by court with additional petition and trial

---

<sup>217</sup> Any person convicted of a sexually violent offense (capital murder, first degree murder, aggravated felonious sexual assault, kidnapping where offender confined the victim with the purpose of committing sexual assault against the victim, or burglary where offender entered a building or occupied structure with the purpose of committing sexual assault), who suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment; and who is not eligible for involuntary admission.



## NEW JERSEY

### NEW JERSEY

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see New Jersey Statutes Annotated, Title 2C, Chapter 7)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Aggravated Sexual Assault</b>	Committing sexual penetration of another person under any of the following circumstances: 1) The victim is less than 13 years old  2) The victim is at least 13 but less than 16 years old and the offender is related or in a position of power over the victim  3) The act is committed during robbery, kidnapping, homicide, aggravated assault, burglary, arson or criminal escape  4) The offender is armed with a weapon or leads to victim to believe he is armed  5) The offender acts with one or more other persons and the actor uses physical force  6) The offender uses physical force and severely injures the victim  7) The offender knew or should have known that the victim was physically or mentally helpless	10-20 years and fine of up to \$2,000; Lifetime parole supervision
<b>Sexual Assault</b>	1) Committing a sexual act with a victim who is less than 13 years and the offender is at least 4 years older than the victim  2) Committing sexual penetration with another person under any of the following circumstances: a) using physical force but severe physical injury does not occur b) when the victim is on probation or parole, or is detained in an institution and the offender has supervisory power over the victim c) the victim is at least 16 but less than 18 years old and the offender is related or in a position of power over the victim d) the victim is at least 13 but less than 16 years old and the offender is at least 4 years older than the victim	5-10 years and fine of up to \$1,000; Lifetime parole supervision
<b>Aggravated Criminal Sexual Contact</b>	Having sexual contact with a victim under any of the circumstances set out in 2) through 7) of Aggravated Sexual Assault above	3-5 years and fine of up to \$750; Lifetime parole supervision
<b>Kidnapping</b>	Kidnapping a victim less than 16 years and during the kidnapping: a) committing an act of aggravated sexual assault or sexual assault, b) endangering the welfare of the victim by engaging in sexual conduct, or c) the offender sells the victim to another person	25 years to Life; Lifetime parole supervision

## NEW JERSEY

Crime	Description	Penalty
<b>Endangering the Welfare of a Child - Engaging in Sexual Conduct</b>	Engaging in sexual conduct with a child less than 16 years for whom the offender has or assumed a duty of care, which would impair or debauch the morals of the child or be deemed child abuse or neglect under the law	10-20 years and fine of up to \$2,000; Lifetime parole supervision
<b>Endangering the Welfare of a Child - Pornography</b>	<ol style="list-style-type: none"> <li>1) Causing or permitting a child to engage in or simulate a prohibited sexual act if the offender knows or intends for the act to be reproduced in any manner, including on the Internet</li> <li>2) Using any device, including a computer, to reproduce an image of a child engaging in or simulating a prohibited sexual act</li> <li>3) Selling (or otherwise publishes, distributes, etc.) through any means (including the Internet), any reproduction which shows a child engaging in or simulating a prohibited sexual act</li> </ol>	5-10 years and fine of up to \$1,000; Lifetime parole supervision
<b>Luring or Enticing</b>	Attempting to lure or entice (by electronic or any other means) a child into a motor vehicle, structure, isolated area or to meet at any other place, with the purpose of committing a crime with or against the child	<p>1<sup>st</sup> Offense: 5-10 years and fine of up to \$1,000</p> <p>2<sup>nd</sup> Offense: 5-10 years (3 year mandatory minimum) and fine of up to \$1,000</p>
<b>Criminal Sexual Conduct Against a Minor</b>	<p>Having sexual contact with another person under any of the following circumstances:</p> <ol style="list-style-type: none"> <li>1) using physical force but severe physical injury does not occur</li> <li>2) when the victim is on probation or parole, or is detained in an institution and the offender has supervisory power over the victim</li> <li>3) the victim is at least 16 but less than 18 years old and the offender is related or in a position of power over the victim</li> <li>4) the victim is at least 13 but less than 16 years old and the offender is at least 4 years older than the victim</li> </ol>	Up to 18 months and fine of up to \$500
<b>Criminal Restraint of a Minor</b>	<ol style="list-style-type: none"> <li>1) Restraining a minor and exposing them to risk of serious bodily injury</li> <li>2) Holding a minor in a condition of involuntary servitude</li> </ol>	3-5 years and fine of up to \$750
<b>False Imprisonment of a Minor</b>	Restraining a minor unlawfully so as to interfere substantially with his liberty	Up to 6 months and fine of up to \$1,000
<b>Prostitution of a Child</b>	Promoting prostitution of a child under 18, including if the child is the offender's child or other person for whom the offender is responsible	5-10 years and fine of up to \$1,000

## NEW JERSEY

### **B. Risk Assessment**

(For complete information, see New Jersey Statutes Annotated, Title 2C, Chapter 7)

<b>Risk Assessment</b>	
<b>Applies to</b>	Community Notification
<b>Responsible Agency</b>	Attorney General in consultation with the Notification Advisory Council
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	Yes
<b>Risk Levels Utilized</b>	Tier I: Risk of re-offense is low Tier II: Risk of re-offense is moderate Tier III: Risk of re-offense is high
<b>Assessment Details</b>	The Attorney General shall promulgate guidelines and procedures for the notification required. The guidelines shall identify factors relevant to risk of re-offense and shall provide for three levels of notification depending upon the degree of the risk of re-offense.

### **C. Registration**

(For complete information, see New Jersey Statutes Annotated, Title 2C, Chapter 7)

<b>Registration</b>	
<b>Year Enacted</b>	1994
<b>Responsible Agency</b>	State Police
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above
<b>Information Collected</b>	The offender'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; 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 any other information that the Attorney General deems necessary to assess risk of future commission of a crime, including criminal and corrections records, non-privileged personnel, treatment, and abuse registry records, and evidentiary genetic markers when available; the offender must also provide information as to whether he has routine access to or use of a computer or any other device with Internet capability
<b>Reporting Frequency</b>	Annually For those registered under a finding by the court that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, the offender has a duty to verify his address every 90 days
<b>Duration</b>	Life; If no subsequent sexual offenses within 15 years after release or conviction, offender has the right to petition Superior Court to terminate registration
<b>Penalties for Non-Compliance</b>	Failure to register: 5-10 years, fine up to \$1,000 Failure to notify about change of information: Up to 18 months, fine up to \$500 Failure to verify address: Up to 18 months, fine up to \$500

## NEW JERSEY

### D. Community Notification

(For complete information, see New Jersey Statutes Annotated, Title 2C, Chapter 7)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Organizations in the community, including schools, and religious and youth organizations	Tier II offenders	All information collected
	Members of the public likely to encounter offender	Tier III offenders	
Public Internet Registry	Members of the Public	Tier III offenders and those Tier II offenders for whom the court has ordered notification	Offender's name and any aliases; any sex offense for which the offender was convicted, adjudicated delinquent or acquitted by reason of insanity; the date and location of disposition; a brief description of any such offense, including the victim's gender and indication of whether the victim was less than 18 years or less than 13 years; a general description of the offender's modus operandi, if any; the determination of whether the risk of re-offense by the offender is moderate or high; the offender's age, race, sex, date of birth, height, weight, hair, eye color and any distinguishing scars or tattoos; a photograph of the offender; the make, model, color, year and license plate number of any vehicle operated by the offender; and the street address, zip code, municipality and county in which the offender resides

### E. Required Residency Restrictions

- No statutory provisions

### F. Required Employment Restrictions

- No statutory provisions

### G. Required Electronic Monitoring

(For complete information, see New Jersey Statutes Annotated, Title 30, Chapter 4)

Type of Monitoring	Applicable To	Duration
GPS	Tier III (high-risk) offender who was: subject to civil commitment as a sexually violent predator, sentenced to a term of supervision for life, or has been convicted of a sex offense	Not specified

## NEW JERSEY

### **H. Civil Commitment**

(For complete information, see New Jersey Statutes Annotated, Title 30, Chapter 4)

<b>Commitment Applies To</b>	<b>Treatment Setting</b>	<b>Period of Confinement</b>
Sexually violent predator <sup>218</sup>	Secure facility operated by the Department of Corrections	Indeterminate

### **I. Other Restrictions**

(For complete information, see New Jersey Statutes Annotated, Title 2C, Chapter 7)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
1) Convicted sex offenders who used the Internet to help them commit their crimes 2) Paroled sex offenders under lifetime supervision	Prohibits the use of the Internet for anything except doing or seeking a job

---

<sup>218</sup> Any person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sexually violent offense, or has been charged with a sexually violent offense but found to be incompetent to stand trial, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for control, care and treatment.

## NEW MEXICO

### NEW MEXICO

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see New Mexico Statutes Annotated, Chapter 30, Articles 6A, 9, 10 and 28 and Chapter 29, Article 11A)

<b>Crime</b>	<b>Description</b>	<b>Penalty<sup>219</sup></b>
<b>Criminal Sexual Penetration</b>	<b>Aggravated Criminal Sexual Penetration:</b> 1) Criminal sexual penetration (unlawfully and intentional causing person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission) perpetrated on a child under nine years of age with an intent to kill or with a depraved mind regardless of human life	Life and fine of up to \$17,500
	<b>Criminal Sexual Penetration in the First Degree:</b> 2) Criminal sexual penetration perpetrated on a child under 13 years	18 years and fine of up to \$15,000
	3) Criminal sexual penetration perpetrated by the use of force or coercion that results in great bodily harm or great mental anguish to the victim	
	<b>Criminal Sexual Penetration in the Second Degree:</b> 4) Criminal sexual penetration perpetrated on a child 13 to 18 years when the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit	9 years and fine of up to \$10,000
	5) Criminal sexual penetration perpetrated on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate	
	6) Criminal sexual penetration perpetrated by the use of force or coercion that results in personal injury to the victim	
	7) Criminal sexual penetration perpetrated by the use of force or coercion when the perpetrator is aided or abetted by one or more persons	
8) Criminal sexual penetration perpetrated in the commission of any other felony	15 years (mandatory minimum of 3 years) and fine of up to \$12,500	
9) Criminal sexual penetration perpetrated when the perpetrator is armed with a deadly weapon.		
10) Criminal sexual penetration in the second degree where the victim is a child aged 13 to 18 years		

<sup>219</sup> If a court defers or suspends any portion of a sentence for a sex offense, the offender must be required to serve an indeterminate period of supervised probation for a period of 5-20 years (reviewed after 5 years at 2 ½ year intervals); Defendants aged 18 years or older convicted of two or more violent sexual offenses shall be sentenced to life imprisonment with the possibility of parole unless the victim of each offense was under 13 years, in which case the defendant shall be sentenced to life without parole.

**NEW MEXICO**

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Criminal Sexual Penetration (cont.)</b>	<b>Criminal Sexual Penetration in the Third Degree:</b> 11) Criminal sexual penetration perpetrated through the use of force or coercion	3 years and fine of up to \$5,000
	12) Criminal sexual penetration in the third degree where victim is a child aged 13 to 18 years	6 years and fine of up to \$5,000
	<b>Criminal Sexual Penetration in the Fourth Degree:</b> 13) Criminal sexual penetration (not defined above) perpetrated on a child 13 to 16 years when the perpetrator is at least 18 years and is at least 4 years older than the child and not the spouse of that child  14) Criminal sexual penetration perpetrated on a child 13 to 18 years when the perpetrator, who is a school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least 18 years and is at least 4 years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school	18 months and fine of up to \$5,000
<b>Criminal Sexual Contact</b>	Unlawfully and intentionally touching or applying force, without consent, to the unclothed intimate parts of another who is 18 years or older, or intentionally causing another who is 18 years or older to touch one's intimate parts: 1) By the use of force or coercion that results in personal injury to the victim  2) By the use of force or coercion when the perpetrator is aided or abetted by one or more persons  3) When the perpetrator is armed with a deadly weapon	18 months and fine of up to \$5,000
<b>Criminal Sexual Contact of a Minor</b>	<b>Criminal Sexual Contact of a Minor in the Second Degree:</b> 1) Criminal sexual contact (unlawfully and intentionally touching or applying force to the intimate parts of a minor or unlawfully and intentionally causing a minor to touch one's intimate parts) perpetrated on the unclothed intimate parts of a child under 13 years  2) Criminal sexual contact perpetrated on the unclothed intimate parts of a child 13 to 18 years when: a) the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit b) the perpetrator uses force or coercion that results in personal injury to the child c) the perpetrator uses force or coercion and is aided or abetted by one or more persons, or d) the perpetrator is armed with a deadly weapon	15 years (mandatory minimum of 3 years) and fine of up to \$12,500

**NEW MEXICO**

Crime	Description	Penalty
<b>Criminal Sexual Contact of a Minor (cont.)</b>	<b>Criminal Sexual Contact of a Minor in the Third Degree:</b> 3) Criminal sexual contact perpetrated on a child under 13 years of age  4) Criminal sexual contact perpetrated on a child 13 to 18 years when: a) the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit b) the perpetrator uses force or coercion that results in personal injury to the child c) the perpetrator uses force or coercion and is aided or abetted by one or more persons, or d) the perpetrator is armed with a deadly weapon	6 years and fine of up to \$5,000
	<b>Criminal Sexual Contact of a Minor in the Fourth Degree:</b> 5) Criminal sexual contact (not defined above) of a child 13 to 18 years perpetrated with force or coercion  6) Criminal sexual contact perpetrated on a child 13 to 18 years when the perpetrator, who is a school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least 18 years and is at least 4 years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school	18 months and fine of up to \$5,000
<b>Sexual Exploitation of Children</b>	1) Knowingly and intentionally possessing any obscene visual or print medium depicting any prohibited sexual act or simulation of such an act if that person knows or has reason to know that one or more of the participants in that act is a child under 18 years	18 months and fine of up to \$5,000
	2) Knowingly and intentionally distributing any obscene visual or print medium depicting any prohibited sexual act or simulation of such an act if that person knows or has reason to know that one or more of the participants in that act is a child under 18 years  3) Intentionally causing or permitting a child under 18 years to engage in any prohibited sexual act or simulation of such an act if that person knows, has reason to know or intends that the act may be recorded in any obscene visual or print medium or performed publicly	3 years and fine of up to \$5,000
	4) Intentionally causing or permitting a child under 13 years to engage in any prohibited sexual act or simulation of such an act if that person knows, has reason to know or intends that the act may be recorded in any obscene visual or print medium or performed publicly	9 years and fine of up to \$10,000
	5) Intentionally manufacturing any obscene visual or print medium depicting any prohibited sexual act or simulation of such an act if one or more of the participants in that act is a child under 18 years	
	1) Knowingly receiving any pecuniary profit as a result of a child under 13 years engaging in a prohibited sexual act with another	18 years and fine of up to \$15,000
<b>Sexual Exploitation of Children by Prostitution</b>		



## NEW MEXICO

Crime	Description	Penalty
<b>Sexual Exploitation of Children by Prostitution (cont.)</b>	2) Knowingly receiving any pecuniary profit as a result of a child under 16 years engaging in a prohibited sexual act with another	9 years and fine of up to \$10,000
	3) Hiring or offering to hire a child over 13 years and under 16 years to engage in any prohibited sexual act	
	4) Being a parent, legal guardian or person having custody or control of a child under 16 years, knowingly permitting that child to engage in or to assist any other person to engage in any prohibited sexual act or simulation of such an act for the purpose of producing any visual or print medium	3 years and fine of up to \$5,000
<b>Aggravated Indecent Exposure</b>	Knowingly and intentionally exposing his primary genital area to public view in a lewd and lascivious manner, with the intent to threaten or intimidate another person, while committing one or more of the following acts or criminal offenses: exposure to a child less than 18 years, assault, aggravated assault, assault with intent to commit a violent felony, battery, aggravated battery, criminal sexual penetration, or abuse of a child	18 months and fine of up to \$5,000
<b>Enticement of a Child</b>	1) Enticing, persuading, or attempting to persuade a child under 16 years to enter any vehicle, building, room or secluded place with intent to commit an act which would constitute certain prostitution-related offenses	Up to 1 year and/or fine of up to \$1,000
	2) Having possession of a child under 16 years in any vehicle, building, room or secluded place with intent to commit an act which would constitute certain prostitution-related offenses	
<b>Incest</b>	Knowingly intermarrying or having sexual intercourse with persons within the following degrees of consanguinity: parents and children including grandparents and grandchildren of every degree, brothers and sisters, uncles and nieces, aunts and nephews	3 years and fine of up to \$5,000
<b>Solicitation to Commit Sexual Contact of a Minor</b>	1) With the intent that another person engage in conduct constituting a felony, soliciting, commanding, requesting, inducing, employing or otherwise attempting to promote or facilitate another person to engage in sexual contact of a minor in the second degree	3 years and fine of up to \$5,000
	2) With the intent that another person engage in conduct constituting a felony, soliciting, commanding, requesting, inducing, employing or otherwise attempting to promote or facilitate another person to engage in sexual contact of a minor in the third degree	18 months and fine of up to \$5,000
	3) With the intent that another person engage in conduct constituting a felony, soliciting, commanding, requesting, inducing, employing or otherwise attempting to promote or facilitate another person to engage in sexual contact of a minor in the fourth degree	

## NEW MEXICO

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see New Mexico Statutes Annotated, Chapter 29, Article 11A)

Registration	
<b>Year Enacted</b>	1995
<b>Responsible Agency</b>	Department of Public Safety
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Kidnapping or False Imprisonment when the victim is under 18 years and the offender is not a parent of the victim 3) Any attempt to commit an offense listed above
<b>Information Collected</b>	Legal name and any other names or aliases that he is using or has used; date of birth; social security number; current address; place of employment or the name of the school he is attending; the sex offense for which he was convicted; and the date and place of his sex offense conviction; a photograph of the sex offender and a complete set of the sex offender's fingerprints; a description of any tattoos, scars or other distinguishing features on the sex offender's body that would assist in identifying the sex offender; and a sample of his DNA
<b>Reporting Frequency</b>	Every 90 days and within 10 days of any change in address or change in employment, vocation or enrollment status at an institution of higher education: Those convicted of aggravated criminal sexual penetration or criminal sexual penetration in the first, second or third degree, criminal sexual contact of a minor in the second, third or fourth degree, sexual exploitation of children, kidnapping, when the victim is less than eighteen years of age and the offender is not a parent of the victim, criminal sexual contact in the fourth degree, or attempt to commit any of these sex offenses; Any offender convicted of two or more sex offenses  Annually and within 10 days of any change in address or change in employment, vocation or enrollment status at an institution of higher education: All other offenders
<b>Duration</b>	Those required to register annually: 1 <sup>st</sup> Offense: 10 years 2 <sup>nd</sup> Offense: Life  Those required to register every 90 days: Life
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: 3 years and fine of up to \$5,000 2 <sup>nd</sup> Offense: 18 months and fine of up to \$5,000

## **NEW MEXICO**

### **D. Community Notification**

(For complete information, see New Mexico Statutes Annotated, Chapter 29, Article 11A)

<b>Type of Notification</b>	<b>Individual/Group to whom Notification is Available</b>	<b>Notification Applies To:</b>	<b>Information Available</b>
Public Notification	Members of the Public	Those convicted of criminal sexual penetration in the first, second, or third degree, criminal sexual contact of a minor in the second, third, or fourth degree, sexual exploitation of children, sexual exploitation of children by prostitution, or attempt to commit any of these offenses	All information contained in the registry except social security number and DNA information
Mandatory Notification	Every licensed daycare center, and school within a one-mile radius of the sex offender's residence	As above	As above
Public Internet Registry	Members of the Public	Adults convicted of the offense listed above	All information contained in the registry except social security number, DNA information or a sex offender's place of employment, unless the sex offender's employment requires the sex offender to have direct contact with children

### **E. Required Residency Restrictions**

- No Statutory Provisions

### **F. Required Employment Restrictions**

- No Statutory Provisions

### **G. Required Electronic Monitoring**

- No Statutory Provisions

### **H. Civil Commitment**

- No Statutory Provisions

**NEW YORK**

**NEW YORK**

**A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see New York Statutes Annotated, Penal Law, Chapter 40, Articles 70, 130, 230, 235, 250 and 255)

<b>Crime<sup>220</sup></b>	<b>Description</b>	<b>Penalty<sup>221</sup></b>
<b>Sexual Misconduct</b>	1) Engaging in sexual intercourse with another person without their consent 2) Engaging in oral or anal sexual conduct with another person without their consent 3) Engaging in sexual conduct with an animal or a dead human body	Up to 1 year
<b>Rape in the Third Degree</b>	1) Engaging in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years 2) Being 21 years or older, engaging in sexual intercourse with another person less than 17 years 3) Engaging in sexual intercourse with another person without their consent where such lack of consent is by reason of some factor other than incapacity to consent	1½ - 4 years
<b>Rape in the Second Degree</b>	1) Being 18 years or older, engaging in sexual intercourse with another person less than 15 years (except where defendant was less than 4 years older than the victim) 2) Engaging in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	2-7 years
<b>Rape in the First Degree*</b>	Engaging in sexual intercourse with another person: 1) By forcible compulsion 2) Who is incapable of consent by reason of being physically helpless 3) Who is less than 11 years, or 4) Who is less than 13 years and the actor is 18 years or older	5-25 years

<sup>220</sup> Offenses marked with an asterisk (\*) are classified as sexually violent offenses.

<sup>221</sup> Additional penalties apply for second time offenders and vary based on whether the first offense was a violent sex offense or a non-violent sex offense; these penalties increase the minimum sentence only.

## NEW YORK

Crime	Description	Penalty
<b>Criminal Sexual Act in the Third Degree</b>	1) Engaging in oral or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than 17 years  2) Being 21 years or older, engaging in oral or anal sexual conduct with a person less than 17 years  3) Engaging in oral or anal sexual conduct with another person without their consent where such lack of consent is by reason of some factor other than incapacity of consent	1½ - 4 years
<b>Criminal Sexual Act in the Second Degree</b>	1) Being 18 years or older, engaging in oral or anal sexual conduct with another person less than 15 years (except where defendant was less than 4 years older than the victim)  2) Engaging in oral or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	2-7 years
<b>Criminal Sexual Act in the First Degree*</b>	Engaging in oral or anal sexual conduct another person: 1) By forcible compulsion  2) Who is incapable of consent by reason of being physically helpless  3) Who is less than 11 years, or  4) Who is less than 13 years and the actor is 18 years or older	5-25 years
<b>Forcible Touching<sup>222</sup></b>	Intentionally, and for no legitimate purpose, forcibly touching (squeezing, grabbing or pinching) the sexual or other intimate parts of another person for the purpose of degrading or abusing such person or for the purpose of gratifying the actor's sexual desire	Up to 1 year
<b>Persistent Sexual Abuse*</b>	Committing the crimes of forcible touching, or sexual abuse in the third or second degree, and, within the previous 10 year period, having been convicted 2 or more times of forcible touching, or sexual abuse in the third or second degree or any felony sex offense	1½ - 4 years
<b>Sexual Abuse in the Third Degree</b>	Subjecting another person to sexual contact without the latter's consent except where a) the other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years, b) the other person was more than 14 years, and c) the defendant was less than 5 years older than such other person	Up to 3 months
<b>Sexual Abuse in the Second Degree</b>	Subjecting another person to sexual contact and when such other person is: 1) Incapable of consent by reason of some factor other than being less than 17 years, or  2) Less than 14 years	Up to 1 year

<sup>222</sup> This offense and sexual abuse in the third degree are only registrable offenses where the victim is under 18 or where the defendant has previously been convicted of a sex offense or a sexually violent offense.

## NEW YORK

Crime	Description	Penalty
<b>Sexual Abuse in the First Degree*</b>	Subjecting another person to sexual contact: 1) By forcible compulsion  2) When the other person is incapable of consent by reason of being physically helpless, or  3) When the other person is less than 11 years	2-7 years
<b>Aggravated Sexual Abuse in the Fourth Degree*</b>	1) Inserting a foreign object in the vagina, urethra, penis or rectum of another person who is incapable of consent by reason of some factor other than being less than 17 years  2) Inserting a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person who is incapable of consent by reason of some factor other than being less than 17 years	1½ - 4 years
<b>Aggravated Sexual Abuse in the Third Degree*</b>	1) Inserting a foreign object in the vagina, urethra, penis or rectum of another person: a) by forcible compulsion b) when the other person is incapable of consent by reason of being physically helpless, or c) when the other person is less than 11 years  2) Inserting a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	2-7 years
<b>Aggravated Sexual Abuse in the Second Degree*</b>	Inserting a finger in the vagina, urethra, penis, or rectum of another person causing physical injury to such person a) by forcible compulsion b) when the other person is incapable of consent by reason of being physically helpless, or c) when the other person is less than 11 years	3½-15 years
<b>Aggravated Sexual Abuse in the First Degree*</b>	Inserting a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person: a) by forcible compulsion b) when the other person is incapable of consent by reason of being physically helpless, or c) when the other person is less than 11 years	5-25 years
<b>Course of Sexual Conduct against a Child in the First Degree*</b>	Over a period of time not less than 3 months in duration: 1) Engaging in 2 or more acts of sexual conduct, including at least one act of sexual intercourse, oral or anal sexual conduct, or aggravated sexual contact, with a child less than 11 years, or  2) Being 18 years old or more, engaging in 2 or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral or anal sexual conduct, or aggravated sexual contact, with a child less than 13 years	5-25 years

## NEW YORK

Crime	Description	Penalty
<b>Course of Sexual Conduct against a Child in the Second Degree*</b>	Over a period of time not less than 3 months in duration: 1) Engaging in 2 or more acts of sexual conduct with a child less than 11 years, or  2) Being 18 years or older, engaging in 2 or more acts of sexual conduct with a child less than 13 years	2-7 years
<b>Facilitating a Sex Offense with a Controlled Substance*</b>	Knowingly and unlawfully possessing a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administering such substance to another person without their consent and with intent to commit (or attempt to commit) against such person conduct constituting a felony sex offense	2-7 years
<b>Predatory Sexual Assault*</b>	Committing rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree when: 1) In the course of the commission of the crime or the immediate flight there from, he or she: a) causes serious physical injury to the victim of such crime, or b) uses or threatens the immediate use of a dangerous instrument  2) The crime is committed against one or more additional persons, or  3) He or she has previously been subjected to a conviction for felony sex offense, incest, or use of a child in a sexual performance	3 years – Life
<b>Predatory Sexual Assault against a Child*</b>	Being 18 years old or more, committing rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree where the victim is less than 13 years	3 years – Life
<b>Patronizing a Prostitute in the Third Degree</b>	Being over 21 years, patronizing a prostitute aged less than 17 years	Up to 1 year
<b>Patronizing a Prostitute in the Second Degree</b>	Being over 18 years, patronizing a prostitute aged less than 14 years	1-4 years
<b>Patronizing a Prostitute in the First Degree</b>	Patronizing a prostitute aged less than 11 years	2-7 years
<b>Promoting Prostitution in the Second Degree</b>	Knowingly advancing or profiting from prostitution of a person less than 16 years	115 years
<b>Promoting Prostitution in the First Degree</b>	Knowingly advancing or profiting from prostitution of a person less than 11 years	1-25 years
<b>Compelling Prostitution</b>	Being 21 years or older, knowingly advancing prostitution by compelling a person less than 16 years, by force or intimidation, to engage in prostitution	1-25 years

## NEW YORK

Crime	Description	Penalty
<b>Sex Trafficking</b>	<p>Intentionally advancing or profiting from prostitution by:</p> <ol style="list-style-type: none"> <li>1) Unlawfully providing certain drugs to a person who is patronized, with intent to impair said person's judgment</li>   <li>2) Making material false statements, misstatements, or omissions to induce or maintain the person being patronized to engage in or continue to engage in prostitution activity</li>   <li>3) Withholding, destroying, or confiscating any actual or purported passport, immigration document, or any other actual or purported government identification document of another person with intent to impair said person's freedom of movement</li>   <li>4) Requiring that prostitution be performed to retire, repay, or service a real or purported debt</li>   <li>5) Using force or engaging in any scheme, plan or pattern to compel or induce the person being patronized to engage in or continue to engage in prostitution activity by means of instilling a fear in the person being patronized that, if the demand is not complied with, the actor or another will do one or more of the following:               <ol style="list-style-type: none"> <li>a) cause physical injury, serious physical injury, or death to a person</li> <li>b) cause damage to property, other than the property of the actor</li> <li>c) engage in other conduct constituting a felony or unlawful imprisonment in the second degree in violation of this chapter</li> <li>d) accuse some person of a crime or cause criminal charges or deportation proceedings to be instituted against some person</li> <li>e) expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule</li> <li>f) testify or provide information or withhold testimony or information with respect to another's legal claim or defense</li> <li>g) use or abuse his or her position as a public servant by performing some act within or related to his or her official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely</li> <li>h) perform any other act which would not in itself materially benefit the actor but which is calculated to harm the person who is patronized materially with respect to his or her health, safety, or immigration status</li> </ol> </li> </ol>	1-25 years
<b>Disseminating Indecent Material to Minors in the First Degree</b>	<p>Knowing the character and content of the communication which depicts or describes actual or simulated nudity, sexual conduct or sadomasochistic abuse, and which is harmful to minors, intentionally using any computer communication system to initiate or engage in such communication with a minor and thereby importuning, inviting or inducing a minor to engage in sexual intercourse, oral or anal sexual conduct, or sexual contact with him, or to engage in a sexual performance, obscene sexual performance, or sexual conduct for his benefit</p>	1-7 years



## NEW YORK

Crime	Description	Penalty
<b>Unlawful Surveillance in the Second Degree</b> <sup>223</sup>	<p>1) For his or her own, or another person's sexual arousal or sexual gratification, intentionally using or installing, or permitting the utilization or installation of an imaging device to surreptitiously view, broadcast or record a person dressing or undressing or the sexual or other intimate parts of such person at a place and time when such person has a reasonable expectation of privacy, without such person's knowledge or consent</p> <p>2) For no legitimate purpose, intentionally using or installing, or permitting the utilization or installation of an imaging device to surreptitiously view, broadcast or record</p> <p style="padding-left: 20px;">a) a person in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower or any room assigned to guests or patrons in a motel, hotel or inn, without such person's knowledge or consent, or</p> <p style="padding-left: 20px;">b) under the clothing being worn by such person, the sexual or other intimate parts of such person</p>	1-4 years
<b>Unlawful Surveillance in the First Degree</b>	Committing unlawful surveillance in the second degree when the defendant has previously been convicted within the past 10 years of unlawful surveillance in the first or second degree	1-7 years
<b>Incest in the Third Degree</b>	Marrying or engaging in sexual intercourse, or oral or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother, sister, uncle, aunt, nephew or niece	1-4 years
<b>Incest in the Second Degree</b>	Committing rape in the second degree or criminal sexual act in the second degree against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother, sister, uncle, aunt, nephew or niece	2-7 years
<b>Incest in the First Degree</b>	Committing rape in the first degree (sections 3 or 4) or criminal sexual act in the first degree (sections 3 or 4) against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother, sister, uncle, aunt, nephew or niece	5-25 years
<b>Use of a Child in a Sexual Performance</b>	Knowing the character and content thereof, employing, authorizing or inducing a child less than 17 years of age to engage in a sexual performance or being a parent, legal guardian or custodian of such child, consenting to the participation by such child in a sexual performance	1-15 years
<b>Promoting an Obscene Sexual Performance by a Child</b>	Knowing the character and content thereof, producing, directing or promoting any obscene performance which includes sexual conduct by a child less than 17 years of age	1-7 years
<b>Possessing an Obscene Sexual Performance by a Child</b>	Knowing the character and content thereof, knowingly having in his possession or control any obscene performance which includes sexual conduct by a child less than 16 years of age	1-4 years
<b>Promoting a Sexual Performance by a Child</b>	Knowing the character and content thereof, producing, directing or promoting any performance which includes sexual conduct by a child less than 17 years of age	1-7 years
<b>Possessing a Sexual Performance by a Child</b>	Knowing the character and content thereof, knowingly having in his possession or control any performance which includes sexual conduct by a child less than 16 years of age	1-4 years

<sup>223</sup> A registrable offense except where the trial court, having regard to the nature and circumstances of the crime and the history and character of the defendants, is of the opinion that registration would be unduly harsh and inappropriate.

## **NEW YORK**

### **B. Risk Assessment**

(For complete information, see New York Statutes Annotated, Correction Law, Chapter 43, Article 6-C)

<b>Risk Assessment</b>	
<b>Applies to</b>	Registration and Community Notification
<b>Responsible Agency</b>	Board of Examiners of Sex Offenders and Sentencing Court
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	Yes
<b>Risk Levels Utilized</b>	Level 3 (risk of repeat offense is high) Level 2 (risk of repeat offense is moderate) Level 1 (risk of repeat offense is low)
<b>Assessment Details</b>	The board develops guidelines and procedures to assess the risk of a repeat offense by a sex offender and the threat posed to the public safety; Based on these guidelines, the board makes a recommendation which shall be confidential and shall not be available for public inspection, to the sentencing court as to whether such sex offender warrants the designation of sexual predator, <sup>224</sup> sexually violent offender, <sup>225</sup> or predicate sex offender <sup>226</sup> and to what risk level the offender should be classified

### **C. Registration**

(For complete information, see New York Statutes Annotated, Correction Law, Chapter 43, Article 6-C)

<b>Registration</b>	
<b>Year Enacted</b>	1996
<b>Responsible Agency</b>	Division of Criminal Justice Services
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt to commit an offense listed in Part A 3) Kidnapping or Unlawful Imprisonment in the first or second degree (including attempt) where the victim is under 17 years and the offender is not the parent of the victim
<b>Information Collected</b>	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 belonging to such offender and any internet screen names used by such offender; A photograph and set of fingerprints (photograph to be updated once a year for level 3 sex offenders and every 3 years for level 1 and 2 sex offenders); A description of the offense for which the sex offender was convicted, the date of conviction and the sentence imposed; 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; For level 3 sex offenders, employment address and/or expected place of employment; Any other information deemed pertinent by the division

<sup>224</sup> A sex offender who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes him or her likely to engage in predatory sexually violent offenses.

<sup>225</sup> Any offender convicted of a sexually violent offense.

<sup>226</sup> A sex offender who has been convicted of a sex offense and who has been previously convicted of a sex offense.

## NEW YORK

<b>Registration</b>	
<b>Reporting Frequency</b>	Every 3 years and within 10 days of any change of address or status of enrollment, attendance, employment or residence at any institution of higher education Level 2 Offenders and Sexual Predators: Annually and address verification every 90 days
<b>Duration</b>	20 years: Level 1 Offenders Life: Level 2 or 3 Offenders, Sexual Predators, Sexually Violent Offenders, Predicate Sex Offenders <sup>227</sup>
Penalties for Non-Compliance	1 <sup>st</sup> Offense: 1-4 years 2 <sup>nd</sup> Offense: 1-7 years

### **D. Community Notification**

(For complete information, see New York Statutes Annotated, Correction Law, Chapter 43, Article 6-C)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Discretionary Notification	Entities with vulnerable populations related to the nature of the offense committed by the offender <sup>228</sup>	Level 1 sex offenders	All relevant information, including a photograph and description of the offender, the name of 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
		Level 2 sex offenders	As above but including the exact name and any aliases used by the sex offender
		Level 3 sex offenders	As above but including the offender's exact address, address of the offender's place of employment
Prospective Employee Notification	Children's Camp Operators, upon request	All sex offenders who are prospective employees of a children's camp	All information described above (based on risk level)
Special Telephone Number	Members of the Public	All sex offenders	All information described above (based on risk level)

<sup>227</sup> Tier 2 offenders who are not sexual predators, sexually violent offenders, or predicate sexual offenders may petition the court for release from registration requirements after 30 years.

<sup>228</sup> These entities include 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.

## NEW YORK

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Members of the public, upon request	Level 2 and 3 sex offenders	A subdirectory is created containing the exact address, address of the offender's place of employment and photograph of the sex offender along with the following information, if available: name, physical description, age and distinctive markings; Background information including the sex 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 a description of special conditions imposed on the sex offender shall also be included; The subdirectory shall have sex offender listings categorized by county and zip code; Any information identifying the victim by name, birth date, address or relation to the sex offender shall be excluded from the subdirectory distributed for purposes of public access
Public Internet Registry	Members of the Public	Level 2 and 3 sex offenders	All information contained in the subdirectory described above

### E. Required Residency Restrictions

- No Statutory Provisions

### F. Required Employment Restrictions

(For complete information, see New York Statutes Annotated, Correction Law, Chapter 43, Article 6-C)

Restriction Applies To	Type of Restriction
All sex offenders	Prohibition on operating, being employed on or dispensing goods for sale at retail on a motor vehicle engaged in retail sales of frozen desserts

### G. Required Electronic Monitoring

- No Statutory Provisions

## NEW YORK

### **H. Civil Commitment**

(For complete information, see New York Statutes Annotated, Mental Hygiene Law, Chapter 27, Article 10)

<b>Commitment Applies To</b>	<b>Treatment Setting</b>	<b>Period of Confinement</b>
Those convicted of sex offenses or certain other serious violent felonies who suffer from a congenital or acquired condition, disease or disorder that affects the emotional, cognitive, or volitional capacity of a person in a manner that predisposes him or her to the commission of conduct constituting a sex offense and that results in that person having serious difficulty in controlling such conduct	Secure treatment facility	Indeterminate

## NORTH CAROLINA

### NORTH CAROLINA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see North Carolina General Statutes Chapter 14 Articles 27, 39, 41, 43, 178, 190, 202)

Crime	Description	Penalty <sup>229</sup>
<b>First Degree Rape</b>	1) Engaging in vaginal intercourse with a victim who is a child under the age of 13 years where the defendant is at least 12 years old and is at least four years older than the victim  2) Engaging in vaginal intercourse with another person by force and against the will of another person where the perpetrator a) employs or displays a dangerous or deadly weapon b) inflicts serious personal injury upon the victim or another person, or c) commits the offense aided and abetted by one or more other persons	12-25 years
<b>Second Degree Rape</b>	1) Engaging in vaginal intercourse with another person where the act involves the use of force against the will of the other person  2) Engaging in vaginal intercourse with a person who is mentally disabled, mentally incapacitated, or physically helpless (and the perpetrator knows/should know of this status)	3.7-7.7 years
<b>First Degree Sexual Offense</b>	1) Engaging in a sexual act with a victim under the age of 13 where the defendant is at least 12 years old and is at least four years older than the victim  2) Engaging in a sexual act with another person by force and against the will of another person where the perpetrator a) employs or displays a dangerous or deadly weapon b) inflicts serious personal injury upon the victim or another person, or c) commits the offense aided and abetted by one or more other persons	12-25 years
<b>Second Degree Sexual Offense</b>	1) Engaging in a sexual act with another person where the act involves the use of force against the will of the other person  2) Engaging in a sexual act with another person who is mentally disabled, mentally incapacitated, or physically helpless (and the perpetrator knows/should know of this status)	3.7-7.7 years
<b>Sexual Battery</b>	Engaging in a sexual contact with another person for the purpose of sexual arousal, sexual gratification, or sexual abuse where the act is: a) by force and against the will of another person, or b) with another person who is mentally disabled, mentally incapacitated, or physically helpless (and the perpetrator knows/should know of this status)	1-60 days

<sup>229</sup> Within the range given for each penalty, separate ranges apply depending on whether the sentence is mitigated, presumptive or aggravated.

## NORTH CAROLINA

Crime	Description	Penalty
<b>Taking Indecent Liberties With Children</b>	Where the accuser is 16 years or age or older and at least five years older than the child in question: 1) Willfully taking or attempting to take any immoral, improper, or indecent liberties with any child of either sex under the age 16 years of age for the purpose of arousing or gratifying sexual desire  2) Willfully committing or attempting to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years	0.8-1.7 years
<b>Promoting Child Prostitution</b>	Knowingly enticing, forcing, encouraging or otherwise facilitating a minor to participate in prostitution or supervising, supporting, advising or protecting the prostitution of or by a minor	3.2-6.7 years
<b>Participating in Child Prostitution</b>	Knowingly patronizing a minor prostitute by committing one of the following: 1) Soliciting or requesting a minor to participate in prostitution  2) Paying or agreeing to pay a minor to participate in prostitution  3) Paying a minor for having participated in prostitution	0.8-1.7 years
<b>Sexual Exploitation of a Minor in the First Degree</b>	1) Knowingly using, employing, inducing, coercing, encouraging, or facilitating a minor to engage in or assist other to engage in sexual activity for a live performance or for the purpose of producing material that contains visual representation depicting this activity	3.2-6.7 years
<b>Sexual Exploitation of a Minor in the First Degree</b>	2) Knowingly permitting a minor under his custody or control to engage in sexual activity for a live performance or for the purposes of producing material that contains a visual representation depicting this activity  3) Knowingly transporting or financing the transportation of a minor through or across the state with the intent that the minor engages in sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity  4) Knowingly recording, photographing, filming, developing, or duplicating for the sale or pecuniary gain material that contains a visual representation depicting a minor engaged in sexual activity	3.2-6.7 years
<b>Sexual Exploitation of a Child in the Second Degree</b>	1) Knowingly recording, photographing, filming, developing, or duplicating material that contains a visual representation of a minor engaged in sexual activity  2) Knowingly distributing, transporting, exhibiting, receiving, selling, purchasing, exchanging, or soliciting material that contains visual representation of a minor engaged in sexual activity	0.8-1.7 years
<b>Sexual Exploitation of a Child in the Third Degree</b>	Knowingly possessing material that contains a visual representation of a minor engaging in sexual activity	3-8 months

## NORTH CAROLINA

Crime	Description	Penalty
<b>Soliciting a Child By Computer to Commit an Unlawful Sex Act</b>	Knowingly committing an unlawful sex act, enticing, advising, coercing, ordering or commanding a child who is less than 16 years of age and at least three years younger than the defendant and the defendant is 16 years or older	4-8 months
<b>Kidnapping</b>	1) Unlawfully confining, restraining, or removing any person 16 years of age or over without the consent of such person, or any other person under the age of 16 without the consent of a parent or legal guardian or such person and committing one of the following: a) holding such other person for ransom or as hostage or using such other person as a shield b) facilitating the commission of any felony or facilitating flight of any person following the commission of a felony c) doing serious bodily harm to or terrorizing the person so confined, restrained or removed or any other person d) holding such other person in involuntary servitude e) trafficking another person with the intent that the other person be held in involuntary servitude or sexual servitude	1.25-2.6 years, and \$5,000-\$100,000 fine
	2) Kidnapping where the person kidnapped was not released by the defendant in a safe place or had been seriously injured or sexually assaulted	3.7-7.7 years, and \$5,000-\$100,000 fine
<b>Abduction of Children</b>	Abducting or inducing any minor child who is at least four years younger than the accuser	0.8-1.7 years
<b>Intercourse and Sexual Offense with Certain Victims</b>	1) 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	1.2-2.6 years
	2) A teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student	8-16 months
	3) Committing Intercourse and Sexual Offense with Certain Victims as described in 2) above and the defendant is a school personnel, other than a teacher, school administrator, student teacher, school safety officers or coach, and is less than four years older than the victim and engages in vaginal intercourse or a sexual act with a victim who is a student	Up to 5 months
<b>Statutory Rape or Sexual Offense of a Person Who is 13, 14, or 15 Years of Age</b>	1) Engaging in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the defendant is at least six years older than the person, except when the defendant is lawfully married to the person	12-25 years
	2) Engaging in a vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the defendant is more than four but less than six years older than the person, except when the defendant is lawfully married to the person	3.6-7.6 years



## NORTH CAROLINA

Crime	Description	Penalty
<b>Sexual Servitude</b>	1) Knowingly subjecting or maintaining another in sexual servitude if the victim of the offense is an adult	0.8-1.7 years
	2) Knowingly subjecting or maintaining another in sexual servitude if the victim of the offense is a minor	3.7-7.7 years
<b>Felonious Restraint</b>	Unlawfully restraining another person without the person's consent (or the consent of the person's parent or legal custodian if the person is less than 16 years old) and moving the person from the place of the initial restraint by transporting him in a motor vehicle or other conveyance	0.8-1.7 years
<b>Incest</b>	1) Engaging in carnal intercourse with a grandparent, grandchild, parent, child, stepchild or legally adopted child, brother, sister, uncle, aunt, nephew, or niece	0.8-1.7 years
	2) Incest against a child under the age of 13 where the perpetrator is at least 12 years old and is at least four years older than the child when the incest occurred	12-25 years
	3) Incest against a child who is 13, 14, or 15 years old where the perpetrator is at least six years older than the child when the incest occurred	
	4) Incest against a child who is 13, 14, or 15 where the perpetrator is more than four but less than six years older than the child when the incest occurred	3.7-7.7 years
<b>Indecent Exposure</b>	1) Willfully exposing private parts in any public place and in the presence of any other person(s), except for those places designated for a public purpose where the same sex exposure is incidental to a permitted activity, or aids or abets in any such act, or who procures another to perform such act	1-30 days
	2) Knowingly hires, leases, permits land, building or premises of which a person is the owner, manager, lessee, director, promoter or agent of which he is the owner, lessee or tenant to be used for such an act	
	3) Indecent exposure in the presence of any other person less than 16 years of age for the purpose of arousing or gratifying sexual desire	4-8 months

### B. Risk Assessment

- No Statutory Provisions

## NORTH CAROLINA

### C. Registration

(For complete information, see North Carolina General Statutes Chapter 14 Article 27A)

Registration	
<b>Year Enacted</b>	1996
<b>Responsible Agency</b>	State Bureau of Investigation
<b>Information Collected</b>	Name, each alias, date of birth, sex, race, height, weight, eye color, hair color, driver's license number and home address, type of offense for which the person was convicted, the date of the conviction, and the sentence imposed, a current photograph, and the person's fingerprints; In addition, sexually violent predators <sup>230</sup> must include identifying factors, offense history, documentation of any treatment received by the person for the person's mental abnormality or personality disorder
<b>Reporting Frequency</b>	Annually and within 10 days of any change of address
	Sexually violent predators, recidivists, <sup>231</sup> and convicted of aggravated offense: <sup>232</sup> Every 90 days
<b>Duration</b>	10 years
	Sexually violent predators, recidivists, and convicted of aggravated offense: Lifetime
<b>Penalties for Non-Compliance</b>	0.8-1.7 years
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in part A above 2) Employing or Permitting Minor to Assist in Offenses Against Public Morality and Decency 3) Aiding and Abetting an offense against a minor or a sexually violent offense 4) Attempting to commit an offense against a minor or a sexually violent offense 5) Conspiracy or Solicitation to commit an offense against a minor or sexually violent offense 6) Secretly Peeping (second or subsequent offense)

### D. Community Notification

(For complete information, see North Carolina General Statutes Chapter 14 Article 208.10)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public upon request	All registered sex offenders	Name, sex, address, physical description, picture, conviction date, offense, the sentence imposed as a result of the conviction, and registration status; and any other relevant information that is necessary

<sup>230</sup> A sexually violent predator is an individual who has been convicted of a sexually violent offense and who suffers from mental abnormality or personality disorder that makes the person likely to engage in sexually violent offense directed at strangers or at a person with whom a relationship has been established or promoted from the primary purpose of victimization.

<sup>231</sup> A recidivist is an individual who has a second or subsequent reportable conviction committed on or after October 1, 2001.

<sup>232</sup> An aggravated offense is defined as one that includes either of the following: a) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any age through the use of force or the threat of serious violence; or b) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old.

## NORTH CAROLINA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
			to protect the public, but not identity of the victim
Public Internet Registry	Members of the Public	All registered sex offenders	As above

### **E. Required Residency Restrictions**

(For complete information, see North Carolina General Statutes Chapter 14 Article 208.16)

Restriction Applies To	Type of Restriction
All registered sex offenders	Within 1,000 feet of a school or child care center (except child care centers located on/within 1,000 feet of an institution of higher education where the offender is a student or employed)

### **F. Required Employment Restrictions**

(For complete information, see North Carolina General Statutes Chapter 14 Article 208.17)

Restriction Applies To	Type of Restriction
All registered sex offenders	Prohibition from working (with or without compensation) at any place where a minor is present and the person's responsibilities or activities would include instruction, supervision, or care of a minor or minors

### **G. Required Electronic Monitoring**

(For complete information, see North Carolina General Statutes Chapter 14 Article 208.40)

Type of Monitoring	Applicable To	Duration
Satellite-based Monitoring	Sexually violent predators, recidivists, or convicted of aggravated offense	Life
	Sex offender who committed an offense that involved the physical, mental, or sexual abuse of a minor	Varies <sup>233</sup>

### **H. Civil Commitment**

- No Statutory Provisions

<sup>233</sup> Length of electronic monitoring is dependent on risk assessment.

## **NORTH CAROLINA**

### **I. Other Restrictions**

(For complete information, see North Carolina General Statutes Chapter 14 Article 321.1)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All registered sex offenders	Prohibition from babysitting minors or providing care for a child under the age of 13 who is unrelated to the provider by blood, marriage, or adoption, for more than two hours per day while the child's parents or guardian are not on the premises

## NORTH DAKOTA

### NORTH DAKOTA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see North Dakota Century Code, Chapter 12)

Crime	Description	Penalty
<b>Gross Sexual Imposition</b>	1) Engaging in a sexual act with another person under the age of 15 or causing another person under the age of 15 to engage in a sexual act when the actor is at least 7 years older than the victim and inflicting serious bodily injury upon the victim by: <ul style="list-style-type: none"> <li>a) compelling the victim to submit by force or by threat of imminent death or kidnapping any human being</li> <li>b) impairing the victim’s power to appraise or control the victim’s conduct by administering or employing intoxicants or controlled substances without the victim knowing, or</li> <li>c) knowing that the victim is unaware that a sexual act is being committed on him or her</li> </ul>	20 years
	2) Engaging in a sexual act with another person or causing another person to engage in a sexual without causing serious bodily injury upon the victim by: <ul style="list-style-type: none"> <li>a) compelling the victim to submit by force or by threat of imminent death or kidnapping any human being</li> <li>b) impairing the victim’s power to appraise or control the victim’s conduct by administering or employing intoxicants or controlled substances without the victim knowing, or</li> <li>c) knowing that the victim is unaware that a sexual act is being committed on him or her</li> </ul>	Up to 20 years and/or \$10,000 fine
	3) Gross sexual imposition where the victim dies during the course of the offense	Up to Life without Parole
<b>Sexual Imposition</b>	1) Engaging in a sexual act or sexual contact with another or causing another to engage in a sexual act or sexual contact by compelling the other person to submit by any threat that would render a person of reasonable firmness incapable of resisting	Up to 10 years and/or \$10,000 fine
	2) Engaging in a sexual act or sexual contact with another, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing, or qualification to become a member or an associate of any criminal street gang	
<b>Sexual Assault</b>	1) Knowingly engaging in sexual contact with another person or causing another person to have sexual contact with that person if actor is at least 22 years old and the actor: <ul style="list-style-type: none"> <li>a) Knows or has reasonable cause to believe that the other person suffers from a mental disease or defect that renders that other person incapable of understanding the nature of the actor’s conduct</li> <li>b) Impairs the victim’s power to appraise or control his/her conduct by administering or employing intoxicants or controlled substances without the victim’s knowledge</li> <li>c) Has supervisory or disciplinary authority and the victim is in official custody or detained in a hospital, prison or other institution, or</li> <li>d) Is the victim’s parent, guardian or is otherwise responsible for general supervision of the other person’s welfare</li> </ul>	Up to 5 years and/or \$5,000 fine

## NORTH DAKOTA

Crime	Description	Penalty
<b>Sexual Assault (cont.)</b>	2) Knowingly engaging in sexual contact with another person or causing another person to have sexual contact with that person if actor is at least 18 years old, but not 22 years old and the victim is a minor, 15 years of age or older	Up to 1 year and/or \$2,000 fine
<b>Continuous Sexual Abuse of a Child</b>	1) Engaging in any combination of three or more sexual acts or sexual contacts with a minor under the age of 15 years during a period of three or more months and the actor was five years older than the victim at the time of the offense	Up to Life without Parole
	2) Engaging in any combination of three or more sexual acts or sexual contacts with a minor under the age of 15 years during a period of three or more months and the actor was at least four but not more than five years older than the victim at the time of the offense	Up to 5 years and/or \$5,000 fine
<b>Corruption or Solicitation of Minors</b>	1) Engaging in, soliciting with the intent to engage in, or causing another to engage in a sexual act with a minor and the actor is 15 years of age or older	Up to 1 year and/or \$2,000 fine
	2) Soliciting with the intent to engage in a sexual act with a minor under 15 or engaging in or causing another to engage in a sexual act when the actor is at least 22 years of age and the victim is a minor 15 years of age or older	Up to 5 years and/or \$5,000 fine
<b>Use of Minor in a Sexual Performance</b>	Employing, authorizing, or inducing a minor to engaging in sexual conduct during a performance or, if being a parent, legal guardian, or custodian of a minor, that person consents to the participation by the minor in sexual conduct during a performance	Up to 10 years and/or \$10,000
<b>Promoting or Directing an Obscene Sexual Performance by a Minor</b>	Producing, directing, or promoting any obscene performance which includes sexual conduct by a person who was a minor at the time of the performance	Up to 10 years and/or \$10,000
<b>Promoting Sexual Performance by a Minor</b>	Producing, directing, or promoting any performance which includes sexual conduct by a person who was a minor at the time of the performance	Up to 5 years and/or \$5,000 fine
<b>Luring Minors by Computer</b>	1) Luring a minor by computer when the adult knows the character and content of communication that, in whole or in part, implicitly or explicitly discusses or depicts actual or simulated nudity, sexual acts, sexual contact, sadomasochistic abuse, or other sexual performances an uses any computer communication system that allows the input, output, examination, or transfer of computer data or computer programs form one computer to another to initiate or engage in such communication with a person the adult believes to be a minor by means of that communication the adult importunes, invites, or induces a person the adult believes to be a minor to engage in sexual acts or to have sexual contact with the adult, or to engage in sexual performance, obscene sexual performance, or sexual conduct for the adult's benefit, satisfaction, lust, passions, or sexual desires	Up to 1 year and/or \$2,000 fine
	2) Committing the above offense if the adult is 22 years of age or older of the adult reasonably believes the minor is under the age of 15	Up to 5 years and/or \$5,000 fine
<b>Sexual Abuse of Wards</b>	Engaging in a sexual act with another person, or person who causes another to engage in a sexual act if the other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory, disciplinary authority over the other person	Up to 5 years and/or \$5,000 fine
<b>Incest</b>	Intermarrying, cohabiting, or engaging in sexual act with another person related to the actor within a degree of consanguinity within which marriages are declared incestuous, knowing such other person to be within said degree of relationship	Up to 5 years and/or \$5,000 fine

## NORTH DAKOTA

Crime <sup>234</sup>	Description	Penalty
<b>Indecent Exposure</b>	Intending to arouse, appeal to or gratify one's lust, passions, or sexual desires by either masturbating in a public place or in the presence of a minor, or exposing one's penis, vulva, or anus in a public place or to a minor in a public or private place	1 <sup>st</sup> Offense: Up to 1 year and/or \$2,000 fine 2 <sup>nd</sup> Offense: Up to 5 years and/or \$5,000 fine
<b>Surreptitious Intrusion</b>	Intending to arouse, appeal to, or gratify one's lust, passions, or sexual desires by doing any of the following: 1) Intending to intrude upon or interfere with the privacy of another, entering upon another's property and surreptitiously gazes, stares, or peeks in the window or any other aperture of a house or place of dwelling of another  2) Intending to intrude upon or interfere with the privacy of another, entering upon another's property and surreptitiously installs or uses any device for observing, photographic, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another  3) Intending to intrude upon or interfere with the privacy of the occupant, surreptitiously gazing, staring, or peeing in the window or other aperture of a tanning booth, a sleeping room in a hotel, or other place where a reasonable individual would have an expectation of privacy and has exposed or is likely to expose that individual's intimate parts or has removed the clothing covering the immediate area of the intimate parts  4) Intending to intrude upon or interfere with the privacy of the occupant, surreptitiously installing or using any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or other aperture of a tanning booth, a sleeping room in a hotel, or other place where a reasonable individual would have an expectation of privacy and has exposed or is likely to expose that individual's intimate parts or has removed the clothing covering the immediate areas of the intimate parts	1 <sup>st</sup> Offense: Up to 1 year and/or \$2,000 fine 2 <sup>nd</sup> Offense: Up to 5 years and/or \$5,000 fine
<b>Stalking*</b>	1) Intentionally engaging in a course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose where the course of conduct is directed toward that person or a member of that person's immediate family and causes a reasonable person to experience fear, intimidation, or harassment and either	2 <sup>nd</sup> Offense (of this or certain assault offenses): Up to 5 years and/or \$5,000 fine
	2) Stalking which violates a court order protecting the victim of the stalking and the person had notice of the court order	Up to 5 years and/or \$5,000 fine

<sup>234</sup> Offenses marked with an asterisk (\*) when committed against a minor result in classification as an "offender against children." These offenders are not sex offenders but are required to register.

## NORTH DAKOTA

Crime	Description	Penalty
<b>Kidnapping*</b>	1) Abducting another or, having abducted another and continuing to restrain the person with the intent to: a) hold him for ransom b) use him as a shield or hostage c) hold him in a condition of involuntary servitude d) terrorize him or a third person e) commit a felony or attempt to commit a felony, or f) interfere with the performance of any governmental or political function	Up to 20 years and/or \$10,000 fine
	2) Intentionally removing, causing the removal of, or detaining the person's own child under the age of 18 years outside this state with the intent to deny another person's rights in violation of an exiting custody decree	Up to 5 years and/or \$5,000 fine
	3) Committing the above offense and the actor voluntarily releases the victim alive and in a safe place prior to trial	Up to 10 years and/or \$10,000
<b>Felonious Restraint*</b>	1) Knowingly abducting another  2) Knowingly restraining another under terrorizing circumstances or under circumstances exposing him to risk of serious bodily injury, or  3) Restraining another with intent to hold him in condition of involuntary servitude	Up to 5 years and/or \$5,000 fine
<b>Removal of Child from State in Violation of Custody Decree*</b>	Intentionally removing, causing the removal of, or detaining the person's own child under the age of 18 outside this state with the intent to deny another person's rights in violation of an existing custody decree	Up to 5 years and/or \$5,000 fine
<b>Promoting Prostitution*</b>	1) Operating a prostitution business or a house of prostitution	Up to 1 year and/or \$2,000 fine
	2) Inducing or otherwise intentionally causing another to become engaged in sexual activity as a business	Up to 5 years and/or \$5,000 fine
	3) Knowingly procuring a prostitute for a prostitution business or a house of prostitution.	
	4) Promoting prostitution as described in 1) above where the actor owns, controls, manages, or otherwise supervises the prostitution business or house of prostitution	
<b>Facilitating Prostitution*</b>	1) Knowingly soliciting a person to patronize a prostitute  2) Knowingly procuring a prostitute for a patron  3) Knowingly leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution, promoting prostitution, or facilitating prostitution, or failing to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or taking other legally available means	Up to 1 year and/or \$2,000 fine



## NORTH DAKOTA

Crime	Description	Penalty
<b>Facilitating Prostitution (cont.)*</b>	4) Knowingly inducing or otherwise intentionally causing another to remain a prostitute, a person who is supported in whole or substantial part by the proceeds of prostitution, other than the prostitute or prostitute's minor child or a person whom the prostitute is required by law to support, is presumed to be knowingly inducing or intentionally causing another to remain a prostitute	Up to 1 year and/or \$2,000 fine
	5) Facilitating prostitution and intentionally causing another to remain a prostitute by force or threat, or the prostitute is the actor's spouse, child, or ward, or a person for who care, protection, or support he is responsible, or the prostitute is less than 16 years old	Up to 5 years and/or \$5,000 fine
<b>Prostitution*</b>	1) Being an inmate of a house of prostitution or is otherwise engaged in sexual activity as a business	Up to 30 days and/or fine of \$1,000
	2) Soliciting another person with the intention of being hired to engage in sexual activity	
	3) Agreeing to engage in sexual activity with another for money or other items of pecuniary value	
<b>Hiring an Individual to Engage in Sexual Activity*</b>	Hiring or offering or agreeing to hire another individual with the intention of engaging in sexual activity	Up to 30 days and/or fine of \$1,000

### B. Risk Assessment

(For complete information, see North Dakota Century Code, Chapter 12)

Risk Assessment	
<b>Applies to</b>	Registration; Community Notification
<b>Responsible Agency</b>	Office of the Attorney General
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	No
<b>Risk Levels Utilized</b>	<p>High: Statistically the most likely to commit another sexual offense; they have typically committed more than one offense, have refused to engage in sex offender treatment, or have engaged in behaviors that contribute to an elevated level of risk</p> <p>Moderate: Moderate risk offenders score higher on actuarial tools than those in the low risk category, but may not constitute a significant threat to all members of the public; community notification is targeted towards those who fall in a similar victim class as a previous victim of the offender.</p> <p>Low: Statistically the least likely to commit another sexual offense; low risk offenders have typically only committed one offense, have completed sexual offender treatment, or have been in the community for a number of years without re-offending</p>
<b>Assessment Details</b>	The risk level is assigned by a team consisting of representatives from the Attorney General's office, the Department of Corrections and Rehabilitation, local law enforcement, victims' services, juvenile services, and other professionals. The team reviews each offender's criminal history, evaluations, and other pertinent documents in order to assign the individual either a low, moderate or high risk level (for re-offending). If an offender is later convicted of additional offenses, the offender's risk level is reassessed.

## NORTH DAKOTA

### C. Registration

(For complete information, see North Dakota Century Code, Chapter 12)

Registration	
<b>Year Enacted</b>	1985
<b>Responsible Agency</b>	Office of the Attorney General
<b>Eligible Offenses/Statutes<sup>235</sup></b>	1) All offenses listed in Part A above 2) Homicide (all offenses) 3) Assault where the victim is under 12 years 4) Aggravated Assault 5) Terrorizing
<b>Information Collected</b>	Fingerprints, photograph, date and place of conviction, description of offense, residence, address, school name and address, employer name and address, date of birth, gender, and other identifying information such as height, weight, hair color, eye color, race, and DNA samples
<b>Reporting Frequency</b>	180 days Lifetime registrants: 90 days
<b>Duration</b>	Low Risk Offenders: 15 years Moderate Risk Offenders: 25 years High Risk Offenders: Life
<b>Penalties for Non-Compliance</b>	Up to 5 years and/or \$5,000 fine

### D. Community Notification

(For complete information, see North Dakota Century Code, Chapter 12.1-32-15)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public	Moderate or High Risk Offenders	Name, address, last date that address was verified, offense, sentence, conviction date, court, and the date the registration requirement expires
Public Internet Registry	Members of the Public	All Offenders	Name, address, last date that address was verified, offense, sentence, conviction date, court, the date the registration requirement expires, and for high risk offenders only, a photograph
Mandatory Notification	Agencies that serve children or vulnerable populations and Civic Organizations	Moderate or High Risk Offenders	Name, address, last date that address was verified, offense, sentence, conviction date, court, and the date the registration requirement expires

<sup>235</sup> Those convicted of the offenses listed in 2) through 5) against victims who are minors are classified as offenders against children.

## NORTH DAKOTA

### **E. Required Residency Restrictions**

- No statutory provisions

### **F. Required Employment Restrictions**

- No statutory provisions

### **G. Required Electronic Monitoring**

- No statutory provisions

### **H. Civil Commitment**

(For complete information, see North Dakota Century Code Chapter 25-03.3)

<b>Commitment Applies To</b>	<b>Treatment Setting</b>	<b>Period of Confinement</b>
Sexually dangerous individuals <sup>236</sup>	Secure facility	Indeterminate

---

<sup>236</sup> Sexually dangerous individual means an individual who is shown to have engaged in sexually predatory conduct and who has a congenital or acquired condition that is manifested by a sexual disorder, a personality disorder, or other mental disorder or dysfunction that makes that individual likely to engage in further acts of sexually predatory conduct which constitute a danger to the physical or mental health or safety of others.

## OHIO

### OHIO

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Ohio Revised Code, Title 29 Chapters 2903, 2905, 2907, 2919)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Rape</b>	1) Engaging in sexual contact with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender when any of the following applies: a) For the purpose of preventing resistance, the offender substantially impairs the other person’s judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception	3-10 years
	b) The other person is less than 13 years, whether or not the offender knows the age of the other person	1 <sup>st</sup> Offense: 3-10 years 2 <sup>nd</sup> Offense: Life or Life without Parole
	c) The other person’s ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe this	3-10 years
	2) Engaging in sexual contact with another when the offender purposely compels the other person to submit by force or threat of force	
	3) Committing rape as described in 1a) above whereby the other person’s judgment is impaired or has been or the other person has been given any controlled substances surreptitiously or by force, threat of force, or deception	At least 5 years
	4) Committing rape as described in 1b) above whereby the offender purposely compels the victim to submit by force or threat of force if the victim of this section is less than 10 years	Life
<b>Sexual Battery</b>	1) Engaging in sexual conduct with another, not the spouse of the offender, when any of the following apply: a) the offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution b) the offender knows that the other person’s ability to appraise the nature of or control the other person’s own conduct is substantially impaired c) the offender knows that the other person submits because the other person is unaware that the act is being committed d) the offender knows that the other person submits because the other person mistakenly identifies the offender as the other person’s spouse e) the offender is the other person’s natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person	1-5 years

## OHIO

Crime	Description	Penalty
<b>Sexual Battery (cont.)</b>	<p>f) 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>g) the offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school</p> <p>h) the other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution</p> <p>i) the other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person</p> <p>j) the offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes</p> <p>k) the other person is confined in a detention facility, and the offender is an employee of that detention facility, or</p> <p>l) the other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric</p>	1-5 years
	2) Sexual battery where the other person is less than 13 years	
<b>Gross Sexual Imposition</b>	<p>1) Engaging in sexual contact with another person, not the spouse of the offender, or causing another, not the spouse of the offender, to have sexual contact with the offender, or causing 2 or more other persons to have sexual contact when any of the following applies:</p> <p>a) the offender purposely compels the other person, or one of the other persons, to submit by force or threat of force</p> <p>b) for the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception</p> <p>c) the offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery, or</p>	0.5-1.5 years
<b>Gross Sexual Imposition (cont.)</b>	d) the ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe this	0.5-1.5 years

## OHIO

Crime	Description	Penalty
	<p>e) the other person, or one of the other persons, is less than 13 years, whether or not the offender knows the age of that person</p> <p>2) Committing gross sexual imposition as described in 1e) above and evidence other than the testimony of the victim was admitted in the case corroborating the violation</p> <p>3) Committing gross sexual imposition as described in 1b) above and the offender substantially impairs the judgment or control of the other person or one of the other persons by administering a controlled substance to the person surreptitiously or by force, threat of force, or deception, gross sexual imposition</p>	1-5 years
<b>Sexual Imposition</b>	<p>Engaging in contact with another, not the spouse of the offender, cause another, not the spouse of the offender, to have sexual contact with the offender, or cause two or more person to have sexual contact when any of the following applies:</p> <p>1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard</p> <p>2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired</p> <p>3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact</p> <p>4) The other person, or one of the other persons, is 13 years or older but less than 16, whether or not the offender knows the age of such person, and the offender is at least 18 years and 4 or more years older than such other person</p> <p>5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes</p>	<p>1<sup>st</sup> Offense: Up to 60 days</p> <p>2<sup>nd</sup> Offense: Up to 180 days</p>
<b>Unlawful Sexual Conduct with a Minor</b>	<p>1) Engaging in sexual conduct with another person and the offender eighteen years of age, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard</p>	<p>1<sup>st</sup> Offense: 0.5-1.5 years</p> <p>2<sup>nd</sup> Offense: 2-8 years</p>
	<p>2) Committing unlawful sexual conduct with a minor as described above and the offender is less than 4 years older than the other person</p>	Up to 180 days
	<p>3) Committing unlawful sexual conduct with a minor as described above and the offender is 10 or more years older than the other person</p>	1-5 years

## OHIO

Crime	Description	Penalty
<b>Importuning</b>	<p>1) Soliciting a person who is less than 13 years to engage in sexual activity with the offender, whether or not the offender knows the age of such person</p> <p>2) Soliciting another by means of a telecommunications device to engage in sexual activity with the offender when the offender is 18 years or older and either of the following applies:            a) the other person is less than 13 years of age, and the offender knows this or is reckless in that regard            b) the other person is a law enforcement officer posing as a person who is less than 13 years, and the offender believes this or is reckless in that regard</p>	<p>1<sup>st</sup> Offense: 0.5-1.5 years            2<sup>nd</sup> Offense: 1-5 years</p>
	<p>3) Soliciting another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is 18 years or older and 4 or more years older than the other person, and the other person is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of the other person</p> <p>4) Soliciting another by means of a telecommunications device to engage in sexual activity with the offender when the offender is 18 years or older and either of the following applies:            a) the other person is 13 years or older but less than 16 years, the offender knows this or is reckless in that regard, and the offender is 4 or more years older than the other person            b) the other person is a law enforcement officer posing as a person who is 13 years or older but less than 16 years, the offender believes this or is reckless in that regard, and the offender is 4 or more years older than the age the law enforcement officer assumes in posing as the person</p>	<p>1<sup>st</sup> Offense: 0.5-1 year            2<sup>nd</sup> Offense: 0.5-1.5 years</p>
<b>Criminal Child Enticement</b>	<p>1) Knowingly soliciting, coaxing, enticing, or luring any child under 14 years of age to accompany the person in any manner, including entering into any vehicle or onto any vessel, whether or not the offender knows the age of the child when a) the actor does not have the express or implied permission of the parent, guardian, or other legal custodian of the child in undertaking the activity, and b) the actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of, any board of education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity</p> <p>2) Criminal child enticement with sexual motivation</p>	<p>Up to 180 days</p>
	<p>3) Criminal child enticement and the victim was under 17 years</p>	<p>1<sup>st</sup> Offense: Up to 180 days            2<sup>nd</sup> Offense: 0.5-1 year</p>
<b>Promoting Prostitution</b>	<p>1) Knowingly establishing, maintaining, operating, managing, supervising, controlling, or having an interest in a brothel</p>	<p>0.5-1.5 years</p>

## OHIO

Crime	Description	Penalty
<b>Promoting Prostitution (cont.)</b>	2) Knowingly supervising, managing, or controlling the activities of a prostitute in engaging in sexual activity for hire  3) Knowingly transporting another, or causing another to be transported across the boundary of this state or of any county in this state, in order to facilitate the other person's engaging in sexual activity for hire  4) Knowingly violating or facilitating a violation of this section, inducing or procuring another to engage in sexual activity for hire	0.5-1.5 years
	5) Promoting prostitution where the prostitute in the brothel involved in the offense, or the prostitute whose activities are supervised, managed, or controlled by the offender, or the person transported, induced, or procured by the offender to engage in sexual activity for hire, is a minor, whether or not the offender knows the age of the minor	1-5 years
<b>Compelling Prostitution</b>	1) Knowingly compelling another to engaging in sexual activity for hire	1-5 years
	2) Knowingly inducing, procuring, engaging, soliciting, requesting, or otherwise facilitating a minor to engage in sexual activity for hire, whether or not the offender knows the age of the minor	
	3) Knowingly paying or agreeing to pay a minor, either directly or through the minor's agent, so that the minor will engage in sexual activity, whether or not the offender knows the age of the minor	
	4) Knowingly paying a minor, either directly or through the minor's agent, for the minor having engaged in sexual activity, pursuant to a prior agreement, whether or not the offender knows the age of the minor	2-8 years
	5) Knowingly allowing a minor to engage in sexual activity for hire if the person allowing the child to engage in sexual activity for hire is the parent, guardian, custodian, person having custody or control, or is person in loco parentis of the minor	
	6) Committing Compelling Prostitution as described in 1), 2), 3), 4), or 5) above and the person compelled to engage in sexual activity for hire in violation of that division is less than sixteen years old	
<b>Pandering Sexually Oriented Matter Involving a Minor</b>	Committing any of the following and the person knows the character of the material or performance involved:	2-8 years
	1) Creating, recording, photographing, filming, developing, reproducing, or publishing any material that shows a minor participating or engaging in sexual activity, masturbation, or bestiality	



## OHIO

Crime	Description	Penalty
<b>Pandering Sexually Oriented Matter Involving a Minor (cont.)</b>	2) Advertising for sale or dissemination, selling, distributing, transporting, disseminating, exhibiting, or displaying any material that shows a minor participating or engaging in sexual activity, masturbation, or bestiality	2-8 years
	3) Creating, directing, or producing a performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality	
	4) Advertising for presentation, presenting, or participating in presenting a performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality	
	5) Bringing or causing to be brought into this state any material that shows a minor participating or engaging in sexual activity, masturbation, or bestiality, or bringing, causing to be brought, or financing the bringing of any minor into or across this state with the intent that the minor engage in sexual activity, masturbation, or bestiality in a performance or for the purpose of producing material containing a visual representation depicting the minor engaged in sexual activity, masturbation, or bestiality	
	6) Knowingly soliciting, receiving, purchasing, exchanging, possessing, or controlling any material that shows a minor participating or engaging in sexual activity, masturbation, or bestiality	1 <sup>st</sup> Offense: 0.5-1.5 years 2 <sup>nd</sup> Offense: 1-5 years
<b>Illegal Use of Minor in Nudity-oriented Material or Performance</b>	1) Photographing any minor who is not the person's child or ward in a state of nudity, or creating, directing, producing, or transferring any material or performance that shows the minor in a state of nudity, unless both the material/performance is for a bona fide purpose and the minor's parents, guardian, or custodian consents in writing to the photographing of the minor, to the use of the minor in the material or performance, or to the transfer of the material and to the specific manner in which the material or performance is to be used	3-10 years
	2) Consenting to the photographing of the person's minor child or ward, or photographing the person's minor child or ward, in a state of nudity or consenting to the use of the person's minor child or ward in a state of nudity in any material or performance, or use or transfer a material or performance of that nature	
	3) Possessing or viewing any material or performance that shows a minor who is not the person's child or ward in a state of nudity, unless either the material/performance is for a bona fide purpose or, the person knows that the parents, guardian, or custodian has consented in writing to the photographing or use of the minor in a state of nudity and to the manner in which the material or performance is used or transferred	1 <sup>st</sup> Offense: 0.5-1 year 2 <sup>nd</sup> Offense: 0.5-1.5 years
<b>Pandering Obscenity</b>	With knowledge of the character of the material or performance involved: 1) Creating, reproducing, or publishing any obscene material, when the offender knows that the material is to be used for commercial exploitation or will be publicly disseminated or displayed, or when the offender is reckless in that regard	1 <sup>st</sup> Offense: 0.5-1 year 2 <sup>nd</sup> Offense: 2-8 years

## OHIO

Crime	Description	Penalty
<b>Pandering Obscenity (cont.)</b>	<p>2) Promoting or advertising for sale, delivery, or dissemination; selling delivering publicly disseminating, publicly displaying, exhibiting, presenting, renting, or providing, or offering or agreeing to sell, deliver, publicly disseminate, publicly display, exhibit, present, rent, or provide, any obscene material</p> <p>3) Creating, directing, or producing an obscene performance, when the offender knows that it is to be used for commercial exploitation or will be publicly presented, or when the offender is reckless in that regard</p> <p>4) Advertising or promoting an obscene performance for presentation, or presenting or participating in presenting an obscene performance, when the performance is presented publicly, or when admission is charged</p> <p>5) Buying, procuring, possessing, or controlling any obscene material with purpose to violate sections 2) or 4) above</p>	<p>1<sup>st</sup> Offense: 0.5-1 year 2<sup>nd</sup> Offense: 2-8 years</p>
<b>Pandering Obscenity Involving a Minor</b>	<p>With knowledge of the character of the material or performance involved:</p> <p>1) Creating, reproducing, or publishing any obscene material that has a minor as one of its participants or portrayed observers</p> <p>2) Promoting or advertising for sale or dissemination; selling, delivering, disseminating, displaying, exhibiting, presenting, renting, or providing; or offering or agreeing to sell, deliver, disseminate, display, exhibit, present, rent, or provide, any obscene material that has a minor as one of its participants or portrayed observers</p> <p>3) Creating, directing, or producing an obscene performance that has a minor as one of its participants</p> <p>4) Advertising or promoting for presentation, presenting, or participating in presenting an obscene performance that has a minor as one of its participants</p> <p>5) Bringing or causing to be brought into this state any obscene material that has a minor as one of its participants or portrayed observers</p> <p>6) Buying, procuring, possessing, or controlling any obscene material, that has a minor as one of its participants</p>	<p>2-8 years</p> <p>1<sup>st</sup> Offense: 0.5-1.5 years 2<sup>nd</sup> Offense: 1-5 years</p>
<b>Unlawful Restraint</b>	Knowingly restraining another of his liberty	Up to 60 days
<b>Abduction</b>	<p>1) Knowingly forcing or threatening to remove another from the place where the other person is found</p> <p>2) Knowingly forcing or threatening to restrain the liberty of another person, under circumstances creating a risk of physical harm to victim, or placing the other person in fear</p>	1-5 years

## OHIO

Crime	Description	Penalty
<b>Abduction (cont.)</b>	3) Knowingly holding another in a condition of involuntary servitude	1-5 years
<b>Kidnapping</b>	<p>1) Forcing, threatening, or deceiving a person under the age of 13 or mentally incompetent, by any means, and removing that person from the place where the person is found or restraining the liberty of the other person, for any of the following purposes:</p> <ul style="list-style-type: none"> <li>a) to hold for ransom, or as a shield or hostage</li> <li>b) to facilitate the commission of any felony or flight thereafter</li> <li>c) to terrorize, or to inflict serious physical harm on the victim or another</li> <li>d) to engage in sexual activity, as defined in section 2907.01 of the Revised Code, with the victim against the victim's will</li> <li>e) to hinder, impede, or obstruct a function of government, or to force any action or concession on the part of governmental authority</li> </ul> <p>2) Forcing, threatening, or deceiving, or, in the case of a victim under the age of 13 or mentally incompetent, by any means, knowingly doing any of the following, under circumstances that create a substantial risk of serious physical harm to the victim or, in the case of a minor victim, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim:</p> <ul style="list-style-type: none"> <li>a) removing another from the place where the other person is found</li> <li>b) restraining another of the other person's liberty</li> <li>c) holding another in a condition of involuntary servitude</li> </ul>	3-10 years
<b>Kidnapping</b>	3) Kidnapping where the offender releases the victim in a safe place unharmed	2-8 years
<b>Voyeurism</b>	1) Trespassing or otherwise surreptitiously invading the privacy of another to spy or eavesdrop upon another for the purpose sexually arousing or gratifying oneself	Up to 60 days
<b>Voyeurism</b>	2) Trespassing or otherwise surreptitiously invading the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity for the purpose of sexual arousing or gratifying oneself	Up to 90 days
<b>Voyeurism</b>	3) Trespassing or otherwise surreptitiously invading the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity if the other person is a minor for the purpose of sexual arousing or gratifying oneself	Up to 180 days
<b>Voyeurism</b>	4) Secretly or surreptitiously videotaping, filming, photographing, or otherwise record another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person	
<b>Voyeurism</b>	5) Trespassing or otherwise surreptitiously invading the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity if the other person is a minor for the purpose of sexually arousing or gratifying oneself and any of the following applies:	0.5-1 year
<b>Voyeurism</b>	<ul style="list-style-type: none"> <li>a) the offender is the minor's natural or adoptive parent, stepparent, guardian, or custodian, or person in loco parentis of the minor</li> </ul>	

## OHIO

Crime	Description	Penalty
<b>Voyeurism (cont.)</b>	<p>b) The minor is in custody of law or is a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the minor</p> <p>c) the offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards, the minor is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school</p> <p>d) the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the minor is enrolled in or attends that institution</p> <p>e) the offender is a caregiver, administrator, or other person in authority employed by or serving in a child day-care center, family day-care home, and the minor is enrolled in or attends that center or home</p> <p>f) the offender is the minor's athletic or other type of coach, is the minor's instructor, is the leader of a scouting troop of which the minor is a member, provides babysitting care for the minor, or is a person with temporary or occasional disciplinary control over the minor</p>	0.5-1 year
<b>Child Endangering</b>	Enticing, coercing, permitting, encouraging, compelling, hiring, employing, using, or allowing the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter and the child is under 18 years or is a mentally or physically handicapped child under 21 years	2-8 years

### B. Risk Assessment

- No Statutory Provisions<sup>237</sup>

### C. Registration

(For complete information, see Ohio Revised Code Title 29, Chapter 2950)

Registration	
<b>Year Enacted</b>	1997
<b>Responsible Agency</b>	Office of the Attorney General

<sup>237</sup> Risk levels determined by offense.

## OHIO

<b>Registration</b>	
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A 2) Aggravated Murder with sexual motivation 3) Murder with sexual motivation 4) Unlawful Death or termination of pregnancy as a result of committing or attempting to commit a felony with sexual motivation 5) Felonious Assault with sexual motivation 6) Menacing by Stalking with sexual motivation
<b>Information Collected</b>	Name (and any aliases), social security number, date of birth, fingerprints, photograph, DNA specimen, vehicle registration information, residence, employment, school if attending, any professional or occupational license or permit or registration, email address, phone number
<b>Reporting Frequency</b>	Tier I Offenders: <sup>238</sup> Annually Tier II Offenders: <sup>239</sup> Every 180 Days Tier III Offenders: <sup>240</sup> Every 90 days
<b>Duration</b>	Tier I Offenders: 15 years Tier II Offenders: 25 years Tier III Offenders: Lifetime
<b>Penalties for Non-Compliance</b>	Same penalty as original offense

### **D. Community Notification**

(For complete information, see Title 29, Chapter 2950.10-2950.99)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Victim Notification	Victims	Tier III offenders and Tier II offenders whereby notification is required	Name and photograph, and the address or addresses of the offender's residence, school, institution of higher education, or place of employment, as applicable

<sup>238</sup> Offenders convicted of the following offenses (or sections of offenses): Sexual imposition, importuning, voyeurism, pandering obscenity, unlawful sexual conduct with a minor, gross sexual imposition, illegal use of a minor in nudity-oriented material or performance, menacing by stalking with sexual motivation, unlawful restraint with sexual motivation, and child enticement with sexual motivation.

<sup>239</sup> Offenders convicted of the following offenses (or sections of offenses): compelling prostitution, pandering obscenity involving a minor, pandering sexually oriented material involving a minor, illegal use of a minor in nudity-oriented material or performance, unlawful sexual conduct with a minor, gross sexual imposition where the victim is under 13 years, child endangering, kidnapping with sexual motivation, kidnapping a victim over 18, abduction with sexual motivation, or any sexual offense that occurs after the offender has been classified as a Tier I offender.

<sup>240</sup> Offenders convicted of the following offenses (or sections of offenses): rape, sexual battery, aggravated murder with sexual motivation, murder with sexual motivation, unlawful death or termination of pregnancy as a result of committing or attempt to commit a felony with sexual motivation, kidnapping of minor to engage in sexual activity, kidnapping of minor not by parent, or felonious assault with sexual motivation.

## OHIO

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
<b>Mandatory Notification</b>	Administrator of each child daycare center, volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification	Tier III offenders and Tier II offenders whereby notification is required	Name, address of residence, school, institution of higher education, place of employment, offense type and photograph
	In specified geographic areas: executive director of public children services agencies, superintendent of each board of education, principal of the school, appointing or hiring officer of chartered nonpublic school, director, head teacher, elementary principal, or site administrator of each preschool program, president or other chief administrative officer of each institution of higher education	As above	As above
Public Notification	Occupant of each residential unit that is located within 1,000 feet of the offender's residence, any occupant of the apartment complex in which the offender resides, building manager of residence that is located within 1,000 feet of the offender's residence, all additional people who are within any category of neighbors of the offender	Tier III offenders and Tier II offenders whereby notification is required	As above
Public Internet Registry	Members of the Public	All registered offenders	Name, address, type of offense and photograph

### **E. Required Residency Restrictions**

(For complete information, see Ohio Revised Code Title 29, Chapter 2950.31)

Restriction Applies To	Type of Restriction
All registered sex offenders	Prohibited from establishing a residence or occupying residential premises in a nursing home, adult care facility, residential group home, homeless shelter, hotel, motel, boarding house, or facility operated by an independent housing agency that is located within 1,000 feet of any school premises.

## OHIO

### **F. Required Employment Restrictions**

- No statutory provisions

### **G. Required Electronic Monitoring**

- No statutory provisions

### **H. Civil Commitment**

- No statutory provisions

## OKLAHOMA

### OKLAHOMA

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Oklahoma Statutes, Title 21 and Title 57, Chapter 8B)

<b>Crime</b>	<b>Description</b>	<b>Penalty<sup>241</sup></b>
<b>Trafficking in Children<sup>242</sup></b>	1) Accepting, soliciting, offering, paying or transferring any compensation, in money, property or other thing of value, at any time, by any person in connection with the acquisition or transfer of the legal or physical custody or adoption of a minor child	Up to 10 years and/or fine of up to \$10,000  1 <sup>st</sup> Offense: 1-3 years 2 <sup>nd</sup> Offense: At least 3 years
	2) Accepting or soliciting any compensation, in money, property or other thing of value, by any person or organization for services performed, rendered or purported to be performed to facilitate or assist in the adoption or foster care placement of a minor child	
3) Bringing or causing to be brought into this state or sending or causing to be sent outside this state any child for the purpose of placing such child in a foster home or for the adoption thereof and thereafter refusing to comply upon request with the Interstate Compact on the Placement of Children		
4) Soliciting or receiving any money or any other thing of value for expenses related to the placement of a child for the purpose of an adoption by the birth parent of the child who at the time of the solicitation or receipt had no intent to consent to eventual adoption		
5) Soliciting or receiving any money or any other thing of value for expenses related to the placement of a child for adoption by a woman who knows she is not pregnant but who holds herself out to be pregnant and offers to place a child upon birth for adoption		
6) Receiving any money or any other thing of value for expenses related to the placement of a child for adoption by a birth parent who receives, from one or more parties, an aggregate amount of \$1,000 or more in total value without first disclosing to each prospective adoptive parent, child-placing agency, or attorney the receipt of these expenses		
7) Advertising of services for compensation to assist with or effect the placement of a child for adoption or for care in a foster home by any person or organization except by the Department of Human Services, or a child-placing agency licensed in this state		
	8) Advertising for and soliciting a woman who is pregnant to induce her to place her child upon birth for adoption, except by a child-placing agency licensed in this state or an attorney authorized to practice law in Oklahoma	Up to 1 year

<sup>241</sup> In addition to these penalties, for offenders sentenced to at least 2 years for most of these offenses, a mandatory post-imprisonment term of supervision shall be imposed.

<sup>242</sup> This offense contains certain exceptions related to legitimate adoptions.



## OKLAHOMA

Crime	Description	Penalty
<b>Trafficking in Children (cont.)</b>	9) Child trafficking as described in 1) through 7) above committed by prospective adoptive parents  10) Knowingly publishing for circulation within the State, an advertisement of any kind in any print, broadcast or electronic medium, which violates subparagraphs 7) or 8) above	Fine of up to \$5,000
<b>Incest</b>	Being within the degrees of consanguinity within which marriages are by the laws of the state declared incestuous and void, intermarrying with each other, or committing adultery or fornication	Up to 10 years
<b>Crime against Nature/Sodomy</b>	Committing the detestable and abominable crime against nature with mankind or with a beast	Up to 10 years
<b>Forcible Sodomy</b>	1) Being over 18 years, committing sodomy upon a person under 16 years  2) Committing sodomy upon a person incapable through mental illness or any unsoundness of mind of giving legal consent  3) Committing sodomy upon any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution  4) Being a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state, committing sodomy upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state  5) Sodomy committed upon a person who is at least 16 years but less than 20 years and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is 18 years or older and is employed by the same school system	1 <sup>st</sup> Offense: Up to 20 years 3 <sup>rd</sup> Offense (including of rape, sexual abuse, or lewd or indecent proposals or acts to a child under 16): Life or Life without Parole
	6) Forcible sodomy where the victim was under 16 years	1 <sup>st</sup> Offense: Up to 20 years 2 <sup>nd</sup> Offense: Life or Life without Parole
<b>Child Stealing</b>	Maliciously, forcibly or fraudulently taking or enticing away any child under 16 years, with intent to detain and conceal such child from its parent, guardian or other person having the lawful charge of such child or to transport such child from the jurisdiction of this state or the United States without the consent of the person having lawful charge of such child	Up to 10 years
<b>Indecent Exposure; Indecent Exhibitions; Obscene Material or Child Pornography; Solicitation of Minors</b>	1) Willfully and knowingly lewdly exposing his person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby  2) Procuring, counseling, or assisting any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer	\$500-\$20,000 and/or 30 days – 10 years

## OKLAHOMA

Crime	Description	Penalty
<b>Indecent Exposure etc. (cont.)</b>	3) Writing, composing, stereotyping, printing, photographing, designing, copying, drawing, engraving, painting, molding, cutting or otherwise publishing, selling, distributing, keeping for sale, knowingly downloading on a computer, or exhibiting any obscene material or child pornography	\$500-\$20,000 and/or 30 days – 10 years
	4) Making, preparing, cutting, selling, giving, loaning, distributing, keeping for sale, or exhibiting any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography	
	5) Willfully soliciting or aiding a minor child to perform or showing, exhibiting, loaning, or distributing to a minor child any obscene material or child pornography for the purpose of inducing said minor to participate in, any act specified in 1) to 4) above	10-30 years
<b>Minors: Procuring for Participation in Pornography</b>	Procuring or causing participation of any minor under 18 years in any child pornography or knowingly possessing, procuring, or manufacturing, or causing to be sold or distributed any child pornography	Up to 20 years and/or fine of up to \$25,000
<b>Guardians/Parents/Custodians: Consent to Participation of Minors in Child Pornography</b>	Being a parent, guardian or individual having custody of a minor under 18 years who knowingly permits or consents to the participation of a minor in any child pornography	Up to 20 years and/or fine of up to \$25,000
<b>Facilitating, Encouraging, Offering or Soliciting Sexual Conduct or Engaging in Sexual Communication with a Minor or Person believed to be a Minor</b>	<p>1) Facilitating, encouraging, offering or soliciting sexual conduct with a minor, or other individual the person believes to be a minor, by use of any technology, or engaging in any communication for sexual or prurient interest with any minor, or other individual the person believes to be a minor, by use of any technology.</p> <p>2) Knowingly transmitting any prohibited communication by use of any technology, or knowingly printing, publishing or reproducing by use of any technology any prohibited communication, or knowingly buying, selling, receiving, exchanging, or disseminating any prohibited communication or any information, notice, statement, website, or advertisement for communication with a minor or access to any name, telephone number, cell phone number, e-mail address, Internet address, text message address, place of residence, physical characteristics or other descriptive or identifying information of a minor, or other individual the person believes to be a minor</p>	Up to 10 years and/or fine of up to \$10,000
<b>Child under 18 years: Procuring for Prostitution, Lewdness or other Indecent Act</b>	<p>1) Offering, or offering to secure, a child under 18 years for the purpose of prostitution, or for any other lewd or indecent act, or procuring or offering to procure a child for, or a place for a child as an inmate in, a house of prostitution or other place where prostitution is practiced</p> <p>2) Receiving or offering or agreeing to receive any child under 18 years into any house, place, building, other structure, vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation, or permitting any person to remain there for such purpose</p>	1-10 years

## OKLAHOMA

Crime	Description	Penalty
<b>Child under 18 years: Procuring for Prostitution, Lewdness or other Indecent Act (cont.)</b>	3) Directing, taking, or transporting, or to offering or agreeing to take or transport, or aid or assist in transporting, any child under 18 years to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation	1-10 years
	4) Being an owner, proprietor, keeper, manager, conductor, or other person, knowingly permitting any violation of this section in any house, building, room, or other premises or any conveyances under his control or of which he has possession	1 <sup>st</sup> Offense: 6 months – 1 year and fine of \$500-\$5,000 2 <sup>nd</sup> Offense: 1-10 years and/or fine of \$5,000-\$25,000
<b>Child under 18 years: Inducing, Keeping, Detaining or Restraining for Prostitution</b>	1) By promise, threats, violence, or by any device or scheme, including but not limited to the use of any prohibited controlled dangerous substance, causing, inducing, persuading, or encouraging a child under 18 years to engage or continue to engage in prostitution or to become or remain an inmate of a house of prostitution or other place where prostitution is practiced	1-25 years and fine of \$5,000-\$25,000
	2) Keeping, holding, detaining, restraining, or compelling against his will, any child under 18 years to engage in the practice of prostitution or in a house of prostitution or other place where prostitution is practiced or allowed	
<b>Rape</b>	3) Directly or indirectly keeping, holding, detaining, restraining, or compelling or attempting to keep, hold, detain, restrain, or compel a child under 18 years to engage in the practice of prostitution or in a house of prostitution or any place where prostitution is practiced or allowed for the purpose of compelling such child to directly or indirectly pay, liquidate, or cancel any debt, dues, or obligations incurred, or said to have been incurred by such child	1 <sup>st</sup> Offense: 6 months – 1 year and fine of up to \$5,000 2 <sup>nd</sup> Offense: 1-10 years and/or fine of \$5,000-\$25,000
	4) Being an owner, proprietor, keeper, manager, conductor, or other person, knowingly permitting a violation of this section in any house, building, room, tent, lot or premises under his control or of which he has possession, upon conviction for the first offense	
<b>Rape</b>	<b>Rape in Second Degree</b> 1) Sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances: a) where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person b) where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent	1-15 years

## OKLAHOMA

Crime	Description	Penalty
<b>Rape (cont.)</b>	<p>c) where the victim is under 16 years</p> <p>d) 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</p> <p>e) where the victim is at the time unconscious of the nature of the act and this fact is known to the accused</p> <p>f) where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief</p> <p>g) where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, or</p> <p>h) where the victim is at least 16 years and is less than 20 years and is a student, or under the legal custody or supervision of any elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is 18 years or older and is an employee of the same school system</p> <p>2) Sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person</p>	1-15 years
	<p><b>Rape in the First Degree:</b></p> <p>3) Rape (as described above) committed by a person over 18 years upon a person under 14 years</p> <p>4) 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</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</p> <p>6) Rape by instrumentation resulting in bodily harm</p> <p>7) Rape by instrumentation committed upon a person under 14 years</p>	<p>1<sup>st</sup> Offense: Death or at least 5 years, Life or Life without Parole</p> <p>3<sup>rd</sup> Offense (except for paragraph 2 and including of forcible sodomy, sexual abuse, or lewd or indecent proposals or acts to a child under 16): Life or Life without Parole</p>

## OKLAHOMA

Crime	Description	Penalty
<b>Lewd or Indecent Proposals or Acts to a Child under 16<sup>243</sup></b>	<p>1) Knowingly and intentionally making any oral, written or electronically or computer-generated lewd or indecent proposal to any child under 16 years, or other individual the person believes to be a child under 16 years, for the child to have unlawful sexual relations or sexual intercourse with any person</p> <p>2) Knowingly and intentionally looking upon, touching, mauling, or feeling the body or private parts of any child under 16 years in any lewd or lascivious manner by any acts against public decency and morality, as defined by law</p> <p>3) Knowingly and intentionally asking, inviting, enticing, or persuading any child under 16 years, or other individual the person believes to be a child under 16 years, to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit a crime against public decency and morality with the child</p> <p>4) Knowingly and intentionally in any manner lewdly or lasciviously looking upon, touching, mauling, or feeling the body or private parts of any child under 16 years in any indecent manner or in any manner relating to sexual matters or sexual interest</p> <p>5) Knowingly and intentionally in a lewd and lascivious manner and for the purpose of sexual gratification:</p> <ul style="list-style-type: none"> <li>a) urinating or defecating upon a child under 16 years</li> <li>b) ejaculating upon or in the presence of a child</li> <li>c) causing, exposing, forcing or requiring a child to look upon the body or private parts of another person</li> <li>d) forcing or requiring any child under 16 years or other individual the person believes to be a child under 16 years, to view any obscene materials, child pornography or materials deemed harmful to minors</li> <li>e) causing, exposing, forcing or requiring a child to look upon sexual acts performed in the presence of the child, or</li> <li>f) forcing or requiring a child to touch or feel the body or private parts of said child or another person</li> </ul>	<p>1<sup>st</sup> Offense 3-20 years 3<sup>rd</sup> Offense (including of rape, forcible sodomy, or sexual abuse): Life or Life without Parole</p>
	6) Lewd or indecent proposals or acts to a child under 12 years	
<b>Sexual Battery</b>	Intentional touching, mauling or feeling of the body or private parts of any person 16 years or older, in a lewd and lascivious manner and without the consent of that person or when committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state	Up to 10 years

<sup>243</sup> The accused must be at least 3 years older than the victim.

## OKLAHOMA

### **B. Risk Assessment**

(For complete information, see Oklahoma Statutes, Title 57, Chapter 8B)

<b>Risk Assessment</b>	
<b>Applies to</b>	Community Notification
<b>Responsible Agency</b>	Risk Assessment Review Committee
<b>Assessment Tool/Scale Used</b>	Not specified in the Act; The Committee shall develop or select from among existing tools, a sex offender screening tool to be used in determining the level of risk of a person subject to registration; The sex offender screening tool must use an objective point system under which a person is assigned a designated number of points for each of the various factors and the offense for which the person is convicted shall serve as the basis for the minimum numeric risk level assigned to the person
<b>Appealable?</b>	Yes
<b>Risk Levels Utilized</b>	Level 1 (low): the person poses a low danger to the community and will not likely engage in criminal sexual conduct Level 2 (moderate): the person poses a moderate danger to the community and may continue to engage in criminal sexual conduct Level 3 (high): the person poses a serious danger to the community and will continue to engage in criminal sexual conduct
<b>Assessment Details</b>	Risk assessment must be completed prior to release from prison

### **C. Registration**

(For complete information, see Oklahoma Statutes, Title 57, Chapter 8B)

<b>Registration</b>	
<b>Year Enacted</b>	1989
<b>Responsible Agency</b>	The Department of Corrections and Local Law Enforcement Agencies
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Abuse or Neglect of a Child/Child Beating if the offense involves sexual abuse or sexual exploitation 3) Assault with Intent to Commit a Felony if the offense involves sexual assault 4) Kidnapping if the offense involves sexual abuse or sexual exploitation 5) Caretaker Abuse or Neglect if the offense involves sexual abuse or sexual exploitation 6) Any attempt to commit a crime listed above
<b>Information Collected</b>	Department of Corrections: Name and all aliases used or under which the person has been known; A complete description of the person, including a photograph and fingerprints, and when requested by the Department of Corrections, a DNA sample; The offense(s) for which registration required; The name and location of each hospital or penal institution to which the person was committed for each offense; 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 name and address of any school where the person expects to become or is enrolled or employed for any length of time; 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; The numeric risk level of the person

## OKLAHOMA

<b>Registration</b>	
<b>Information Collected (cont.)</b>	Local Law Enforcement Agencies: Full name of the person, alias, date of birth, sex, race, height, weight, eye color, social security number, driver license number, and home address; A description of the offense for which the offender was convicted, the date of the conviction, and the sentence imposed, if applicable; A photocopy of the driver license of the person; The numeric risk level of the person
<b>Reporting Frequency</b>	Annually: Level 1 Offenders Semi-annually: Level 2 Offenders Every 90 days: Level 3 offenders, habitual sex offenders <sup>244</sup> and aggravated sex offenders <sup>245</sup> At least 3 days prior to any address change, employment or enrollment at any school, or any change in employment or enrollment at any school
<b>Duration</b>	10 years: Those required to register because of an out-of-state offense 15 years: Level 1 offenders (may petition for removal after 10 years) 25 years: Level 2 offenders Life: Level 3 offenders, habitual sex offenders and aggravated sex offenders
<b>Penalties for Non-Compliance</b>	Up to 5 years and/or fine of up to \$5,000

### **D. Community Notification**

(For complete information, see Oklahoma Statutes, Title 57, Chapter 8B)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public	All registered offenders	Information contained in the registry
Mandatory Notification	Anyone deemed appropriate including: The offender's family; any prior victim of the offender; residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent; nursing or specialized facilities, residential care homes, continuum-of-care facilities, assisted living centers, and adult day care facilities	Habitual or Aggravated Sex Offenders	At least the name and physical address of the habitual or aggravated sex offender, a physical description of the habitual or aggravated sex offender, including, but not limited to, age, height, weight and eye and hair color, a description of the vehicle that the habitual or aggravated sex offender is known to drive, any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender, description of the primary and secondary targets of the habitual or aggravated sex offender, a description of the method of offense of the habitual or aggravated sex offender, a current photograph of the habitual or aggravated sex offender, the name and telephone number of the probation or parole officer of the habitual or aggravated sex offender; and the numeric risk level of the person

<sup>244</sup> Any person convicted of two or more registrable sex offenses.

<sup>245</sup> Any person convicted of abuse or neglect of a child or child beating (if the offense involved sexual abuse or sexual exploitation), incest, forcible sodomy, rape by instrumentation, rape, lewd or indecent proposals or acts to a child under 16, or sexual battery.

## OKLAHOMA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Discretionary Notification	School districts, schools within the state, nursing homes and long-term care facility	All registered offenders	Information contained in the registry and a warning about the possibility of penalties resulting from employing a registered sex offender
Public Internet Registry	Members of the Public	All registered offenders	Information contained in the registry

### **E. Required Residency Restrictions**

(For complete information, see Oklahoma Statutes, Title 57, Chapter 8B)

Restriction Applies To	Type of Restriction
All registered offenders	Prohibition from residing within a 2,000 foot radius of any school site, educational institution, a playground or park that is zoned by city, county, state, federal or tribal government, or licensed child care center as defined by the Department of Human Services
	Prohibition on 2 or more registered sex offenders residing together in any individual dwelling

### **F. Required Employment Restrictions**

(For complete information, see Oklahoma Statutes, Title 57, Chapter 8B)

Restriction Applies To	Type of Restriction
All registered offenders	Prohibition from working with or providing services to children or working on school premises, or for any person or business which contracts for work to be performed on school premises
	Prohibition from being employed as a peace officer or criminal investigator by any law enforcement agency

### **G. Required Electronic Monitoring**

- No Statutory Provisions

### **H. Civil Commitment**

- No Statutory Provisions



## OREGON

### OREGON

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Oregon Revised Statutes, Title 16, Chapter 163 and Title 18, Chapter 181)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Rape in the Third Degree</b>	Sexual intercourse with another person under 16 years	Up to 5 years and fine of up to \$125,000
<b>Rape in the Second Degree</b>	Sexual intercourse with another person under 14 years	Up to 10 years and fine of up to \$250,000
<b>Rape in the First Degree</b>	Sexual intercourse with another person where: 1) The victim is subjected to forcible compulsion by the actor  2) The victim is under 12 years of age  3) The victim is under 16 years of age and is the person’s sibling, child or spouse’s child  4) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness	Up to 20 years and fine of up to \$375,000
<b>Sodomy in the Third Degree</b>	Engaging in deviate sexual intercourse with another person under 16 years or causing that person to engage in deviate sexual intercourse	Up to 5 years and fine of up to \$125,000
<b>Sodomy in the Second Degree</b>	Engaging in deviate sexual intercourse with another person or causing another to engage in deviate sexual intercourse where the victim is under 14 years of age	Up to 10 years and fine of up to \$250,000
<b>Sodomy in the First Degree</b>	Engaging in deviate sexual intercourse with another person or causing another to engage in deviate sexual intercourse where: 1) The victim is subjected to forcible compulsion by the actor  2) The victim is under 12 years of age  3) The victim is under 16 years of age and is the person’s sibling, child or spouse’s child  4) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness	Up to 20 years and fine of up to \$375,000
<b>Unlawful Sexual Penetration in the Second Degree</b>	Penetrating the vagina, anus or penis of another with any object other than the penis or mouth of the actor and the victim is under 14 years	Up to 10 years and fine of up to \$250,000

## OREGON

Crime	Description	Penalty
<b>Unlawful Sexual Penetration in the First Degree</b>	Penetrating the vagina, anus or penis of another with any object other than the penis or mouth of the actor where: 1) The victim is subjected to forcible compulsion  2) The victim is under 12 years of age, or  3) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness	Up to 20 years and fine of up to \$375,000
<b>Sexual Abuse in the Third Degree</b>	Subjecting another person to sexual contact and the victim does not consent to the sexual contact or is incapable of consent by reason of being under 18 years	Up to 1 year and fine of up to \$6,250
<b>Sexual Abuse in the Second Degree</b>	Subjecting another person to sexual intercourse, deviate sexual intercourse or, except as provided penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto	Up to 5 years and fine of up to \$125,000
<b>Sexual Abuse in the First Degree</b>	1) Subjecting another person to sexual contact and a) the victim is less than 14 years of age b) the victim is subjected to forcible compulsion by the actor, or c) the victim is incapable of consent by reason of being mentally defective, mentally incapacitated or physically helpless  2) Intentionally causing a person under 18 years to touch or contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of a person	Up to 10 years and fine of up to \$250,000
<b>Incest</b>	Marrying or engaging in sexual intercourse or deviate sexual intercourse with a person whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant or brother or sister where the victim is a child	Up to 5 years and fine of up to \$125,000
<b>Using a Child in a Display of Sexually Explicit Conduct</b>	Employing, authorizing, permitting, compelling or inducing a child to participate or engage in sexually explicit conduct for any person to observe or to record in a photograph, motion picture, videotape or other visual recording	Up to 20 years and fine of up to \$375,000
<b>Encouraging Child Sexual Abuse in the First Degree</b>	Knowing or being aware of and consciously disregarding the fact that creation of the visual recording of sexually explicit conduct involved child abuse: 1) Knowingly developing, duplicating, publishing, printing, disseminating, exchanging, displaying, financing, attempting to finance or selling any photograph, motion picture, videotape or other visual recording of sexually explicit conduct involving a child or possesses such matter with the intent to develop, duplicate, publish, print, disseminate, exchange, display or sell it  2) Knowingly bringing into this state, or causing to be brought or sent into this state, for sale or distribution, any photograph, motion picture, videotape or other visual recording of sexually explicit conduct involving a child	Up to 10 years and fine of up to \$250,000

## OREGON

Crime	Description	Penalty
<b>Encouraging Child Sexual Abuse in the Second Degree</b>	<p>1) Knowing or being aware of and consciously disregarding the fact that creation of the visual recording of sexually explicit conduct involved child abuse while:</p> <ul style="list-style-type: none"> <li>a) Knowingly possessing or controlling any photograph, motion picture, videotape or other visual recording of sexually explicit conduct involving a child for the purpose of arousing or satisfying the sexual desires of the person or another person, or</li> <li>b) Knowingly paying, exchanging or giving anything of value to obtain or view a photograph, motion picture, videotape or other visual recording of sexually explicit conduct involving a child for the purpose of arousing or satisfying the sexual desires of the person or another person</li> </ul> <p>2) Knowingly paying, exchanging or giving anything of value to observe sexually explicit conduct by a child or knowingly observes, for the purpose of arousing or gratifying the sexual desire of the person, sexually explicit conduct by a child while knowing or being aware of and consciously disregarding the fact that the conduct constitutes child abuse</p>	Up to 5 years and fine of up to \$125,000
<b>Encouraging Child Sexual Abuse in the Third Degree</b>	<p>1) Knowing or failing to be aware of a substantial and unjustifiable risk that the creation of the visual recording of sexually explicit conduct involved child abuse while:</p> <ul style="list-style-type: none"> <li>a) knowingly possessing or controlling any photograph, motion picture, videotape or other visual recording of sexually explicit conduct involving a child for the purpose of arousing or satisfying the sexual desires of the person or another person, or</li> <li>b) knowingly paying, exchanging or giving anything of value to obtain or view a photograph, motion picture, videotape or other visual recording of sexually explicit conduct involving a child for the purpose of arousing or satisfying the sexual desires of the person or another person</li> </ul> <p>2) Knowingly paying, exchanging or giving anything of value to observe sexually explicit conduct by a child or knowingly observes, for the purpose of arousing or gratifying the sexual desire of the person, sexually explicit conduct by a child while knowing or failing to be aware of a substantial and unjustifiable risk that the conduct constitutes child abuse</p>	Up to 1 year and fine of up to \$6,250
<b>Compelling Prostitution</b>	<p>1) Knowingly using force or intimidation to compel another to engage in prostitution</p> <p>2) Knowingly inducing or causing a person under 18 years to engage in prostitution</p> <p>3) Knowingly inducing or causing the spouse, child or stepchild of the person to engage in prostitution</p>	Up to 10 years and fine of up to \$250,000
<b>Promoting Prostitution</b>	<p>With intent to promote prostitution, knowingly:</p> <p>1) Owning, controlling, managing, supervising or otherwise maintaining a place of prostitution or a prostitution enterprise</p> <p>2) Inducing or causing a person to engage in prostitution or to remain in a place of prostitution</p>	Up to 5 years and fine of up to \$125,000

## OREGON

Crime	Description	Penalty
<b>Promoting Prostitution (cont.)</b>	<p>3) Receiving or agreeing to receive money or other property, other than as a prostitute being compensated for personally rendered prostitution services, pursuant to an agreement or understanding that the money or other property is derived from a prostitution activity</p> <p>4) Engaging in any conduct that institutes, aids or facilitates an act or enterprise of prostitution</p>	Up to 5 years and fine of up to \$125,000
<b>Contributing to the Sexual Delinquency of a Minor</b>	<p>1) Being a male 18 years or older, engaging in sexual intercourse with a female under 18 years</p> <p>2) Being a female 18 years or older, engaging in sexual intercourse with a male under 18 years of age</p> <p>3) Being 18 years or older, engaging in deviate sexual intercourse with another person under 18 years or causing that person to engage in deviate sexual intercourse</p>	Up to 1 year and fine of up to \$6,250
<b>Sexual Misconduct</b>	Being 18 years or older, engaging in sexual intercourse or deviate sexual intercourse with an unmarried person under 18 years	Up to 5 years and fine of up to \$125,000
<b>Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First Degree</b>	Knowingly possessing any visual depiction of sexually explicit conduct involving a child or any visual depiction of sexually explicit conduct that appears to involve a child and using the visual depiction to induce a child to participate or engage in sexually explicit conduct	Up to 10 years and fine of up to \$250,000
<b>Public Indecency<sup>246</sup></b>	While in, or in view of, a public place, performing an act of sexual or deviate sexual intercourse or an act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person	1 <sup>st</sup> Offense: Up to 1 year and fine of up to \$6,250 2 <sup>nd</sup> Offense (if convicted of any sex crime): Up to 5 years and fine of up to \$125,000
<b>Private Indecency</b>	Exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person and a) the person is in a place where another person has a reasonable expectation of privacy, b) the person is in view of the other person, c) the exposure reasonably would be expected to alarm or annoy the other person, and d) the person knows that the other person did not consent to the exposure	Up to 1 year and fine of up to \$6,250

<sup>246</sup> Public Indecency and Private Indecency are only sex crimes if the person has a prior conviction for any other sex crime.

# OREGON

## B. Risk Assessment

- No Statutory Provisions

## C. Registration

(For complete information, see Oregon Revised Statutes, Title 18, Chapter 181)

Registration	
<b>Year Enacted</b>	1989
<b>Responsible Agency</b>	Department of State Police
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Transporting child pornography into the state 3) Paying for viewing a child's sexually explicit conduct 4) Kidnapping in the First Degree if the victim was under 18 years 5) Kidnapping in the Second Degree if the victim was under 18 years and the offender was neither a parent nor a person within the jurisdiction of the juvenile court 6) Attempt to commit any of the crimes listed above 7) Burglary if committed with intent to commit any of the crimes listed above
<b>Information Collected</b>	The sex offender's name and date of birth; A physical description of the sex offender and a photograph, if applicable; The name and zip code of the city where the sex offender resides; The name and telephone number of a contact person at the agency that is supervising the sex offender; The name of institutions of higher education that the sex offender attends or at which the sex offender works or carries on a vocation; Photograph; Signature; Fingerprints
<b>Reporting Frequency</b>	Annually and within 10 days of a change of residence, of when the person begins works at, carry on a vocation at or attend an institution of higher education and of a change in work, vocation or attendance status at an institution of higher education Sexually Violent Dangerous Offenders <sup>247</sup> and Predatory Sex Offenders: <sup>248</sup> Address verification every 90 days
<b>Duration</b>	Life but those convicted of only one offense that was either a Class C Felony or a Class A Misdemeanor and who have not been classified as a predatory sex offender may petition for relief after 10 years
<b>Penalties for Non-Compliance</b>	Up to 1 year and fine of up to \$6,250 or up to 5 years and fine of up to \$125,000 (depending on underlying offense and type of violation)

<sup>247</sup> A person who has psychopathic personality features, sexually deviant arousal patterns or interests and a history of sexual assault, and who the State Board of Parole and Post-Prison Supervision or local supervisory authority finds presents a substantial probability of committing or attempting to commit 1) rape in the first degree and sodomy in the first degree if the victim was a) subjected to forcible compulsion by the person, b) under 12 years of age, or c) incapable of consent by reason of mental defect, mental incapacitation or physical helplessness; or 2) unlawful sexual penetration in the first degree.

<sup>248</sup> A person is a predatory sex offender if the person exhibits characteristics showing a tendency to victimize or injure others and has been convicted of rape, sodomy, unlawful sexual penetration or sexual abuse in any degree, has been convicted of attempting to commit one of those crimes or has been found guilty except for insanity of one of those crimes; In determining whether a person is a predatory sex offender, an agency shall use a sex offender risk assessment scale approved by the Department of Corrections or a community corrections agency.

# OREGON

## D. Community Notification

(For complete information, see Oregon Revised Statutes, Title 18, Chapter 181)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public	First time sex offenders	The sex offender's name and date of birth; A physical description of the sex offender and a photograph, if applicable; The name and zip code of the city where the sex offender resides; The name and telephone number of a contact person at the agency that is supervising the sex offender; The name of institutions of higher education that the sex offender attends or at which the sex offender works or carries on a vocation (if information is made available electronically, it is only accessible by the use of the offenders name)
		All other sex offenders	Any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender except the identity of a victim of a sex crime
Mandatory Notification	Anyone whom the agency determines is appropriate (including the offender's family, sponsor, prior victims and residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or potential victims may frequent) and a long term care or residential care facility if it is known that the offender is seeking admission to the facility	Predatory Sex Offenders <sup>249</sup>	<p>A notification by any method of communication that the person is a predatory sex offender; The notification may include, but is not limited to, distribution of the following information: The person's name and address; A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color; The type of vehicle that the person is known to drive; Any conditions or restrictions upon the person's probation, parole, post-prison supervision or conditional release;* A description of the person's primary and secondary targets; A description of the person's method of offense;* A current photograph of the person; The name or telephone number of the person's parole and probation officer*</p> <p>Asterisked information is required to be included if the notification is required in relation to an offender seeking admission to a long-term or residential care facility.</p>
Discretionary Notification	Members of the Public upon request unless it is determined that release of the information would substantially interfere with the treatment or rehabilitation of the supervised person	Predatory Sex Offenders	All information listed above

<sup>249</sup> Certain juveniles who are determined to be predatory sex offenders and are not under the supervision of the juvenile court are also subject to these requirements.

## OREGON

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Victim Notification	Victims, at any time upon request	All registered offenders	Via a toll-free telephone number: updates on the prison status, release information, parole status and any other registration information authorized for release related to the person who committed the crime against the victim
Public Internet Registry	Members of the Public	Predatory Sex Offenders (who have also been determined to present the highest risk of re-offending and to require the widest range of notification) and Sexually Violent Dangerous Offenders	Name and address; A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color; The type of vehicle that the person is known to drive; Any conditions or restrictions upon the person's probation, parole, post-prison supervision or conditional release; A description of the person's primary and secondary targets; A description of the person's method of offense; A current photograph of the person; If the person is under supervision, the name or telephone number of the person's parole and probation officer; If the person is not under supervision, contact information for the Department of State Police

### **E. Required Residency Restrictions<sup>250</sup>**

(For complete information, see Oregon Revised Statutes, Title 14, Chapter 144)

Restriction Applies To	Type of Restriction
All sex offenders on post-prison supervision or parole	A general prohibition against allowing a sex offender to reside near locations where children are the primary occupants or users (with bases for exceptions)
	A prohibition against allowing a sex offender to reside in any dwelling in which another sex offender on probation, parole or post-prison supervision resides unless otherwise authorized

### **F. Required Employment Restrictions**

- No Statutory Provisions

### **G. Required Electronic Monitoring**

- No Statutory Provisions

<sup>250</sup> The statute requires the Department of Corrections to adopt these rules but detailed criteria are not specified.

# OREGON

## H. Civil Commitment

- No Statutory Provisions

## I. Other Restrictions

(For complete information, see Oregon Revised Statutes Title 16, Chapter 163)

Restriction Applies To:	Type of Restriction
Predatory Sex Offenders and Sexually Violent Dangerous Offenders	Prohibition from unlawfully being in a location where persons under 18 years regularly congregate (schools, child care centers, playgrounds, other places intended for use primarily by persons under 18 years and places where persons under 18 years gather for regularly scheduled educational and recreational programs)



## PENNSYLVANIA

### PENNSYLVANIA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see 42 Pa.C.S. § 9791 et seq.)

Crime	Description	Penalty
<b>Kidnapping of a Minor</b> <sup>251</sup>	Removing or confining a minor by force, threat or deception (or, if under 14 years old, without the consent of a parent or guardian) away from the place where the victim is found or to a place of isolation with any of the following intentions: 1) For ransom or reward, or as a shield or hostage  2) To facilitate any felony or flight thereafter  3) To inflict bodily injury on the victim or another  4) To interfere with any governmental or political function	Up to 20 years
<b>Luring a Child into a Motor Vehicle</b>	Luring a child into a motor vehicle without the consent of the child's parent or guardian	Up to 5 years
<b>Institutional Sexual Assault</b>	Engaging in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident, when the offender 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	Up to 7 years
<b>Indecent Assault</b>	Having indecent contact with the victim under any of the following circumstances: 1) Without the victim’s consent  2) By force  3) When the victim is unconscious or unaware  4) After administering drugs or other intoxicants to the victim, without the victim’s knowledge, for the purpose of preventing resistance  5) The victim is less than 13 years old  6) The victim is less than 16 years old and the offender is 4 or more years older (and the offender and victim are not married to each other)	Up to 2 years
	7) Indecent assault where the victim is less than 13 years old	Up to 7 years

<sup>251</sup> A “minor” is someone under the age of 18.

## PENNSYLVANIA

Crime	Description	Penalty
<b>Incest</b>	Knowingly marrying, cohabitating or having sexual intercourse with a relative who is younger than 18 years old, when that relative is an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood	Up to 10 years
<b>Prostitution</b>	1) Promoting prostitution of a minor (which includes acts such as encouraging a minor to become a prostitute and soliciting a person to patronize the prostitute)	Up to 2 years
	2) Prostitution where the promotion involves owning a house of prostitution, procuring an inmate for a house of prostitution, encouraging another to become a prostitute; or if the offender compels another, promotes a child under the age of 16, promotes his child, or promotes another with HIV	Up to 7 years
<b>Child Obscenity</b>	Where the victim is a minor: manufacturing or preparing any obscene materials; advertising or giving any information about how to obtain obscene materials; producing any obscene performances; or hiring or permitting any minor to do or assist in any such acts	1 <sup>st</sup> Offense: Up to 5 years 2 <sup>nd</sup> Offense: Up to 7 years
<b>Sexual Abuse of Children</b>	1) Causing a child under the age of 18 years to engage in or simulate a prohibited sexual act <sup>252</sup> if such person knows or intends that such act may be photographed, videotaped, depicted on computer or filmed	Up to 10 years
	2) Knowingly photographing, videotaping, depicting on computer or filming a child under the age of 18 years engaging in or simulating a prohibited sexual act	
	3) Selling, distributing or otherwise disseminating, or possessing for such purposes, any book, magazine or other material depicting a child under the age of 18 years engaging in or simulating a prohibited sexual act	Up to 7 years
	4) Possessing any book, magazine or other material depicting a child under the age of 18 years engaging in or simulating a prohibited sexual act	
<b>Unlawful Contact with Minor</b>	Contacting or communicating with a minor for the purpose of engaging in a sexual offense, open lewdness, prostitution, obscene materials, sexual abuse	5 years or the sentence for the underlying offense (if greater)
<b>Sexual Exploitation of Children</b>	Making available a child under 18 years old for the purpose of having or simulating sexual activity or nudity for the purpose of sexual stimulation of any person	Up to 10 years
<b>Rape</b>	Engaging in sexual intercourse with a person under any of the following circumstances: 1) By force 2) By threat of force 3) When the victim is unconscious or unaware	Up to 20 years

<sup>252</sup> Sexual intercourse, masturbation, sadism, masochism, bestiality, fellatio, cunnilingus, lewd exhibition of the genitals or nudity if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction.

## PENNSYLVANIA

Crime	Description	Penalty
<b>Rape (cont.)</b>	4) After administering drugs or other intoxicants to the victim, without the victim's knowledge, for the purpose of preventing resistance  5) If the victim suffers from a mental disability and is incapable of consent  6) If the victim is less than 13 years old	Up to 20 years
	7) Rape where the offender administers a substance that substantially impairs the victim's power to appraise or control his or her conduct for the purpose of preventing resistance	Up to an additional 10 years, and fine up to \$10,000
<b>Involuntary Deviate Sexual Intercourse</b>	Engaging in deviate sexual intercourse with the victim: 1) By force 2) By threat of force 3) When the victim is unconscious or unaware 4) After administering drugs or other intoxicants to the victim, without the victim's knowledge, for the purpose of preventing resistance 5) If the victim suffers from a mental disability and is incapable of consent 6) The victim is less than 13 years old; or 7) The victim is less than 16 years old and the offender is 4 or more years older (and the offender and victim are not married to each other)	Up to 20 years
<b>Sexual Assault</b>	Engaging in sexual intercourse with the victim without his or her consent (except if such act qualifies as rape or involuntary deviate sexual intercourse)	Up to 10 years
<b>Aggravated Indecent Assault</b>	Sexually penetrating another person (except if such act qualifies as rape, statutory sexual assault, involuntary deviate sexual intercourse or sexual assault): 1) Without the victim's consent  2) By force  3) By threat of force  4) When the victim is unconscious or unaware  5) After administering drugs or other intoxicants to the victim, without the victim's knowledge, for the purpose of preventing resistance  6) If the victim suffers from a mental disability and is incapable of consent  7) The victim is less than 13 years old  8) The victim is less than 16 years old and the offender is 4 or more years older (and the offender and victim are not married to each other)	Up to 10 years

# PENNSYLVANIA

## **B. Risk Assessment**

- No Statutory Provisions

## **C. Registration**

(For complete information, see 42 Pa.C.S § 9799.1)

<b>Registration</b>	
<b>Year Enacted</b>	1996
<b>Responsible Agency</b>	Pennsylvania State Police
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A 2) Offenders designated by the court as Sexually Violent Predators <sup>253</sup>
<b>Information Collected</b>	Name, including all aliases; year of birth; identifying marks; location of all residences; location at which offender is enrolled as a student; location of employment; physical description; offense history; documentation of any treatment received for the mental abnormality or personality disorder; photograph; license plate number and description of any vehicle owned or registered to the offender; whether the victim was a minor; a description of the offense, which triggered registration; date of conviction.
<b>Reporting Frequency</b>	Annually Sexually Violent Predators: Quarterly
<b>Duration</b>	1 <sup>st</sup> Offense: 10 years 2 <sup>nd</sup> Offense: Life Lifetime if convicted of any of the following offenses: Rape; Involuntary Deviate Sexual Intercourse; Sexual Assault; Aggravated Indecent Assault; Incest, where the victim is under 12 years of age
<b>Penalties for Non-Compliance</b>	Those required to register for 10 years: 1) If offender does not register or fails to verify the information: Up to 7 years (2 <sup>nd</sup> offense, up to 10 years) 2) If offender fails to provide accurate information: Up to 10 years Those required to register for Life: 1) If offender does not register or fails to verify the information: Up to 10 years (2 <sup>nd</sup> offense, up to 20 years) 2) If offender fails to provide accurate information: Up to 20 years

<sup>253</sup> A person who has been convicted of a sexually violent offense and who is determined to be a sexually violent predator due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

## PENNSYLVANIA

### D. Community Notification

(For complete information, see 42 Pa.C.S. § 9791 et seq.)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Victim Notification	Victims	Sexually Violent Predators	Name and address where offender resides
Mandatory Notification	Neighbors; Director of the county children and youth service agency where the offender resides; Superintendent of each school district and private and parochial schools in the municipality/within a 1 mile radius of where the offender resides; Licensee or owner of each certified day care center and licensed preschool program and registered family day care in the municipality where the offender resides; President of each college, university and community college located within 1,000 feet of offender's residence	Sexually Violent Predators	Name; residential addresses; offense for which he was convicted; a statement that the offender has been determined by court order to be a Sexually Violent Predator or a statement that the Out-of-State Offender is subject to community notification by his state of origin; a photograph of the offender.
Discretionary Notification	Members of the Public, upon request	Sexually Violent Predators	As Above
Public Internet Registry	Members of the Public	All registered offenders	Name and all known aliases; Year of birth; location of all residences; location and name of any institution at which the offender is enrolled as a student; the city, municipality, county, and zip code of any employment location; a photograph of the offender, which shall be updated not less than annually; a physical description of the offender, including gender, height, weight, eye color, hair color and race; any identifying marks, including scars, birthmarks, and tattoos; the license plate number and description of any vehicle owned or registered to the offender; whether the offender is currently compliant with registration requirements; whether the victim is a minor; a description of the offense, which triggered registration; and the date of conviction, if available

## **PENNSYLVANIA**

### **E. Residency Restrictions**

- No statutory provisions

### **F. Employment Restrictions**

- No statutory provisions.

### **G. Required Electronic Monitoring**

- No statutory provisions.

### **H. Civil Commitment**

- No statutory provisions.

## RHODE ISLAND

### RHODE ISLAND

#### A. Crimes classified as “sex offense” or for which conviction results in classification as a “sex offender.”

(For complete information, see Rhode Island General Laws, 11-37.1, and statutes referred to therein)

Crime <sup>254</sup>	Description	Penalty
<b>Exploitation for Commercial or Immoral Purposes*</b>	1) Selling, distributing, otherwise permitting any child under age 18 to be used in any publication, motion picture film, photograph or pictorial representation, in a setting which suggests the child has engaged in, or is about to engage in any sexual act (broadly defined)	1 <sup>st</sup> Offense: Up to 10 years, fine up to \$10,000 2 <sup>nd</sup> Offense: Up to 15 years, fine up to \$15,000
	2) Exhibiting, using, employing any child age 18 in prostitution or any other lewd or indecent act	Up to 20 years, fine up to \$20,000
<b>Soliciting an Incompetent Person*</b>	Causing any person who as a result of mental and/or physical disability has had a guardian appointed, to knowingly and willfully encourages, aids, contributes to, or in any way causes that disabled person to violate or be guilty of any “prostitution & lewdness” crime	Up to 1 year, fine up to \$500
<b>Murder in the First Degree</b>	1) Killing of a human being committed in the perpetration of, or attempt to perpetrate, sexual assault, rape, any degree of sexual assault or child molestation	Life (15 year mandatory minimum)
	2) Murder committed during the kidnapping of a victim under age 18*	Life without parole
<b>Kidnapping*</b>	Forcibly or secretly confining or imprisoning another person against his or her will, or forcibly carrying or sending another person out of Rhode Island, or forcibly seizing, confining, inveigling or kidnapping another person with intent to the person to be secretly confined or imprisoned in-state or cause him or her to be sent out of state against their will	Up to 20 years
<b>Kidnapping of a Minor*</b>	Kidnapping person under age 16 either with intent to cause the child to be secretly confined or imprisoned, or with the intent of sexually assaulting or molesting the child	20 years – Life
<b>First Degree Sexual Assault</b>	Engaging in sexual penetration with another person, if: victim is mentally incapacitated, mentally disabled, or physically helpless; the offender uses force or coercion; the offender, through concealment or by the element of surprise, is able to overcome the victim; or the offender engages in medical treatment or exam of the victim for the purpose of sexual arousal, gratification, or stimulation	10 years – Life
<b>Second Degree Sexual Assault</b>	Engaging in sexual contact with another person and if victim is mentally incapacitated, mentally disabled, or physically helpless; the offender uses force or coercion; the offender, through concealment or by the element of surprise, is able to overcome the victim; or the offender engages in medical treatment or exam of the victim for the purpose of sexual arousal, gratification, or stimulation	3-15 years
<b>Third Degree Sexual Assault*</b>	Engaging in sexual penetration with another person aged 14-16 when the offender is over 18	Up to 5 years
<b>Assault with Intent to Commit First Degree Sexual Assault</b>	Committing assault with intent to commit first degree sexual assault	3-20 years
<b>First Degree Child Molestation Sexual Assault*</b>	Engaging in sexual penetration with a person fourteen (14) years of age or under	25 years – Life

<sup>254</sup> Certain offenses, marked with an asterisk (\*) result in classification of the offender as a sex offender, only when the victim is a minor.

## RHODE ISLAND

Crime	Description	Penalty
<b>Jessica Lunsford Child Predator Act</b>	1) Engaging in first degree child molestation sexual assault when victim is under age 12 2) Victim is under age 14, and offender is determined to be a high-risk (level 3) offender, and person is deemed a “child predator” (someone convicted of first degree child molestation sexual assault with a prior conviction for first or second degree child molestation sexual assault), or have committed the offense in conjunction with circumstances involving kidnapping, torture or aggravated battery	25 years – Life; electrical monitoring for life, sex offender treatment program during probation following parole
<b>Second Degree Child Molestation Sexual Assault</b>	Engaging in sexual contact with another person fourteen (14) years of age or under*	6-30 years
<b>Assault with Intent to Commit Specified Felonies</b>	Making an assault with intent to commit sexual assault	1-20 years
<b>Exploitation for Commercial or Immoral Purposes*</b>	1) Selling, distributing, otherwise permitting any child under age 18 to be used in any publication, motion picture film, photograph or pictorial representation, in a setting which suggests the child has engaged in, or is about to engage in any sexual act (broadly defined)	1 <sup>st</sup> Offense: Up to 10 years, fine up to \$10,000 2 <sup>nd</sup> Offense: Up to 15 years, fine up to \$15,000
	2) Exhibiting, using, employing any child age 18 in prostitution or any other lewd or indecent act	Up to 20 years, fine up to \$20,000

### B. Risk Assessment

(For complete information, see Rhode Island General Laws §11-37.1-1 et seq.)

Risk Assessment	
<b>Applies to</b>	Community Notification
<b>Responsible Agency</b>	Sex Offender Board of Review (appointed by the Governor)
<b>Assessment Tool/Scale Used</b>	At the discretion of the Board of Review
<b>Appealable?</b>	Yes
<b>Risk Levels Utilized</b>	Level I: Low Level II: Moderate Level III: High
<b>Assessment Details</b>	Community notification is based on the risk levels assigned by the Sex Offender Board of Review. Only those who are deemed “sexually violent predators” likely to re-offend through their offense, the assessment tool results, and the evaluation of a psychiatrist are subject to community notification. Local law enforcement develops fact sheet templates for each level of offender, <sup>255</sup> which are utilized as described in Part D

### C. Registration

<sup>255</sup> Local law enforcement develops fact sheet templates for each level of offender, which are approved by the Sex Offender Board of Review; these contain at a minimum the offender’s name, date of birth, physical description, recent photo if available, statement of offense written in non-inflammatory language which protects the identity of victim and witnesses, the assigned risk level, and approximate address by street name or landmark.



## RHODE ISLAND

(For complete information, see Rhode Island General Laws §11-37.1.)

<b>Registration</b>	
<b>Year Enacted</b>	1992
<b>Responsible Agency</b>	Rhode Island State Police - Bureau of Criminal Investigation
<b>Eligible Offenses/Statutes</b>	All offenses listed in Part A above
<b>Information Collected</b>	Name, identifying factors (date of birth, fingerprints, physical description, recent photo if available) anticipated future residence, juvenile and adult offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person
<b>Reporting Frequency</b>	Annually with quarterly address verification and within 24 hours of any change in address
<b>Duration</b>	10 years; Address verification for 2 years
	Life: Sexually violent predators <sup>256</sup> and aggravated and recidivist offenders
<b>Penalties for Non-Compliance</b>	Up to 10 years, fine up to \$10,000

### **D. Community Notification**

(For complete information, see Rhode Island General Laws §11-37.1-1 et seq.)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	Level II and III offenders	Information on fact sheets
Victim/Witness Notification	Victims and witnesses, upon request	Level I, II and III offenders	Information on fact sheets
Mandatory Notification	Schools and day care facilities the offender is likely to encounter and to parents of children therein	Level II and III offenders not in residential facilities	Fact sheets sent to parents, provided to schools and facilities for distribution as appropriate to employees
	Post secondary educational institutions	Level II and III offenders not in residential facilities	Fact sheet sent to chief administrator or security officer, for their distribution as they deem appropriate
Discretionary Notification	Other youth serving organizations, retail and public establishments the offender is likely to encounter, at law enforcement's discretion	Level II and III offenders not in residential facilities	Fact sheet sent to facilities and organizations
	Members of the Public, through fliers, news releases, news media, etc.	Level III offenders not in residential facilities	Information on fact sheets
	Members of the Public for whom the info. is necessary to protect their safety	All registered offenders	Relevant and necessary information

<sup>256</sup> A person who has been convicted of a sexually violent offense and who has a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

## RHODE ISLAND

### **E. Required Residency Restrictions**

- No Statutory Provisions

### **F. Required Employment Restrictions**

- No Statutory Provisions

### **G. Required Electronic Monitoring**

(For complete information, see Members of the Public, §11-37-8.2.1)

<b>Type of Monitoring</b>	<b>Applicable To</b>	<b>Duration</b>
Active global positioning system	Those convicted of the Jessica Lunsford Child Predator Act	Life

### **H. Civil Commitment**

- No Statutory Provisions

## SOUTH CAROLINA

### SOUTH CAROLINA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see South Carolina Statutes Annotated, Title 16, Chapter 3, Article 7 and Chapter 15, Article 3, and Title 23, Chapter 3, Article 7)

Crime <sup>257</sup>	Definition	Penalty <sup>258</sup>
<b>Criminal Sexual Conduct in the First Degree</b>	Engaging in sexual battery (sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body) when: 1) The act involves aggravated force (physical force or physical violence of a high and aggravated nature to overcome the victim or threatening the use of a deadly weapon)  2) The act occurs during forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or any other similar act, or  3) The actor causes the victim (without consent) to become mentally incapacitated or physically helpless by administering or causing to be administered a controlled substance, a controlled substance analogue, or any intoxicating substance	Up to 30 years
<b>Criminal Sexual Conduct in the Second Degree</b>	Sexual battery when the actor uses aggravated coercion (threatens to use force or violence of a high and aggravated nature to overcome the victim or another person and the victim reasonably believes that the actor can carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion, under circumstances of aggravation, against the victim or any other person)	Up to 20 years
<b>Criminal Sexual Conduct in the Third Degree</b>	Sexual battery when: 1) The actor uses force or coercion to accomplish the sexual battery in the absence of aggravating circumstances, or  2) The actor knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish sexual battery	Up to 10 years
<b>Criminal Sexual Conduct with a Minor</b>	<b>First Degree:</b> 1) Sexual battery with a victim younger than 11 years	1 <sup>st</sup> Offense: 25 years or Life 2 <sup>nd</sup> Offense: Death or Life Imprisonment
	2) Sexual battery with a victim younger than 16 years with a previous conviction for a registrable sex offense	10 – 30 years

<sup>257</sup> Criminal Sexual Conduct and Criminal Sexual Conduct with a Minor are not offenses where the victim is a legal spouse of the perpetrator unless the couple is living apart and the conduct amounts to Criminal Sexual Conduct in the First or Second Degree.

<sup>258</sup> A child under twelve years who is convicted of, pleads guilty to, or is adjudicated for any registrable offense must be given appropriate psychiatric or psychological treatment to address the circumstances of the offense.

## SOUTH CAROLINA

Crime	Definition	Penalty
<b>Criminal Sexual Conduct with a Minor (cont.)</b>	<p><b>Second Degree:</b></p> <p>3) Sexual battery with a victim who is aged 11-14 years</p> <p>4) Sexual battery with a victim who is aged 14 or 15 years where the actor is either in a position of familial, custodial, or official authority over the victim or older than the victim (except where the sexual conduct is consensual and either the actor is 18 years or younger or both persons are under 16 years)</p>	Up to 20 years
<b>Engaging Child for Sexual Performance</b>	Employing, authorizing, or inducing a person less than 18 years to engage in performance that includes sexual conduct (actual or simulated intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals)	Up to 20 years
<b>Producing, Directing, or Promoting Sexual Performance by Child</b>	Producing, directing, or promoting a performance that includes sexual conduct by a child younger than 18 years of age	Up to 10 years
<b>Incest</b>	<p>Engaging in carnal intercourse with another person within the following degrees of relationship:</p> <p>1) A man with his mother, grandmother, daughter, granddaughter, stepmother, sister, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister or mother's sister, or</p> <p>2) A woman with her father, grandfather, son, grandson, stepfather, brother, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother or mother's brother</p>	At least 1 year and/or fine of at least \$500
<b>Buggery</b>	Committing sodomy on a person or animal	Up to 5 years and/or fine of at least \$500
<b>Committing or Attempting Lewd Act on a Child under 16</b>	Being over 14 years, willfully and lewdly committing or attempting a lewd or lascivious act upon or with the body, or its parts, of a child under 16 years, with the intent of arousing, appealing to, or gratifying the lust, passions or sexual desires of the person or of the child	Up to 15 years and/or fine
<b>Eavesdropping, Peeping, Voyeurism</b>	1) Being an eavesdropper or a peeping tom on or about the premises of another or going upon the premises of another for the purpose of becoming an eavesdropper or a peeping tom (a peeping tom is a person who peeps through windows, doors, or other like places, for the purpose of spying upon or invading the privacy of the persons spied upon and any other conduct of a similar nature that tends to invade the privacy of others)	Up to 3 years and fine of up to \$500
	2) For the purpose of arousing or gratifying sexual desire of any person, knowingly viewing, photographing, audio recording, video recording, producing or creating a digital electronic file, or filming another person without that person's knowledge or consent while the person is in a place where the person would have a reasonable expectation of privacy	1 <sup>st</sup> Offense: Up to 3 years and/or fine of up to \$500 2 <sup>nd</sup> Offense: Up to 5 years and/or fine of \$500-\$5,000
	3) Aggravated Voyeurism: Knowingly selling/ distributing any photograph, audio recording, video recording, or film of another person taken or made in violation of 1) or 2) above	Up to 10 years and/or fine of \$500-\$5,000

## SOUTH CAROLINA

Crime <sup>259</sup>	Definition	Penalty
<b>Sexual Battery of a Spouse</b>	Sexual battery when accomplished through use of aggravated force by one spouse against the other spouse if they are living together	Up to 10 years
<b>Sexual Misconduct with an Inmate, Patient, or Offender</b>	While being an employee, volunteer, agent, or contractor of a public entity that has responsibility for inmates or patients confined in a prison, jail, or mental health facility, engaging in sexual contact with an inmate, patient, or offender	Up to 5 years
	Sexual misconduct with an inmate, patient or offender that involves sexual intercourse	Up to 10 years
<b>Criminal Solicitation of a Minor</b>	Being 18 years or older, knowingly contacting or communicating (or attempting to) with a person under 18 years for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity or with the intent to perform a sexual activity in the presence of the person (except where the person under 18 is at least 16 years and the act was consensual)	Up to 10 years and/or fine of up to \$5,000
<b>Disseminating, Procuring, or Promoting Obscenity*</b>	Knowingly disseminating obscenity by: 1) Selling, delivering, or providing any obscene writing, picture, record, or other representation of the obscene  2) Presenting or directing an obscene play, dance, or other performance  3) Publishing, exhibiting, or otherwise making available anything obscene  4) Exhibiting, presenting, renting, selling, delivering, or providing, offering or agreeing to exhibit, present, rent, or provide any motion picture, film, projection slide, sound recording, video tape, or any other material which is a representation, description, performance, or publication of the obscene	Up to 5 years and fine of up to \$10,000
<b>Condition on Certain Sales for Resale or on Franchising Rights that Obscene Material be Received for Resale*</b>	Conditioning any sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, publication, digital electronic file by requiring that the purchaser or consignee receive for resale any other article, book, publication, or digital electronic file which is obscene or denying or threatening to deny any franchise or imposing or threatening to impose any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept the articles, books, publications, or digital electronic files, or by reason of the return thereof	Up to 1 year and/or fine of up to \$1,000
<b>Participation in the Preparation of Obscene Materials*</b>	1) Knowingly photographing oneself, any other person, or animal for purposes of preparing an obscene film, photograph, negative, slide, videotapes, motion picture, or digital electronic files for the purpose of dissemination  2) Knowingly modeling, posing, acting, or otherwise assisting in the preparation of any obscene film, photograph, negative, slide, videotapes, motion picture, or digital electronic files for the purpose of dissemination	Up to 1 year and/or fine of up to \$1,000

<sup>259</sup> Offenses marked with an asterisk (\*) are registrable sex offenses only if they involve a minor.

## SOUTH CAROLINA

Crime	Definition	Penalty
<b>Permitting a Minor to Engage in any Act Involving Obscenity*</b>	Knowingly hiring, employing, using, or permitting a person under 18 years to do or assist in doing any act or thing involving obscenity, child exploitation, or child prostitution	Up to 10 years
<b>Disseminating Obscene Material to a Person under 18*</b>	Knowingly disseminating obscene material to a person under 18 years	Up to 10 years
<b>Disseminating Obscene Material to a Person under 12*</b>	Knowingly disseminating obscene material to a person under 12 years	Up to 15 years
<b>Exposure of Private Parts in a Lewd and Lascivious Manner*</b>	Willfully and knowingly 1) exposing the private parts of oneself in a lewd and lascivious manner and in the presence of any other person or aiding and abetting any such act, or procuring another to perform such act, or 2) hiring, leasing, or permitting the land, building, or premises of which he is owner, lessee, or tenant, or over which he has control, to be used for purposes of any such act	Up to 6 months and/or fine of up to \$500
<b>Disseminating Harmful Material to Minors*</b>	While knowing the character or content of the material: 1) selling, furnishing, presenting, or distributing to a minor material that is harmful to them; or 2) allowing a minor to review or peruse material that is harmful to them	Up to 10 years and/or fine of up to \$5,000
<b>Exhibiting Harmful Performance to Minor*</b>	With or without consideration and knowing the character or content of the performance, allowing a minor to view a live performance which is harmful to them	Up to 10 years and/or fine of up to \$5,000
<b>Employment of a Person under 18 to Appear in Public in a State of Sexually Explicit Nudity*</b>	Employing a person under 18 years to appear in a state of sexually explicit nudity in a public place	Up to 10 years and/or fine of up to \$5,000
<b>First Degree Sexual Exploitation of a Minor*</b>	While knowing the character or content of the material: 1) Using, employing, inducing, coercing, encouraging, or facilitating a minor to engage in sexual activity for a live performance or for the purpose of producing any visual representation of the activity  2) Permitting a minor under ones custody or control to engage in such activity  3) Transporting or financing the transportation of a minor through or across the state with the intent that the minor engage in such activity  4) Recording, photographing, filming, developing, duplicating, or producing for sale or pecuniary gain material that contains a minor engaged in sexual activity	3-20 years
<b>Second Degree Sexual Exploitation of a Minor*</b>	While knowing the character or content of the material: 1) Recording, photographing, filming, developing, duplicating, or producing material that contains a visual representation of a minor engaged in sexual activity  2) Distributing, transporting, exhibiting, receiving, selling, purchasing, exchanging, or soliciting material that contains a visual representation of a minor engaged in sexual activity	2-10 years
<b>Third Degree Sexual Exploitation of a Minor*</b>	While knowing the character or content of the material, possessing material that contains a visual representation of a minor engaging in sexual activity	Up to 10 years

## SOUTH CAROLINA

Crime	Definition	Penalty
<b>Promoting Prostitution of a Minor*</b>	1) Enticing, forcing, encouraging, or otherwise facilitating a minor to participate in prostitution  2) Supervising, supporting, advising, or promoting the prostitution of a minor	3-20 years
<b>Participating in Prostitution of a Minor*</b>	1) Soliciting or requesting a minor to participate in prostitution  2) Paying or agreeing to pay a minor to participate in prostitution  3) Paying a minor for having participated in prostitution	2-5 years

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see South Carolina Statutes Annotated, Title 23, Chapter 3, Article 7)

Registration	
<b>Year Enacted</b>	1994
<b>Responsible Agency</b>	State Law Enforcement Division
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt, solicitation, or conspiracy to commit an offenses listed in Part A above 3) Assault with intent to commit criminal sexual conduct 4) Indecent Exposure if the court makes a specific finding that based on the circumstances of the case the convicted person should register as a sex offender 5) Kidnapping of a person 18 years or older except where the court makes a finding that the offense did not include a criminal sex offense or the attempt to commit a criminal sex offense 6) Kidnapping of a person under 18 years 7) Administering, distributing, dispensing, delivering (including aiding, abetting, attempting, or conspiracy) a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit kidnapping, criminal sexual conduct in the first, second, or third degree, criminal sexual conduct with a minor in the first or second degree, criminal sexual conduct where victim is legal spouse (separated), spousal sexual battery, engaging a child for a sexual performance or committing lewd act upon child under 16 8) Any other offense where good cause is shown and the presiding judge orders as a condition of sentencing that the person be included in the sex offender registry

## SOUTH CAROLINA

<b>Registration</b>	
<b>Information Collected</b>	Includes but is not limited to name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, address of permanent residence, address of current temporary residence, date and place of employment, vehicle make, model, color, and license tag number, fingerprints, and photograph; name, address, and county of each institution of higher learning, if the person is enrolled, employed, or carries on a vocation there; the vehicle identification number, license tag number, registration number, and a description if the person lives in a motor vehicle, trailer, mobile home, or manufactured home; and the hull identification number, manufacturer's serial number, name of the vessel, live-aboard vessel, or houseboat, the registration number, and a description of the color scheme, if the person lives in a vessel, live-aboard vessel, or houseboat
<b>Reporting Frequency</b>	Bi-annually and within 10 days of any address change, acquiring of real property, and for an offender who is employed by, attends, is enrolled at, or carries on a vocation at any public or private school, within 10 days of any change in attendance, enrollment, employment or vocation status
	Sexually Violent Predators: <sup>260</sup> Every 90 days
<b>Duration</b>	Life
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: 90 days (mandatory sentence) 2 <sup>nd</sup> Offense: 1 year (mandatory sentence) 3 <sup>rd</sup> Offense: 5 years (3 year mandatory sentence)

### **D. Community Notification<sup>261</sup>**

(For complete information, see South Carolina Statutes Annotated, Title 23, Chapter 3, Article 7)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public, upon request	All sex offenders	Full name, any aliases, any other identifying physical characteristics, date of birth, home address, the offense for which the offender was required to register pursuant and the date, city, and state of conviction, and a photocopy of a current photograph
			A list of registered sex offenders residing in a city, county, or zip code zone or a list of all registered sex offenders within the State
Mandatory Notification	A newspaper with general circulation within the county	All sex offenders	A listing of the registry

<sup>260</sup> A person who has been convicted of a sexually violent offense (any offense where there is a specific finding that given the circumstances of the offense, it should be considered a sexually violent offense and all offenses listed in Part A except peeping, voyeurism, aggravated voyeurism, sexual battery of a spouse and sexual misconduct with an inmate, patient, or offender) and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

<sup>261</sup> Sex offenders who are under 12 years are required to register but are not subject to community notification; certain limits on notification apply to other juvenile sex offenders.



## SOUTH CAROLINA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Principals of public and private schools, and the administrator of child and family day care centers	All sex offenders	Notification of any offender whose address is within one-half mile of the school or business
Discretionary Notification	Members of the Public when it is believed that the release of information will deter criminal activity or enhance public safety	All sex offenders	Not specified
Public Internet Registry	Members of the Public	All Sex offenders	Not specified

### E. Required Residency Restrictions

(For complete information, see South Carolina Statutes Annotated, Title 23, Chapter 3, Article 7)

Restriction Applies To	Type of Restriction
All sex offenders	Prohibition from living in campus student housing at a public institution of higher learning supported in whole or in part by the State

### F. Required Employment Restrictions

- No Statutory Provisions

### G. Required Electronic Monitoring

(For complete information, see South Carolina Statutes Annotated, Title 23, Chapter 3, Article 7)

Type of Monitoring	Applicable To	Duration
Active Electronic Monitoring Device	Those convicted of criminal sexual conduct with a minor in the first degree, pursuant or committing or attempting a lewd act upon a child under sixteen	While on the sex offender registry (may petition to be released from this requirement after 10 years)

## SOUTH CAROLINA

### **H. Civil Commitment**

(For complete information, see South Carolina Statutes Annotated, Title 44, Chapter 48)

<b>Commitment Applies To</b>	<b>Treatment Setting</b>	<b>Period of Confinement</b>
Sexually Violent Predators	Secure Facility	Indeterminate

## SOUTH DAKOTA

### SOUTH DAKOTA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see South Dakota Codified Laws Title 22)

Crime <sup>262</sup>	Definition	Penalty <sup>263</sup>
<b>Rape</b>	1) Committing an act of sexual penetration with a person less than 13	15 years – Life and fine of up to \$50,000
	2) Committing an act of sexual penetration through the use of force, coercion, or threats of immediate or great bodily harm against the victim or third party in the victim’s presence	Up to 50 years and fine of up to \$50,000
	3) Committing an act of sexual penetration while the victim is incapable of giving consent because of either a physical or mental capacity, or any intoxicating, narcotic, anesthetic agent or hypnosis	Up to 25 years and fine of up to \$50,000
	4) Committing an act of sexual penetration with a person 13-16 while being at least 3 years older than the victim	Up to 15 years and fine of up to \$30,000
<b>Felony Sexual Contact with a Minor under Sixteen</b>	1) While being 16 or older, knowingly engaging in sexual contact with a person under 16 (other than spouse) while being 3 years or older than such person	1st Offense: Up to 15 years and fine of up to \$30,000 2nd Offense: Up to 25 years and fine of up to \$50,000
	2) Felony sexual contact with a minor where victim is less than 13 years	10-15 years and fine of up to \$30,000
<b>Sexual Contact with a Person Incapable of Consenting</b>	While being 15 or older, knowingly engaging in sexual contact with a person 16 or older who is incapable, because of mental or physical incapacity, of consenting to the act	Up to 10 years and fine of up to \$25,000
<b>Incest</b>	1) Being an adult, knowingly engaging in an act of sexual penetration with a person related by blood	Up to 5 years and fine of up to \$10,000
	2) Incest where the victim is between 16 and 18 years and is the child of the actor	Up to 15 years and fine of up to \$30,000
<b>Possessing, Manufacturing, or Distributing Child Pornography</b>	Creating, causing or knowingly permitting the creation of, or knowingly possessing, distributing, or otherwise disseminating, any visual depiction of a minor engaging in a sexual act or in the simulation of such act	1 <sup>st</sup> Offense: Up to 10 years and fine of up to \$25,000 2 <sup>nd</sup> Offense (within 15 years): Up to 15 years and fine of up to \$30,000
<b>Sale of Child Pornography</b>	Selling or displaying for sale, any book, magazine, pamphlet, slide, photograph, film, or electronic or digital media image depicting a minor engaging in a sexual act or activity that involves nudity	Up to 2 years and/or fine of \$4,000

<sup>262</sup> Offenses marked with an asterisk (\*) are only sex crimes where the victim is a minor.

<sup>263</sup> In addition to the specified penalties, a conviction for a second felony sex offense results in a minimum sentence of imprisonment equal to the maximum term allowable, up to 25 years.

## SOUTH DAKOTA

Crime	Definition	Penalty
<b>Sexual Exploitation of a Minor</b>	Causing or knowingly permitting a minor to engage in an activity that: 1) Is harmful to minors 2) Involves nudity, or 3) Is obscene	1 <sup>st</sup> Offense: Up to 2 years and/or fine of \$4,000 2 <sup>nd</sup> Offense (within 15 years): Up to 5 years and fine of up to \$10,000
<b>Kidnapping (Aggravated Kidnapping in the First Degree)</b>	1) Where the victim is a minor, unlawfully removing another person from the other's place of residence or employment, or unlawfully removing another person a substantial distance from the vicinity where the other was at the commencement of the removal, or unlawfully confining another person for a substantial period of time, with any of the following purposes: a) to hold for ransom or reward, or as a shield or hostage b) to facilitate the commission of any felony or flight thereafter c) to inflict bodily injury on or to terrorize the victim or another d) to interfere with the performance of any governmental or political function e) to take or entice away a child under the age of fourteen years with intent to detain and conceal such child	Life and fine of up to \$50,000
	2) Kidnapping where the perpetrator inflicts serious bodily injury on the victim	Up to Life and fine of up to \$50,000
<b>Promotion of Prostitution of a Minor</b>	Encouraging, inducing, procuring, or otherwise purposely causing a minor to become or remain a prostitute	Up to 5 years and fine of up to \$10,000
<b>Indecent Exposure</b>	Exposing a one's genitals in a public place under circumstances in which one knows that one's conduct is likely to annoy, offend, or alarm another person, and has the intent to arouse or gratify the sexual desire of any person	1 <sup>st</sup> Offense: Up to 1 year and/or fine of \$2,000 1 <sup>st</sup> Offense with a prior conviction for rape, sexual contact with a person under sixteen, or possessing, manufacturing, or distributing child pornography: Up to 2 years and/or fine of \$4,000 3 <sup>rd</sup> Offense: Up to 2 years and/or fine of \$4,000
<b>Solicitation of a Minor</b>	1) Soliciting a minor to engage in a sexual act  2) Knowingly compiling or transmitting by computer, printing, publishing or reproducing by other computerized means, or buying, selling, receiving, exchanging or disseminating any notice, statement or advertisement of any minor's name, telephone number, place of residence, physical characteristics or other descriptive or identifying information for the purpose of soliciting a minor to engage in a prohibited sexual act	1 <sup>st</sup> Offense: Up to 2 years and/or fine of \$4,000 2 <sup>nd</sup> Offense (within 15 years): Up to 5 years and fine of up to \$10,000

## SOUTH DAKOTA

Crime	Definition	Penalty
<b>Indecent Exposure Involving a Child</b>	Being 18 years or older, with the intent to arouse or gratify the sexual desire of any person, exposing his or her genitals under circumstances in which that person knows that his or her conduct is likely to annoy, offend, or alarm some child, thirteen years of age or younger	1 <sup>st</sup> Offense: Up to 2 years and/or fine of \$4,000 2 <sup>nd</sup> Offense: Up to 5 years and fine of up to \$10,000
<b>Bestiality</b>	1) Engaging in a sexual act with an animal 2) Coercing another person to engage in a sexual act with an animal 3) Using any part of a person's body or an object to sexually stimulate an animal 4) Videotaping a person engaging in a sexual act with an animal 5) Killing or physically abusing an animal	1 <sup>st</sup> Offense: Up to 2 years and/or fine of \$4,000 2 <sup>nd</sup> Offense (prior offense can be any sex offense): Up to 5 years and fine of up to \$10,000
<b>Sexual Acts between Jail Employees and Detainees*</b>	While employed at any jail or juvenile correctional facility, knowingly engaging in an act of sexual contact or sexual penetration with another person who is in detention and under the custodial, supervisory, or disciplinary authority of the actor	Up to 2 years and/or fine of \$4,000
<b>Sexual Contact by a Psychotherapist*</b>	While being a psychotherapist, knowingly engaging in sexual contact with a patient who is emotionally dependent on the psychotherapist at the time of the contact	Up to 5 years and fine of up to \$10,000
<b>Sexual Penetration by a Psychotherapist*</b>	While being a psychotherapist, knowingly engaging in sexual contact with a patient who is emotionally dependent on the psychotherapist at the time of the contact	Up to 10 years and fine of up to \$25,000

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see South Dakota Codified Laws Title 22, Chapter 22-24B)

Registration	
<b>Year Enacted</b>	2006
<b>Responsible Agency</b>	Division of Criminal Investigation
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt, solicitation, or conspiracy to commit any of the offenses listed in Part A above 3) The former offenses of criminal pedophilia and felony indecent exposure 4) Any juvenile fifteen years or older who has been adjudicated of sexual contact with a person incapable of consenting, rape, or promotion of prostitution of a minor

## SOUTH DAKOTA

<b>Registration</b>	
<b>Information Collected</b>	Name and all aliases used; Complete description, photographs, fingerprints and palm prints collected and provided by the registering agency; Residence, length of time at that residence including the date the residence was established, and length of time expected to remain at that residence; The type of sex crime convicted of; The date of commission and the date of conviction of any sex crime committed; Social Security number on a separate confidential form; Driver license number and state of issuance; Whether or not the registrant is receiving or has received any sex offender treatment; Employer name, address, and phone number or school name, address, and phone number; Length of employment or length of attendance at school; Occupation or vocation; Vehicle license plate number of any vehicle owned by the offender; 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; 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; A description of the offense, provided by the prosecuting attorney; 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; Acknowledgment whether the offender is subject to community safety zone restrictions, provided by the registering agency; 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; DNA Sample
<b>Reporting Frequency</b>	Semi-annually and within 5 days of any change in address and for those required to register because of their enrollment/employment at an institution of higher education, institution of higher learning, or technical institute, within 5 days of any commencement or termination of enrollment or employment or change in employer
<b>Duration</b>	Life
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: Up to 2 years and/or fine of \$4,000 2 <sup>nd</sup> Offense: Up to 5 years and fine of up to \$10,000

### **D. Community Notification**

(For complete information, see South Dakota Codified Laws Title 22, Chapter 22-24B)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	All registered offenders	Registration information including offender name, physical description and photograph, address, type of sex crime convicted of, previous convictions requiring registration, dates of commission and the dates of conviction of any sex crime committed, community safety zone restrictions, offense description, and the offender's status as an inmate, parolee, or person who has completed their correctional placement
Public Notification	Members of the Public, upon request	All registered offenders	An offender's registration compliance status and registration information, other than the registrant's social security name, DNA sample, and the names, addresses, and phone numbers for local contacts and next of kin

## **SOUTH DAKOTA**

### **E. Required Residency Restrictions**

(For complete information, see South Dakota Codified Laws Title 22, Chapter 22-24B)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All adult sex offenders	Prohibition from living within five hundred feet from the facilities and grounds of any school, public park, public playground, or public pool, including the facilities and grounds itself

### **F. Required Employment Restrictions**

- No Statutory Provisions

### **G. Required Electronic Monitoring**

- No Statutory Provisions

### **H. Civil Commitment**

- No Statutory Provisions

### **I. Other Restrictions**

(For complete information, see South Dakota Codified Laws Title 22, Chapter 22-24B)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All adult sex offenders	Prohibition from loitering within five hundred feet from the facilities and grounds of any school, public park, public playground, or public pool, including the facilities and grounds itself

## TENNESSEE

### TENNESSEE

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Tennessee Code Annotated, Title 39, Chapters 13, 15 and 17; Title 40, Chapter 39)

Crime	Description	Penalty
<b>Sexual Battery</b>	Unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: 1) Force or coercion (the threat of kidnapping, extortion, force or violence to be performed immediately or in the future) is used to accomplish the act  2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent  3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless  4) The sexual contact is accomplished by fraud	1-6 years and fine of up to \$3,000
<b>Statutory Rape<sup>264</sup></b>	Unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: 1) The victim is at least 13 but less than 15 years and the defendant is at least 4 but less than 10 years older than the victim  2) The victim is at least 15 but less than 18 years and the defendant is more than 5 but less than 10 years older than the victim	1-6 years and fine of up to \$3,000
<b>Aggravated Prostitution</b>	Knowing that he/she is infected with HIV, engaging in sexual activity as a business or being an inmate in a house of prostitution or loitering in a public place for the purpose of being hired to engage in sexual activity	3-15 years and fine of up to \$10,000
<b>Sexual Exploitation of a Minor</b>	1) Knowingly possessing material that includes a minor engaged in sexual activity or simulated sexual activity that is patently offensive	2-12 years and fine of up to \$5,000
	2) Sexual exploitation of a minor where the number of individual images, materials, or combination of images and materials, that are possessed is more than 50	3-15 years and fine of up to \$10,000
	3) Sexual exploitation of a minor where the number of individual images, materials, or combination of images and materials, that are possessed is more than 100	8-30 years and fine of up to \$25,000
<b>False Imprisonment</b>	Knowingly removing or confining a minor unlawfully so as to interfere substantially with the other's liberty (except where the offender is the parent of the minor)	Up to 1 year and/or fine of up to \$2,500

<sup>264</sup> Statutory rape is only a registrable offense where the defendant was an authority figure or the defendant has a prior conviction for mitigated statutory rape, statutory rape or aggravated statutory rape.



## TENNESSEE

Crime	Description	Penalty
<b>Indecent Exposure (3<sup>rd</sup> Offense)</b>	1) In a public place or on or near the private premises of another and a) intentionally exposing the person's genitals or buttocks to another, or b) engaging in sexual contact or sexual penetration and reasonably expecting that the acts will be viewed by another and will offend an ordinary viewer or are for the purpose of sexual arousal/gratification of defendant	Up to 6 months and/or fine of up to \$500
	2) Where the defendant is at least 18 years and the victim is less than 13 years, knowingly inviting, enticing or fraudulently inducing the child of another into the person's residence for the purpose of attaining sexual arousal/gratification by intentionally engaging in exposure of such person's genitals, buttocks or female breasts, or masturbating in the presence of the child	
	3) Indecent exposure where the defendant is at least 18 years and the victim is less than 13 years	1 <sup>st</sup> Offense: Up to 1 year and/or fine of up to \$2,500 3 <sup>rd</sup> Offense: 1-6 years and fine of up to \$3,000
	4) Being a person confined in a penal institution, with the intent to abuse, torment, harass or embarrass a guard whether intentionally exposing the person's genitals or buttocks to the guard or engaging in sexual contact	Up to 1 year and/or fine of up to \$2,500
<b>Aggravated Statutory Rape</b>	Unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least 13 but less than 18 years and the defendant is at least 10 years older than the victim	2-12 years and fine of up to \$5,000
<b>Exploitation of a Minor (under 13 years) by Electronic Means</b>	1) Being 18 years or older, by means of oral, written or electronic communication, electronic mail or Internet service, including webcam communications, directly or through another, intentionally commanding, hiring, persuading, inducing or causing a minor under 13 years to engage in sexual activity or simulated sexual activity that is patently offensive where such sexual activity or simulated sexual activity is observed by that person or by another	8-30 years and fine of up to \$25,000
	2) Being 18 years or older, directly or by means of electronic communication, electronic mail or Internet service, including webcam communications, intentionally: <ul style="list-style-type: none"> <li>a) engaging in sexual or simulated sexual activity that is patently offensive for the purpose of having the minor view the sexual or simulated sexual activity, including where the minor is in the presence of the person, or where the minor views such activity via electronic communication, including electronic mail, Internet service and webcam</li> <li>b) displaying to a minor, or exposing a minor to, any material containing sexual or simulated sexual activity that is patently offensive, where the purpose of the display can reasonably be construed as being for the sexual arousal or gratification of the minor or the person displaying the material</li> <li>c) displaying to a law enforcement officer posing as a minor, and whom the person making the display reasonably believes to be less than 18 years, any material containing sexual or simulated sexual activity that is patently offensive where the purpose of the display can reasonably be construed as being for the sexual arousal or gratification of the intended minor or the person displaying the material</li> </ul>	3-15 years and fine of up to \$10,000

## TENNESSEE

Crime <sup>265</sup>	Description	Penalty
<b>Aggravated Rape*</b>	<p>Unlawful sexual penetration of a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:</p> <ol style="list-style-type: none"> <li>1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon</li> <li>2) The defendant causes bodily injury to the victim</li> <li>3) The defendant is aided or abetted by 1 or more other persons; and               <ol style="list-style-type: none"> <li>a) force or coercion is used to accomplish the act, or</li> <li>b) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless</li> </ol> </li> </ol>	15-60 years and fine of up to \$50,000
<b>Rape*</b>	<p>Unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:</p> <ol style="list-style-type: none"> <li>1) Force or coercion is used to accomplish the act</li> <li>2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent</li> <li>3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless</li> <li>4) The sexual penetration is accomplished by fraud</li> </ol>	8-30 years and fine of up to \$25,000
<b>Aggravated Sexual Battery*</b>	<p>Unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:</p> <ol style="list-style-type: none"> <li>1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon</li> <li>2) The defendant causes bodily injury to the victim</li> <li>3) The defendant is aided or abetted by 1 or more other persons; and               <ol style="list-style-type: none"> <li>a) force or coercion is used to accomplish the act, or</li> <li>b) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless</li> </ol> </li> <li>4) The victim is less than 13 years</li> </ol>	8-30 years and fine of up to \$25,000

<sup>265</sup> Offenses marked with an asterisk (\*) are violent sexual offenses.

## TENNESSEE

Crime	Description	Penalty
<b>Rape of a Child*</b>	Unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is more than 3 years but less than 13 years	15-60 years and fine of up to \$50,000
<b>Aggravated Sexual Exploitation of a Child*</b>	1) Knowingly promoting, selling, distributing, transporting, purchasing or exchanging material, or possessing with the intent to promote, sell, distribute, transport, purchase or exchange material, that includes a minor engaged in sexual activity or simulated sexual activity that is patently offensive	3-15 years and fine of up to \$10,000
	2) Aggravated sexual exploitation of a child where the number of individual images, materials, or combination of images and materials is more than 25	8-30 years and fine of up to \$25,000
<b>Especially Aggravated Sexual Exploitation of a Child*</b>	Knowingly promoting, employing, using, assisting, transporting or permitting a minor to participate in the performance of, or in the production of, acts or material that includes the minor engaging in sexual activity or simulated sexual activity that is patently offensive	8-30 years and fine of up to \$25,000
<b>Aggravated Kidnapping*</b>	False imprisonment of a minor (except by a parent of the minor), committed: 1) To facilitate the commission of any felony or flight thereafter  2) To interfere with the performance of any governmental or political function  3) With the intent to inflict serious bodily injury on or to terrorize the victim or another  4) Where the victim suffers bodily injury  5) While the defendant is in possession of or threatens the use of a deadly weapon	8-30 years and fine of up to \$25,000
<b>Especially Aggravated Kidnapping*</b>	False imprisonment of a minor (except by a parent of the minor): 1) Accomplished with a deadly weapon or by display of any article used or fashioned to lead the victim to reasonably believe it to be a deadly weapon  2) Where the victim was under the age 13 at the time of the removal or confinement  3) Committed to hold the victim for ransom or reward, or as a shield or hostage  4) Where the victim suffers serious bodily injury	15-60 years and fine of up to \$50,000
<b>Sexual Battery by an Authority Figure*</b>	Unlawful sexual contact with a victim by the defendant or the defendant by a victim where 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 position of trust or power to accomplish the sexual contact or 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 and either: 1) The victim was, at the time of the offense, 13 years or older but less than 18 years, or  2) The victim was, at the time of the offense, mentally defective, mentally incapacitated or physically helpless, regardless of age	3-15 years and fine of up to \$10,000

## TENNESSEE

Crime	Description	Penalty
<b>Solicitation of a Minor*</b>	Being 18 years or older, by means of oral, written or electronic communication, electronic mail or Internet services, directly or through another, intentionally commanding, requesting, hiring, persuading, inviting or attempting to induce a person whom the person making the solicitation knows, or should know, is less than 18 years or soliciting a law enforcement officer posing as a minor, and whom the person making the solicitation reasonably believes to be less than 18 years of age, to engage in conduct that, if completed, would constitute a violation by the soliciting adult of 1 or more of the following offenses: rape, rape of a child, aggravated rape, aggravated sexual battery, sexual battery by an authority figure, sexual battery, statutory rape, especially aggravated sexual exploitation of a minor, or sexual activity involving a minor	1 offense classification lower than the most serious crime solicited
<b>Criminal Exposure to HIV*</b>	Knowing that the person is infected with HIV, knowingly: 1) Engaging in intimate contact with another  2) Transferring, donating, or providing blood, tissue, semen, organs, or other potentially infectious body fluids or parts for transfusion, transplantation, insemination, or other administration to another in any manner that presents a significant risk of HIV transmission  3) Dispensing, delivering, exchanging, selling, or in any other way transferring to another any non-sterile intravenous or intramuscular drug paraphernalia	3-15 years and fine of up to \$10,000
<b>Statutory Rape by an Authority Figure*</b>	Unlawful sexual penetration of a victim by the defendant or of the defendant by the victim where 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 position of trust or power to accomplish the sexual penetration or the defendant had, at the time of the offense, parental or custodial authority over the victim and used the authority to accomplish the sexual penetration, and the victim is at least 13 but less than 18 years and the defendant is at least 4 years older than the victim	3-15 years and fine of up to \$10,000
<b>Incest*</b>	Engaging in sexual penetration with a person, knowing the person to be, without regard to legitimacy the person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child or the person's brother or sister of the whole or half-blood or by adoption	3-15 years and fine of up to \$10,000

### B. Risk Assessment

- No Statutory Provisions

## TENNESSEE

### C. Registration

(For complete information, see Tennessee Code Annotated, Title 40, Chapter 39)

Registration	
<b>Year Enacted</b>	2004
<b>Responsible Agency</b>	Tennessee Bureau of Investigation
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt, solicitation or conspiracy to commit an offense listed in Part A 3) Criminal responsibility for, facilitating the commission of, or being an accessory after the fact to, an offense listed in Part A
<b>Information Collected</b>	Complete name and all aliases; Date and place of birth; Social security number; State of issuance and identification number of any valid driver license or licenses, or if no valid driver license card is held, any state or federal government issued identification card; 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; Sexual offenses or violent sexual offenses for which the registrant has been convicted and the county and state of each conviction; Name of any current employers and length of employment, including physical addresses and phone numbers; 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; Mailing address, if different from physical address; Any vehicle, mobile home, trailer, or manufactured home, used or owned by an offender, including descriptions, vehicle identification numbers, and license tag numbers; Any vessel, live-aboard vessel, or houseboat used by an offender, including the name of the vessel, description, and all identifying numbers; 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; Race and gender; Name, address, and phone number of offender's closest living relative; Whether victims of the offender's convictions are minors or adults, 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; Whether any minors reside in the primary or secondary residence; and any other registration, verification, and tracking information, including fingerprints and a current photograph of the offender, vehicles and vessels as may be required by rules promulgated by the TBI
<b>Reporting Frequency</b>	Annually and within 48 hours of a any change in address or a material change in employment or vocational status Violent Sexual Offenders (those convicted of a violent sexual offense): Every three months and within 48 hours of any change in address or a material change in employment or vocational status
<b>Duration</b>	10 years (petition for removal required) Violent sexual offenders and those convicted of more than 1 sex offense: Life
<b>Penalties for Non-Compliance</b>	1-6 years and fine of up to \$3,000 with mandatory minimums as described below: 1 <sup>st</sup> Offense: At least 90 days and fine of at least \$350 2 <sup>nd</sup> Offense: At least 180 days and fine of at least \$600 3 <sup>rd</sup> Offense: At least 1 year and fine of at least \$1,100

# TENNESSEE

## **D. Community Notification**

(For complete information, see Tennessee Code Annotated, Title 40, Chapter 39)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public (in the same manner as other public records)	All registered offenders	Name, as well as any aliases; date of birth; offenses of which the offender has been convicted; primary and secondary addresses, including the house number, county, city, and ZIP code in which the offender resides; race and gender; date of last verification of information; most recent photograph submitted to the TBI; driver's license number and issuing state, or any state or federal issued identification number; name of parole or probation officer; name and address of any institution of higher education in the state at which the offender is employed, carries on a vocation or is a student
Public Internet Registry	Members of the Public	All registered offenders	As above
Telephone Hotline	Members of the Public	All registered offenders	As above

## **E. Required Residency Restrictions**

(For complete information, see Tennessee Code Annotated, Title 40, Chapter 39)

Restriction Applies To	Type of Restriction
Registered offenders whose victim was a minor	Prohibition from knowingly establishing a primary or secondary residence or any other living accommodation within 1,000 feet 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
	Except for parents (under certain circumstances) prohibition from establishing a primary or secondary residence or any other living accommodation where a minor resides
All registered offenders	Prohibition from knowingly residing within 1,000 feet of the property line on which the offender's former victims, or the victims' immediate family members, reside

## **F. Required Employment Restrictions**

(For complete information, see Tennessee Code Annotated, Title 40, Chapter 39)

Restriction Applies To	Type of Restriction
Registered offenders whose victim was a minor	Prohibition from knowingly accepting employment within 1,000 feet 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

# TENNESSEE

## **G. Required Electronic Monitoring**

- No Statutory Provisions

## **H. Civil Commitment**

- No Statutory Provisions

## **I. Other Restrictions**

(For complete information, see Tennessee Code Annotated, Title 40, Chapter 39)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
Registered offenders whose victim was a minor	Prohibition from knowingly obtaining sexual offender treatment or attending a sexual offender treatment program within 1,000 feet 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
All registered offenders	Prohibition from knowingly coming within 100 feet of any of the offender's former victims, except as otherwise authorized by law

**TEXAS**

**TEXAS**

**A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Texas Penal Code, Chapters 20-22, 25, 30, 33 and 43 and Texas Code of Criminal Procedure, Chapter 62)

Crime <sup>266</sup>	Description	Penalty
<b>Continuous Sexual Abuse of a Young Child or Children*</b>	During a period that is 30 or more days in duration, committing two or more acts of sexual abuse (committing certain sex offenses) and at the time of the commission of each of the acts, the actor is 17 years of age or older and the victim is a child younger than 14 years	Life or 25-99 years and a fine of up to \$10,000
<b>Indecency with a Child*</b>	1) Engaging in sexual contact (any touching of the anus, breast, or any part of the genitals of a child or any touching of any part of the body of a child with the anus, breast, or any part of the genitals of a person with intent to arouse or gratify the sexual desire of any person) with a child younger than 17 years who is not the person's spouse or causing the child to engage in sexual contact	2-20 years and fine of up to \$10,000
	2) With a child younger than 17 years who is not the person's spouse and with intent to arouse or gratify the sexual desire of any person, exposing the person's anus or any part of the person's genitals, knowing the child is present, or causing the child to expose the child's anus or any part of the child's genitals	2-10 years and fine of up to \$10,000
<b>Sexual Assault*</b>	1) Intentionally or knowingly causing : a) the penetration of the anus or sexual organ of another person by without consent b) the penetration of the mouth of another person by the sexual organ of the actor without consent, or c) the sexual organ of another person without consent to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor	2-20 years and fine of up to \$10,000
	2) Intentionally or knowingly causing: a) the penetration of the anus or sexual organ of a child b) the penetration of the mouth of a child by the sexual organ of the actor c) the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor d) the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor, or e) the mouth of a child to contact the anus or sexual organ of another person, including the actor	
	3) Sexual assault where the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under the law of Bigamy	5-99 years and fine of up to \$10,000

<sup>266</sup> Offenses marked with an asterisk (\*) are also classified as sexually violent offenses. In addition, for most offenses, affirmative defenses apply based on the age difference between the defendant and victim, the circumstances of the offense, and whether or not the defendant was required to register or has a prior conviction.



## TEXAS

Crime	Description	Penalty
<b>Aggravated Sexual Assault*</b>	1) Sexual assault where the person <ul style="list-style-type: none"> <li>a) causes serious bodily injury or attempts to cause the death of the victim or another person</li> <li>b) by acts or words places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person</li> <li>c) by acts or words occurring in the presence of the victim threatens to cause the death, serious bodily injury, or kidnapping of any person</li> <li>d) uses or exhibits a deadly weapon</li> <li>e) acts in concert with another who engages in sexual assault directed toward the same victim, or</li> <li>f) administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense</li> </ul>	5-99 years and fine of up to \$10,000
	2) Sexual assault where the victim is younger than 14 years of age  3) Sexual assault where the victim is an elderly individual or a disabled individual	
	Aggravated sexual assault where either <ul style="list-style-type: none"> <li>1) the victim is younger than 6 years, or</li> <li>2) the victim is younger than 14 years and any of the circumstances described in 1) above apply</li> </ul>	25-99 years and fine of up to \$10,000
<b>Prohibited Sexual Conduct</b>	1) Engaging in sexual intercourse or deviate sexual intercourse with another person the actor knows to be the actor's ancestor or descendant by blood or adoption, the actor's current or former stepchild or stepparent, the actor's parent's brother or sister of the whole or half blood, the actor's brother or sister of the whole or half blood or by adoption, or the children of the actor's brother or sister of the whole or half blood or by adoption	2-20 years and fine of up to \$10,000
	2) Engaging in sexual intercourse or deviate sexual intercourse with another person the actor knows to be the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption	2-10 years and fine of up to \$10,000
<b>Compelling Prostitution</b>	Knowingly causing another by force, threat, or fraud to commit prostitution, or causing by any means a person younger than 17 years to commit prostitution	2-20 years and fine of up to \$10,000
<b>Sexual Performance by a Child*</b>	1) Knowing the character and content thereof, employing, authorizing, or inducing a child younger than 18 years to engage in sexual conduct or a sexual performance (any play, motion picture, photograph, dance, or other visual representation that includes sexual conduct) or being a parent or legal guardian or custodian of a child younger than 18 years consenting to the participation by the child in a sexual performance	2-20 years and fine of up to \$10,000
	2) Sexual performance by a child as described in 1) above where the victim is younger than 14 years	5-99 years and fine of up to \$10,000

## TEXAS

Crime	Description	Penalty
<b>Sexual Performance by a Child (cont.)*</b>	3) Knowing the character and content of the material, producing, directing, or promoting a performance that includes sexual conduct by a child younger than 18 years of age	2-10 years and fine of up to \$10,000
	4) Sexual performance by a child as described in 2) above where the victim is younger than 14 years	2-20 years and fine of up to \$10,000
<b>Possession or Promotion of Child Pornography</b>	1) Knowingly or intentionally possessing visual material that visually depicts a child younger than 18 years engaging in sexual conduct and the person knows that the material depicts the child	2-10 years and fine of up to \$10,000
	2) Knowingly or intentionally promoting or possessing with intent to promote visual material that visually depicts a child younger than 18 years engaging in sexual conduct and the person knows that the material depicts the child	2-20 years and fine of up to \$10,000
<b>Aggravated Kidnapping*</b>	Intentionally or knowingly abducting another person with the intent to violate or abuse the person sexually	5-99 years and fine of up to \$10,000
<b>Indecent Exposure (Second Offense)</b>	Exposing his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person being reckless about whether another is present who will be offended or alarmed by his act	2 <sup>nd</sup> Offense: Up to 180 days and/or fine of up to \$500
<b>Online Solicitation of a Minor</b>	1) Being 17 years or older and with the intent to arouse or gratify the sexual desire of any person, the person, over the Internet, by electronic mail or text message or other electronic message service or system, or through a commercial online service, intentionally: <ul style="list-style-type: none"> <li>a) communicating in a sexually explicit manner with a minor (person representing themselves to be under 17 years or who actor believes to be under 17 years), or</li> <li>b) distributing sexually explicit material to a minor</li> </ul>	2-10 years and fine of up to \$10,000
	2) Online solicitation of a minor as described above where the minor is younger than 14 years or whom the actor believes to be younger than 14 years	2-20 years and fine of up to \$10,000
	3) Over the Internet, by electronic mail or text message or other electronic message service or system, or through a commercial online service, knowingly soliciting a minor to meet another person, including the actor, with the intent that the minor will engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person	

### **B. Risk Assessment:**

(For complete information, see Texas Code of Criminal Procedure, Chapter 62)

Risk Assessment	
<b>Applies to</b>	Community Notification
<b>Responsible Agency</b>	Risk Assessment Review Committee (established by the Texas Department of Criminal Justice)
<b>Assessment Tool/Scale Used</b>	At the discretion of the Committee; may select an existing tool or develop a new tool
<b>Appealable?</b>	No

## TEXAS

Risk Assessment	
<b>Risk Levels Utilized</b>	Level 1: Low (person poses a low danger to the community and will not likely engage in criminal sexual conduct) Level 2: Moderate (person poses a moderate danger to the community and might continue to engage in criminal sexual conduct) Level 3: High (person poses a serious danger to the community and will continue to engage in criminal sexual conduct)
<b>Assessment Details</b>	Risk level must be determined prior to a sex offender's release from prison or by the Court if the offender receives a non-prison sentence; Risk level governs community notification requirements

### C. Registration

(For complete information, see Texas Code of Criminal Procedure, Chapter 62)

Registration	
<b>Year Enacted</b>	1991
<b>Responsible Agency</b>	Department of Public Safety
<b>Eligible Offenses/Statutes<sup>267</sup></b>	1) All offenses listed in Part A above 2) Burglary if committed with the intent to commit an offense listed in Part A <sup>268</sup> 3) Unlawful restraint, kidnapping, or aggravated kidnapping (other than as described in Part A) where there is an affirmative finding that the victim or intended victim was under 17 years at the time of the offense 4) Attempt, conspiracy or solicitation to commit a registrable offense (except indecent exposure)
<b>Information Collected</b>	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; a recent color photograph or, if possible, an electronic digital image of the person and a complete set of the person's fingerprints; the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received; an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision; an indication of each license, that is held or sought by the person; 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 any other information required by the department
<b>Reporting Frequency</b>	Annually and within 7 days of any change in address Those convicted of two or more sexually violent offenses: Every 90 days and within 7 days of any change in address
<b>Duration</b>	10 years: Offenders convicted of prohibited sexual conduct, indecent exposure, online solicitation of a minor and any attempt, conspiracy or solicitation to commit a sex offense Life: All other offenders
<b>Penalties for Non-Compliance</b>	10 year registrants: 180 days – 2 years and fine of up to \$10,000 Lifetime registrants who must report annually: 2-10 years and fine of up to \$10,000 Lifetime registrants who must report every 90 days: 2-20 years and fine of up to \$10,000 Civilly committed offenders: 2-20 years and fine of up to \$10,000 (2 <sup>nd</sup> Offense: Enhancement of one penalty level)

<sup>267</sup> Certain young adult sex offenders are eligible to petition the court to be exempt from registration requirements.

<sup>268</sup> Also classified as a sexually violent offense.

## TEXAS

### D. Community Notification

(For complete information, see Texas Code of Criminal Procedure, Chapter 62)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public, upon request	All sex offenders	All information in the registry except for social security number, driver's license number, telephone number or information that would identify the victim
Mandatory Notification	Licensing Authorities	All sex offenders who hold or seek a license issued by the authority	As above
	Each address, within a one-mile radius, or a three-block area of the place where the offender intends to reside	Level 3 Offenders and Civilly Committed Offenders	
	Superintendent of the public school district and to the administrator of any private primary or secondary school located in the public school district in which the offender intends to reside by mail to the office of the as appropriate; Superintendent shall then release the information contained in the notice to appropriate school district personnel	1) Offenses where the victim was under 17 or a student enrolled in a secondary school 2) The offender is a student enrolled in a secondary school <sup>269</sup> 3) Offenders required to register for the offenses of Sexual Performance by a Child or Possession or Promotion of Child Pornography	Any information contained in the registry the authority determines is necessary to protect the public, except the person's social security number, driver's license number, or telephone number, and any information that would identify the victim of the offense
Discretionary Notification	Members of the Public	Level 3 Offenders	All information in the registry except for social security number, driver's license number, telephone number or information that would identify the victim; Notification in any manner determined appropriate by the local law enforcement authority, including publishing notice in a newspaper or other periodical or circular in circulation in the area where the person intends to reside, holding a neighborhood meeting, posting notices in the area where the person intends to reside, distributing printed notices to area residents, or establishing a specialized local website
Public Internet Registry	Members of the Public	All sex offenders	All information in the registry except for social security number, driver's license number, telephone number or information that would identify the victim

<sup>269</sup> This type of notification does not apply to those required to register for prohibited sexual conduct.

## TEXAS

### E. Required Residency Restrictions

- No Statutory Provisions

### F. Required Employment Restrictions

- No Statutory Provisions

### G. Required Electronic Monitoring

- No Statutory Provisions

### H. Civil Commitment

(For complete information, see Texas Health and Safety Code, Chapter 841)

Commitment Applies To	Treatment Setting	Period of Confinement
Repeat sexually violent offenders suffering from a behavioral abnormality that makes them likely to engage in a predatory act of sexual violence	Community Outpatient Setting	Indeterminate

### I. Other Restrictions

(For complete information, see Texas Code of Criminal Procedure, Chapter 42)

Applicable to:	Type of Restriction
Sex offenders on community supervision whose offense involved a child victim	Prohibition from going within 1,000 feet of a premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, or video arcade facility
	Prohibition on supervising or participating in any program that includes as participants or recipients persons who are 17 years or younger and that regularly provides athletic, civic, or cultural activities

## UTAH

## UTAH

### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Utah Code Title 76, Chapters 4, 5, 5a, 7, 9 and 10; Title 77, Chapter 27)

Crime	Description	Penalty <sup>270</sup>
<b>Enticing a Minor</b>	1) Using the Internet or text messaging to solicit, seduce, lure, or entice a minor or another person that the actor believes to be a minor to engage in any sexual activity which is a violation of state criminal law, or to initiate contact with intent to engage in illegal sexual activity that is a first degree felony	1 <sup>st</sup> Offense: 1-15 years 2 <sup>nd</sup> Offense: 3 years – Life
	2) Enticing a minor with intent to commit a second degree felony	Up to 5 years
	3) Enticing a minor with intent to commit a third degree felony	Up to 1 year
<b>Voyeurism</b>	1) Using a camera or video equipment of any type to secretly or surreptitiously videotape, film, photograph, record, or view by electronic means an individual for the purpose of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing, without the knowledge or consent of the individual, under circumstances in which the individual has a reasonable expectation of privacy	Up to 1 year
	2) Voyeurism as described in 1) above where the victim is under 14 years	Up to 5 years
	3) Under circumstances not amounting to a violation of section 1), viewing an individual under 14 years, with or without the use of any instrumentality with the intent of viewing any portion of the individual's body under circumstances in which the individual has a reasonable expectation of privacy	Up to 1 year
	4) Distributing or selling of any images, including in print, electronic, magnetic, or digital format, obtained under section 1) by transmission, display, or dissemination	Up to 5 years
	5) Voyeurism as described in 4) above where the victim is under 14 years	1-15 years
<b>Unlawful Sexual Activity with a Minor</b>	Engaging in sexual intercourse (or penetration) with a victim aged 14-15 years (when it does not constitute another offense such as rape) except where the offender is less than 4 years older than the victim	Up to 5 years
<b>Sexual Abuse of a Child or Aggravated Sexual Abuse of a Child</b>	<b>Sexual Abuse of a Child</b> 1) Touching the genitals (broadly defined) or otherwise taking indecent liberties with a child under age 14, or causing a child to take indecent liberties with another with intent to cause pain or arousal	1-15 years

<sup>270</sup> Utah has indeterminate sentencing, with mandatory minimum sentences for some violent sex offenses. Except when a recidivist is involved (see below), if a court finds that a lesser term is in the interests of justice and states the reasons for this finding on the record, the court may impose a lower term of imprisonment than the mandatory term. When not identified as “mandatory,” the sentence listed is the range listed in the 2008 Adult Sentencing Guidelines, available online at <http://www.sentencing.state.ut.us/>. The guidelines take into account criminal history and other mitigating or aggravating factors, and do not create any right or expectation on behalf of the offender. In addition, for repeat and habitual sex offenders, the maximum penalty for the new offense is increased by 5 years for each conviction of a prior, separate offense.

## UTAH

Crime	Description	Penalty
<b>Sexual Abuse of a Child or Aggravated Sexual Abuse of a Child (cont.)</b>	<b>Aggravated Sexual Abuse of a Child</b> 2) Sexual abuse of a child as described above where either: a) offense was committed with a dangerous weapon or by force or threat of harm, or was committed during the course of a kidnapping b) the offense caused bodily injury or severe psychological injury to the victim the offenders was a stranger to the victim or made friends with the victim for the purpose of committing the offense c) the offender used, showed, or displayed pornography or caused the victim to be photographed in a lewd condition during the course of the offense d) the offender was previously convicted of a sexual offense e) there were multiple victims from the same incident f) the offender had committed, in Utah or elsewhere, more than five separate acts, which if committed in Utah would constitute an offense described in this chapter g) the offense was committed by a person who occupied a position of special trust in relation to the victim who, by reason of that position is able to exercise undue influence over the victim; includes, but is not limited to, a youth leader or recreational leader who is an adult, adult athletic manager, adult coach, teacher, counselor, religious leader, doctor, employer, foster parent, baby-sitter, adult scout leader, natural parent, stepparent, adoptive parent, legal guardian, grandparent, aunt, uncle, or adult cohabitant of a parent h) the offender encouraged, aided, allowed, or benefited from acts of prostitution or sexual acts or performance by the victim, or i) the offender caused the penetration, however slight, of the genital or anal opening of the child by any part or parts of the human body other than the genitals or mouth	1 <sup>st</sup> Offense: 15 years - Life (mandatory sentence) 2 <sup>nd</sup> Offense (Recidivist) <sup>271</sup> : Life without Parole (mandatory sentence)
	3) Aggravated sexual abuse of a child where the offense resulted in serious injury to another	Life without Parole (mandatory sentence)
<b>Unlawful sexual conduct with a 16 or 17 Year Old</b>	1) Engaging in sexual intercourse or another sexual act including penetration (which does not constitute a violent sexual offense such as rape), with offender who is 10 or more years older than victim aged 16 or 17 years	Up to 5 years
	2) Touching genitals or otherwise taking indecent liberties with victim aged 16 or 17 years by offender 10 or more years older	Up to 1 year
<b>Rape</b>	1) Engaging in sexual intercourse with another person without the victim's consent	1 <sup>st</sup> Offense: 5 years – life
	2) (Object Rape) Penetration without consent of a victim aged 14 or older by a foreign object or body part other than the mouth or genitals, with intent to arouse or cause pain	2 <sup>nd</sup> Offense (Recidivist): Life without Parole (mandatory sentence)
	3) Rape where the offense caused serious injury	15 years – Life (mandatory sentence)

<sup>271</sup> A recidivist is a person previously convicted of a grievous sexual offense: rape, rape of child, object rape (adult or child), forcible sodomy, sodomy on child, aggravated sexual abuse of child, aggravated sexual assault, child or aggravated kidnapping.

## UTAH

Crime	Description	Penalty
<b>Rape of a Child</b>	1) Engaging in sexual intercourse with a child under 14 years	1 <sup>st</sup> Offense: 25 years - Life (mandatory sentence)
	2) (Object Rape of a Child) Penetration (or genital touching) of a child under 14 years by a foreign object, with intent to arouse or cause pain	2 <sup>nd</sup> Offense (Recidivist): Life without Parole (mandatory sentence)
	3) Rape of a child where the offense caused serious injury	Life without Parole (mandatory sentence)
<b>Forcible Sodomy</b>	1) Committing sodomy (sexual act involving genitals of one person and mouth or anus or another) upon another aged 14 years or older without the other's consent	1 <sup>st</sup> Offense: 5 years - Life 2 <sup>nd</sup> Offense (Recidivist): Life without Parole (mandatory sentence)
	2) Forcible sodomy where the offense caused serious injury	15 years – Life (mandatory sentence)
<b>Sodomy on a Child</b>	1) Engaging in sodomy with a child under age 14	1 <sup>st</sup> Offense: 25 years - Life (mandatory sentence) 2 <sup>nd</sup> Offense (Recidivist): Life without Parole (mandatory sentence)
	2) Sodomy with a child where the offense caused serious injury	Life without Parole (mandatory sentence)
<b>Forcible Sexual Abuse</b>	1) Touching the genitals or taking indecent liberties with another with intent to cause pain or arousal , without the consent of victim aged 14 years or older (when this does not constitute a violent sexual offense such as rape)	1 - 15 years (mandatory sentence)
	2) Forcible sexual abuse where the offense caused serious injury	15 years – Life (mandatory sentence)
<b>Sexual Abuse of a Minor</b>	Touching the genitals or taking indecent liberties with a victim aged 14 or 15 years with intent to cause pain or arousal, when this does not constitute a violent sexual offense such as rape, and offender is 7 or more years older than victim)	Up to 1 year
<b>Aggravated Sexual Assault</b>	1) While in the course of (or attempt to commit) a rape, object rape, forcible sodomy, forcible sexual abuse: a) causing bodily injury to the victim that does not amount to serious bodily injury b) using or threatening the victim with use of a dangerous weapon c) compelling or attempting to compel by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person, or d) being aided or abetted by one or more persons	1 <sup>st</sup> Offense: 15 years – Life (mandatory sentence) 2 <sup>nd</sup> Offense (Recidivist): Life without Parole (mandatory sentence)
	2) Aggravated sexual assault where the offense caused serious injury	Life without Parole (mandatory sentence)



## UTAH

Crime	Description	Penalty
<b>Sexual Exploitation of a Minor</b>	1) Producing, distributing, or possessing child pornography  2) Being the parent or guardian of victim, consenting or permitting that minor to be sexually exploited	1-15 years
<b>Incest</b>	Under circumstances not amounting to rape, rape of a child or aggravated sexual assault, having sexual intercourse with a person whom he knows to be an ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin	Up to 5 years
<b>Lewdness involving a Child</b>	1) Under circumstances not amounting to rape of a child, object rape of a child, sodomy upon a child, sexual abuse of a child, aggravated sexual abuse of a child, or an attempt to commit any of those offenses, intentionally or knowingly doing any of the following to or in the presence of a child who is under 14 years: a) performing an act of sexual intercourse or sodomy b) exposing his or her genitals either in a public place or in a private place under circumstances the person should know will likely cause affront or alarm or with the intent to arouse or gratify the sexual desire c) masturbating d) causing a child under 14 years to expose his or her genitals with the intent to arouse or gratify sexual desire (when not amounting to sexual exploitation of a child), or e) performing any other act of lewdness	Up to 1 year
	2) Lewdness involving a child where the offender is already a registered sex offender	Up to 5 years
<b>Aggravated Exploitation of Prostitution</b>	1) Using any force, threat, or fear against any person in committing an act of exploiting prostitution  2) Engaging in prostitution when the person procured, transported, or persuaded or with whom he shares the proceeds of prostitution is under 18 years or is the wife of the offender	1-15 years
<b>Kidnapping</b>	Without authority of law, and against the will of the victim (including without the consent of the legal guardian or custodian of a victim who is a mentally incompetent person): a) detaining or restraining the victim for any substantial period of time b) detaining or restraining the victim in circumstances exposing the victim to risk of bodily injury c) holding the victim in involuntary servitude d) detaining or restraining a minor without the consent of the minor's parent or legal guardian if the minor is 14 years or older but younger than 18 years, or e) moving the victim any substantial distance or across a state line	1-15 years
<b>Child Kidnapping</b>	1) Seizing, confining, detaining, or transporting a child under the 14 years without the consent of the victim's parent or guardian, without authority of law, and by any means and in any manner	1 <sup>st</sup> Offense: 15 years – Life (mandatory sentence) 2 <sup>nd</sup> Offense (Recidivist): Life without Parole (mandatory sentence)

## UTAH

Crime	Description	Penalty
<b>Child Kidnapping (cont.)</b>	2) Child kidnapping where the offense caused serious injury	Life without Parole (mandatory sentence)
<b>Aggravated Kidnapping</b>	1) Committing unlawful detention or kidnapping where either the defendant possesses, uses, or threatens to use a dangerous weapon, or the intent of kidnapping is to: a) hold the victim for ransom or reward, or as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct b) facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony c) hinder or delay the discovery of or reporting of a felony d) inflict bodily injury on or to terrorize the victim or another e) interfere with the performance of any governmental or political function, or f) commit a sexual offense	1 <sup>st</sup> Offense: 15 years - Life 2 <sup>nd</sup> Offense (Recidivist): Life without Parole (mandatory sentence)
	2) Aggravated kidnapping where the offense caused serious injury	Life without Parole (mandatory sentence)
<b>Unlawful Detention</b>	Detaining or restraining the victim without authority of law against the will of the victim under circumstances not constituting kidnapping, child kidnapping or aggravated kidnapping	Up to 6 months

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Utah Code, Title 77, Chapter 27)

Registration	
<b>Year Enacted</b>	1987
<b>Responsible Agency</b>	Utah Department of Corrections
<b>Eligible Offenses/Statutes</b>	All offenses listed in Part A above
Information Collected	All names and aliases; addresses of primary and secondary residences; a physical description (including the offender's date of birth, height, weight, eye and hair color); identifiers (make, model, color, year, plate number, VIN) of any vehicle or vehicles the offender owns or regularly drives; current photograph, fingerprints, DNA specimen; phone numbers and numbers for other electronic communication such as pagers; Internet identifiers and the addresses the offender uses for Internet communications or postings, the name and Internet address of all websites on which the sex offender is registered using an online identifier, and all online identifiers and passwords used to access those websites; copy of the offender's passport; if the offender is an alien, all documents establishing the offender's immigration status; all professional licenses including any identifiers such as numbers;

## UTAH

<b>Registration</b>	
<b>Information Collected (cont.)</b>	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; the name and the address of any place where the offender is employed or will be employed or volunteers or will work as a volunteer; Social Security number; crimes convicted of or adjudicated delinquent for; description of offender's primary and secondary targets; any other relevant identifying info.
<b>Reporting Frequency</b>	Every 6 months and within 3 business days of a change of address, employment, school, or vehicle registration
<b>Duration</b>	10 years past the maximum sentence that an offender could serve for that offense (e.g., if the maximum sentence for the crime is 15 years, he is released after 12 years, the time offender is registered post-incarceration is 13 years) Life: Recidivists and those convicted of child kidnapping, except if the offender is a natural parent of the victim; rape; rape of a child; object rape; object rape of a child; sodomy on a child; aggravated sexual abuse of a child; or aggravated sexual assault; a felony violation of enticing a minor over the Internet; aggravated kidnapping, except if the offender is a natural parent of the victim; forcible sodomy; sexual abuse of a child; or sexual exploitation of a minor
<b>Penalties for Non-Compliance</b>	At least 90 days and also at least one year of probation if the offender is required to register for the offender's lifetime or was convicted of certain offenses

### **D. Community Notification**

(For complete information, see Utah Code, Title 77, Chapter 27)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	All registered offenders	All names and aliases past and present, addresses of primary and secondary residences, a physical description (including the offender's date of birth, height, weight, eye and hair color), identifiers (make, model, color, year, plate number) of any vehicle or vehicles the offender owns or regularly drives, current photograph; all professional licenses including any identifiers such as numbers, each educational institution in Utah at which the offender is employed, carries on a vocation, or is a student, crimes for which they have registered as a sex or kidnap offender, and description of primary and secondary targets
Mandatory Notification	Law Enforcement (for institutions of higher education) and District Superintendent of Schools	Registered offenders who are enrolled in or employed at schools	Registration information regarding the offender and their enrollment or employment in school

### **E. Required Residency Restrictions**

## UTAH

- No Statutory Provisions

### **F. Required Employment Restrictions**

- No Statutory Provisions

### **G. Required Electronic Monitoring**

- No Statutory Provisions

### **H. Civil Commitment**

- No Statutory Provisions

### **I. Other Restrictions**

(For complete information, see Utah Code, Title 77, Chapter 27)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
Those convicted of a sex offense against a child	Prohibition from being on premises occupied by any licensed day care or preschool facility, a swimming pool that is open to the public, a public or private primary or secondary school that is not on the grounds of a correctional facility, a community park that is open to the public, or a playground that is open to the public, including those areas designed to provide children space, recreational equipment, or other amenities intended to allow children to engage in physical activity
	Cannot reside or be on foot or vehicle unless allowed to do so
	Where the victim so requests, prohibition from being within 1,000 of the victim's residence

**VERMONT**

**VERMONT**

**A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”\***

(For complete information, see Vermont Statutes Annotated, Title 13, Chapters 28, 55, 59, 64, and 72)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Sexual Assault</b>	1) Sexual act with another person compelling the other person to participate: a) without consent, b) by threat or coercion, or c) by placing person in fear that any person will suffer imminent bodily injury	3 years to life and up to \$25,000 fine
	2) Sexual act with another person and impairing the person by drugging without knowledge or against their will	
<b>Sexual Assault</b>	3) Sexual act with a child under 18 entrusted to the actor’s care by law or is the actor’s child, grandchild, foster child, adopted child, or stepchild	Up to 20 years and up to \$10,000 fine
	4) Sexual act with a child under 16 if a) child is entrusted to the actor’s care by law or is the actor’s child, grandchild, foster child, adopted child, or stepchild or b) actor is at least 18, lives in child’s household and serves in parental role to child	
	5) Sexual act with a child under 16 except where 1) persons are married and act is consensual) or 2) actor is under 19 and the child is at least 15 and the act is consensual	
<b>Aggravated Sexual Assault</b>	Sexual Assault where actor: 1) causes serious bodily injury to victim/other person 2) is joined by 1 or more persons in physically restraining, assaulting or sexually assaulting victim 3) commits sexual act during kidnapping 4) has prior conviction of sexual assault or aggravated sexual assault 5) is armed with deadly weapon or threatens to use a deadly weapon 6) threatens to cause imminent serious bodily injury to victim or another person 7) applies deadly force to victim 8) is at least 18 and victim is under 13 9) subjects victim to repeated nonconsensual sexual acts as part of same occurrence, common scheme or plan	10 years to life and up to \$50,000 fine; 10 year mandatory minimum unless finding on record that downward departure is in the interests of justice and public safety in which case 5 year mandatory minimum
<b>Lewd and Lascivious Conduct</b>	Open and gross lewdness and lascivious behavior	Up to 5 years and/or fine of up to \$300
<b>Kidnapping with Intent to Commit Sexual Assault</b>	Knowing restraint of another person with intent to sexually assault the restrained person or place them or another person in fear that any person will be sexually assaulted	Up to Life and/or up to \$50,000 fine

\* Offenses marked with an asterisk result in classification of the offender as a sex offender, *only when the victim is a minor*. Conduct which is criminal only because of the age of the victim is not an offense for the purposes of registration if the perpetrator is under 18 and the victim is at least 12.

**VERMONT**

Crime	Description	Penalty
<b>Sexual Abuse of a Vulnerable Adult</b>	1) Sexual activity with a vulnerable adult by a person who volunteers for or is paid by a caregiving facility or program	Up to 2 years and/or fine of up to \$10,000.
	2) Sexual activity (lewd and lascivious conduct) with a vulnerable adult if a) vulnerable adult does not consent or b) actor knows the vulnerable adult is incapable of resisting, declining or consenting due to his/her vulnerability or due to fear of retribution or hardship	Up to 5 years and/or up to \$10,000 fine
	Sexual abuse of a vulnerable adult as described in 2) above where actor is a caregiver	Up to 7 years and/or up to \$10,000 fine
	3) Sexual activity (sexual act) with a vulnerable adult if a) vulnerable adult does not consent or b) actor knows the vulnerable adult is incapable of resisting, declining or consenting due to his/her vulnerability or due to fear of retribution or hardship	Up to 10 years and/or up to \$10,000 fine
	Sexual abuse of a vulnerable adult as described in 3) above where actor is a caregiver	Up to 25 years and/or up to \$10,000 fine
<b>Voyeurism</b>	1) Intentional viewing, photographing or recording of intimate areas of another person without knowledge or consent or in a place where he or she would have a reasonable expectation of privacy or under circumstances where a person would have a reasonable expectation or privacy	2 <sup>nd</sup> Offense: Up to 3 years and/or up to \$5,000 fine
	2) Intentional conducting of surveillance or intentional photography, film, or recording of person without knowledge or consent in place with reasonable expectation or privacy in home/residence	
	3) Dissemination of image recorded in violation of (1) above	Up to 5 years and/or up to \$5,000 fine
<b>Lewd and Lascivious Conduct with a Child*</b>	Willful and lewd commission of any lewd or lascivious act upon/with body of a child under 16 with the intent of arousing, appealing to or gratifying the lust, passions, or sexual desires of the actor or child (unless the actor is under 19, the child is at least 15 and the conduct is consensual)	1 <sup>st</sup> Offense: 2-15 years and up to \$5,000 fine 2 <sup>nd</sup> Offense: 5 years to life and up to \$25,000 fine 3 <sup>rd</sup> Offense: 10 years to life and up to \$25,000 fine
<b>White Slave Traffic*</b>	1) Induce, entice or procure a person to enter/leave the state for the purpose of prostitution or for any immoral purpose or to enter a house of prostitution in the state	1-10 years and/or fine of \$200-\$2,000
	2) Knowingly aid such person in obtaining transportation to or within the state for such purposes	
	3) Place a person in the charge or custody of another person for immoral purposes or in a house of prostitution	
	(4) Induce, entice, procure or compel such person to reside in a house of prostitution	
	(5) Induce, entice, procure or compel such person to live a life of prostitution	

## VERMONT

Crime	Description	Penalty
<b>Sexual Exploitation of Children*</b>	<b>1) Use of a child in a sexual performance:</b> With knowledge of character and content, promoting a sexual performance by a child or a performance containing a lewd exhibition of genitals, anus or breasts of a child <i>or</i> hiring, employing, procuring, using, causing or inducing a child to engage in such a performance	1 <sup>st</sup> Offense: Up to 10 years and/or fine of up to \$20,000 2 <sup>nd</sup> Offense: 1-15 years and/or fine of up to \$50,000
	<b>2) Consenting to a sexual performance:</b> Consent by a parent, guardian or custodian of a child, with knowledge of character and content, to participation of child in sexual performance or a performance containing a lewd exhibition of genitals	1 <sup>st</sup> Offense: Up to 10 years and/or fine of up to \$20,000 2 <sup>nd</sup> Offense: 1-15 years and/or fine of up to \$50,000
	<b>3) Promoting a recording of sexual conduct:</b> With knowledge of character and content, promotion of any photography, film or visual recording of sexual conduct by child or lewd exhibition of genitals or anus. Doesn't apply to paintings, drawings, or to non-visual/written descriptions of conduct	1 <sup>st</sup> Offense: Up to 10 years and/or fine of up to \$20,000 2 <sup>nd</sup> Offense: 1-15 years and/or fine of up to \$50,000
	<b>4) Possession of child pornography:</b> a) Possession with knowledge of the character and content, of any photograph, film or visual depiction, including any depiction which is stored electronically, of sexual conduct by a child	1 <sup>st</sup> Offense: Up to 5 years and/or fine of up to \$10,000 2 <sup>nd</sup> Offense: Up to 10 years and/or fine of up to \$50,000
	b) Possession with knowledge of the character and content, of any photograph, film or visual depiction, including any depiction which is stored electronically, of a clearly lewd exhibition of a child's genitals or anus	1 <sup>st</sup> Offense: Up to 2 years and/or fine of up to \$5,000 2 <sup>nd</sup> Offense: Up to 10 years and/or fine of up to \$50,000
	<b>5) Luring a child:</b> Knowingly soliciting, luring or enticing a child under 16 (or attempting to) to engage in sexual act or lewd and lascivious conduct (includes written, telephonic and electronic communication)	Up to 5 years and/or fine of up to \$10,000
<b>Procurement or Solicitation*</b>	Procuring or soliciting or offering to procure/solicit a person for the purpose of prostitution, lewdness or assignation	1 <sup>st</sup> Offense: Up to 1 year and/or fine of up to \$100 2 <sup>nd</sup> Offense: Up to 3 years and fine of up to \$300

### B. Risk Assessment

- No Statutory Provisions

## VERMONT

### C. Registration

(For complete information see Vermont Statutes Annotated, Title 13, Chapter 167)

Registration	
<b>Year Enacted</b>	1996
<b>Responsible Agency</b>	Department of Public Safety
<b>Eligible Offenses/Statutes</b>	1) All Offenses Listed in Part A above 2) Attempt to commit any offense listed in Part A
<b>Information Collected</b>	Name; date of birth; general physical description; current address; Social Security number; fingerprints; current photograph; current employment; conviction record, including offense, date of conviction, sentence and conditions of release or probation
<b>Reporting Frequency</b>	Annually and within 3 days of any change in address, enrollment in or departure from any post-secondary educational institution, name change or change in place of employment Sexually Violent Predators (determined by the Court): Every 90 days
<b>Duration</b>	Ten years from date of discharge from supervision Sexually Violent Predators: Lifetime Registration
Penalties for Non-Compliance	1 <sup>st</sup> Offense: Up to 2 years and/or fine of up to \$1,000 2 <sup>nd</sup> Offense: Up to 3 years and/or fine of up to \$5,000 Failure to comply for more than 5 days: Up to 5 years and/or fine of up to \$5,000

### D. Community Notification

(For complete information see Vermont Statutes Annotated, Title 13, Chapter 167)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
General Notification	Local, state, and federal law enforcement agencies (for lawful law enforcement activities); State and federal governmental agencies (for confidential background checks); Employers, including school district (where disclosure necessary to protect the public); Any person identified as a sex offender in the registry (to ensure accuracy of information)	All Sex Offenders	All information contained in the registry
Victim Notification	At victim's request	All Sex Offenders	Of the initial registration of a sex offender and any time the sex offender changes address, where such disclosure is necessary to protect the victim or the public



## VERMONT

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Normal Notification	Any individual who can articulate a public safety concern regarding themselves or another person	All Sex Offenders	General physical description, date of birth, the date and nature of the offense, whether the offender complied with treatment required by the DOC, whether there is an outstanding warrant for the offender's arrest
Heightened Notification	Any individual	Any Sex Offender whose information is required to be posted on the internet	<p>Known aliases, date of birth, general physical description, town of residence, date and nature of conviction, name and telephone number of local DOC office supervising offender, whether offender complied with treatment required by the DOC, whether there is an outstanding warrant for the offender's arrest, the reason offender is subject to heightened notification</p> <p>Offender address may be released if requestor articulates a public safety concern regarding themselves or another person</p>
Public Internet Registry <sup>272</sup>	Members of the Public	<p>Sex offenders who have:</p> <ol style="list-style-type: none"> <li>1) been convicted of aggravated sexual assault</li> <li>2) been convicted of lewd or lascivious conduct with a child and designated as "high risk" by DOC</li> <li>3) been convicted of kidnapping and sexual assault of a child</li> <li>4) at least one prior conviction for a sex offense</li> <li>5) failed to comply with registration requirements (while warrant outstanding)</li> <li>6) been designated as "sexual predators"</li> <li>7) not complied with sex offender treatment recommended by DOC or who are ineligible for sex offender treatment</li> <li>8) been designated by the DOC as "high risk"</li> </ol>	Name and known aliases, date of birth, general physical description, digital photograph of offender, town of residence, date and nature of conviction, name and telephone number of local DOC office supervising offender, whether offender complied with treatment required by the DOC, whether there is an outstanding warrant for the offender's arrest, the reason offender is subject to heightened notification

<sup>272</sup> Information is not posted on sex offenders who are under age 18.

## **VERMONT**

### **E. Required Residency Restrictions**

- No statutory provisions

### **F. Required Employment Restrictions**

- No statutory provisions

### **G. Required Electronic Monitoring**

- No statutory provisions

### **H. Civil Commitment**

- No statutory provisions

**VIRGINIA**

**VIRGINIA**

**A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Annotated Code of Virginia, Title 18.2, Chapters 4 and 8)

Crime <sup>273</sup>	Description	Penalty <sup>274</sup>
<b>Carnal Knowledge of a Child between 13 and 15 years</b>	1) Carnal knowledge (sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate and inanimate object sexual penetration) without the use of force, of a child 13 years or older but under 15 years	2-10 years and fine of up to \$100,000
	2) Carnal knowledge without the use of force of a child 13 years or older but under 15 years who consents to sexual intercourse where the accused is a minor and the consenting child is 3 years or more the accused's junior	Up to 5 years and/or fine of up to \$2,500
	3) Carnal knowledge without the use of force of a child 13 years or older but under 15 years who consents to sexual intercourse where the accused is a minor and the consenting child is less than 3 years the accused's junior	Fine of up to \$250
<b>Carnal Knowledge of Certain Minors</b>	Being a person providing services 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, having carnal knowledge without the use of force of any minor 15 years or older, when such minor is confined in jail or a juvenile detention facility or has been committed to the custody of the Department of Juvenile Justice and knowing or having good reason to believe that a) such minor is in such confinement status, b) such minor is a ward of the Department of Juvenile Justice, or c) such minor is on probation, furlough, or leave from or has escaped or absconded from such confinement	Up to 5 years and/or fine of up to \$2,500
<b>Possession or Reproduction of Child Pornography</b>	1) Knowingly possessing child pornography	1 <sup>st</sup> Offense: Up to 5 years and/or fine of up to \$2,500 2 <sup>nd</sup> Offense: Up to 10 years and/or fine of up to \$2,500
	2) Reproducing by any means, including by computer, selling, giving away, distributing, electronically transmitting, displaying with lascivious intent, purchasing, or possessing with intent to sell, give away, distribute, transmit, or display child pornography with lascivious intent	1 <sup>st</sup> Offense: 5-20 years 2 <sup>nd</sup> Offense: 5-20 years (5 year mandatory minimum)
<b>Sexual Battery<sup>275</sup></b>	1) Sexually abusing the complaining witness against his/her will by force, threat, intimidation, or ruse	Up to 1 year and/or fine of up to \$2,500

<sup>273</sup> Offenses or elements of offenses marked with an asterisk (\*) are only registrable where the victim is a minor or is physically helpless or mentally incapacitated; Offenses or elements of offenses marked with a v (v) are classified as sexually violent offenses; Certain offenses (so indicated) are only registrable where the offender has at least two prior convictions for the same offense.

<sup>274</sup> Offenders are also subject to increased penalties for second and subsequent offenses.

<sup>275</sup> Sexual battery is a registrable offense when a) the offender has at least two prior convictions for the same offense, or b) the victim is a minor or is physically helpless or mentally incapacitated. Sexual battery is a sexually violent offense where the perpetrator is at least 18 years and the victim is under 6 years.

## VIRGINIA

Crime	Description	Penalty
<b>Sexual Battery (cont.)</b>	<p>2) Sexually abusing an inmate of a jail, or state or local correctional facility where the accused is an employee or contractual employee of, or a volunteer with, the facility or jail, is in a position of authority over the inmate, and knows that the inmate is under the jurisdiction of the facility or jail</p> <p>3) Sexually abusing a probationer, parolee, or a pretrial defendant or post-trial offender under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency, a jail for the purposes of imprisonment, a work program or any other parole/probationary or pretrial services or agency and the accused is an employee or contractual employee of, or a volunteer with, the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a jail; is in a position of authority over an offender; and knows that the offender is under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a jail</p>	Up to 1 year and/or fine of up to \$2,500
<b>Attempt to Commit Certain Sexual Offenses</b>	<p>1) Attempt to commit rape, forcible sodomy, or inanimate or animate object sexual penetration <sup>v</sup></p> <p>2) Attempt to commit aggravated sexual battery <sup>v</sup></p> <p>3) Attempt to commit sexual battery* (3<sup>rd</sup> Offense)</p>	<p>2-10 years and fine of up to \$100,000</p> <p>Up to 5 years and/or fine of up to \$2,500</p> <p>Up to 1 year and/or fine of up to \$2,500</p>
<b>Unlawful Filming, Videotaping or Photographing of another</b>	<p>1) Knowingly and intentionally videotaping, photographing, or filming any nonconsenting person or creating any videographic or still image record by any means whatsoever of the nonconsenting person if either a) that person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks or female breast in a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location, or b) the videotape, photograph, film or videographic or still image record is created by placing the lens or image-gathering component of the recording device in a position directly beneath or between a person's legs for the purpose of capturing an image of the person's intimate parts or undergarments covering those intimate parts when the intimate parts or undergarments would not otherwise be visible to the general public, and when the circumstances are otherwise such that the person being videotaped, photographed, filmed or otherwise recorded would have a reasonable expectation of privacy</p> <p>2) Unlawful filming, videotaping, or photographing a nonconsenting person under 18 years</p>	<p>Up to 1 year and/or fine of up to \$2,500</p> <p>Up to 5 years and/or fine of up to \$2,500</p>
<b>Certain Repeat Sexual Offenses</b>	Committing any of the following acts: sexual battery, attempted sexual battery, causing or encouraging acts rendering children delinquent (consensual intercourse with a child), indecent exposure of himself or procuring another to expose himself, or peeping or spying into a dwelling or enclosure where the perpetrator has previously been convicted of two or more of these offenses in the last 10 years	Up to 5 years and/or fine of up to \$2,500

## VIRGINIA

Crime	Description	Penalty
<b>Sexual Abuse of a Child under 15 years (3<sup>rd</sup> Offense)</b>	Being an adult with lascivious intent, committing an act of sexual abuse with any child 13 years or older but under 15 years	Up to 1 year and/or fine of up to \$2,500
<b>Using a Communication System to Solicit a Child under 15 years</b>	1) Being 18 years or older, using a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting, with lascivious intent, any person he knows or has reason to believe is a child less than 15 years to knowingly and intentionally: <ul style="list-style-type: none"> <li>a) expose his sexual or genital parts to any child to whom he is not legally married or propose that any such child expose his sexual or genital parts to such person</li> <li>b) propose that any such child feel or fondle the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child</li> <li>c) propose to such child the performance of an act of sexual intercourse or the crime against nature (sodomy), or</li> <li>d) entice, allure, persuade, or invite any such child to enter any vehicle, room, house, or other place, for any purposes set forth in the preceding subdivisions</li> </ul>	Up to 10 years and/or fine of up to \$2,500
	2) Using a communication system to solicit a child under 15 years where the person is at least 7 years older than the child	1 <sup>st</sup> Offense: 5-30 years (5 year mandatory minimum) 2 <sup>nd</sup> Offense: 10-40 years (10 year mandatory minimum)
<b>Abduction/Kidnapping*</b>	By force, intimidation or deception, and without legal justification or excuse, seizing, taking, transporting, detaining or secreting the person of another, with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge	Up to 10 years and/or fine of up to \$2,500
<b>Abduction with Intent to Extort Money or for Immoral Purpose <sup>v</sup></b>	1) Abduction with the intent to extort money or pecuniary benefit*	Life or at least 20 years and fine of up to \$100,000
	2) Abduction with the intent to defile the victim	Life or at least 20 years and fine of up to \$100,000
	3) Abduction of any child under 16 years for the purpose of concubinage or prostitution*	(if sentence less than life, additional 40 year suspended sentence)
<b>Crimes Against Nature*</b>	1) Carnal knowledge in any manner of any brute animal or of any male or female person by the anus or by or with the mouth	Up to 5 years and/or fine of up to \$2,500
	2) Performing or causing to be performed cunnilingus, fellatio, anilingus or anal intercourse upon or by his daughter or granddaughter, son or grandson, brother or sister, or father or mother	Up to 10 years and/or fine of up to \$2,500
	3) Performing or causing to be performed cunnilingus, fellatio, anilingus or anal intercourse upon or by his daughter or granddaughter, son or grandson, brother or sister, or father or mother where the child or grandchild is at least 13 years but less than 18 years	5-20 years and fine of up to \$100,000

## VIRGINIA

Crime	Description	Penalty
<b>Incest*</b>	1) Committing adultery or fornication with any person whom he or she is forbidden by law to marry	Up to 1 year and/or fine of up to \$2,500
	2) Committing adultery or fornication with his daughter or granddaughter, or with her son or grandson, or her father or his mother	Up to 10 years and/or fine of up to \$2,500
	3) Committing adultery or fornication with his daughter or granddaughter, or with her son or grandson where the child is at least 13 years but less than 18 years	5-20 years and fine of up to \$100,000
<b>Rape<sup>v</sup></b>	1) Having sexual intercourse with a person or causing a person to engage in sexual intercourse with any other person and such act is accomplished: a) against the person's will, by force, threat or intimidation of or against the victim or another person b) through the use of the victim's mental incapacity or physical helplessness, or c) with a child under age 13 as the victim	Life or at least 5 years
	2) Rape as described in c) above where the offender is more than 3 years older than the victim, if done in the commission of, or as part of the same course of conduct as, or as part of a common scheme or plan as a violation of certain kidnapping and burglary offenses	Life or a term of years (25 year mandatory minimum)
	3) Rape as described in c) above where the offender is more than 3 years older than the victim	Life or a term of years (if sentence less than life, additional 40 year suspended sentence)
<b>Forcible Sodomy<sup>v</sup></b>	1) Engaging in cunnilingus, fellatio, anilingus, or anal intercourse with a person or causing a person to engage in such acts with any other person, and either a) the victim is less than 13 years, or b) the act is accomplished against the will of the victim, by force, threat or intimidation of or against the victim or another person, or through the use of the victim's mental incapacity or physical helplessness	Life or at least 5 years
	2) Forcible sodomy as described in a) above where the offender is more than 3 years older than the victim, if done in the commission of, or as part of the same course of conduct as, or as part of a common scheme or plan as a violation of certain kidnapping and burglary offenses	Life or a term of years (25 year mandatory minimum)
	3) Forcible sodomy as described in a) above where the offender is more than 3 years older than the victim	Life or a term of years (if sentence less than life, additional 40 year suspended sentence)
<b>Object Sexual Penetration<sup>v</sup></b>	1) Penetration of the labia majora or anus of a person with an object or causing a person to so penetrate his or her own body or causing a person to engage in such acts with any other person or to penetrate, or to be penetrated by, an animal, and either: a) the victim is less than 13 years, or b) the act is accomplished against the will of the victim, by force, threat or intimidation of or against the victim or another person, or through the use of the victim's mental incapacity or physical helplessness	Life or at least 5 years

## VIRGINIA

Crime	Description	Penalty
<b>Object Sexual Penetration (cont.)</b>	2) Object sexual penetration as described in a) above where the offender is more than 3 years older than the victim, if done in the commission of, or as part of the same course of conduct as, or as part of a common scheme or plan as a violation of certain kidnapping and burglary offenses	Life or a term of years (25 year mandatory minimum)
	3) Object sexual penetration as described in a) above where the offender is more than 3 years older than the victim	Life or a term of years (if sentence less than life, additional 40 year suspended sentence)
<b>Aggravated Sexual Battery<sup>v</sup></b>	<p>1) Sexually abusing a person less than 13 years</p> <p>2) Sexually abusing a person where the act is accomplished through the use of the complaining witness's mental incapacity or physical helplessness</p> <p>3) Sexually abusing a person where the offender is a parent, step-parent, grandparent, or step-grandparent and the victim is at least 13 but less than 18 years of age</p> <p>4) Sexually abusing a person against their will by force, threat or intimidation, and</p> <p style="margin-left: 20px;">a) the victim is at least 13 but less than 15 years of age</p> <p style="margin-left: 20px;">b) the accused causes serious bodily or mental injury to the victim, or</p> <p style="margin-left: 20px;">c) the accused uses or threatens to use a dangerous weapon</p>	1-20 years and fine of up to \$100,000
<b>Taking Indecent Liberties with a Child<sup>v</sup></b>	<p>1) Being 18 years of age or over, with lascivious intent, knowingly and intentionally committing any of the following acts with a child under 15 years</p> <p style="margin-left: 20px;">a) Exposing his or her sexual or genital parts to any child to whom such person is not legally married or proposing that any such child expose his or her sexual or genital parts to such person</p> <p style="margin-left: 20px;">b) Proposing that any such child feel or fondle the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child</p> <p style="margin-left: 20px;">c) Proposing to such child the performance of an act of sexual intercourse or sodomy</p> <p style="margin-left: 20px;">d) Enticing, alluring, persuading, or inviting any such child to enter any vehicle, room, house, or other place, for any of the purposes set forth in the preceding subdivisions of this section</p> <p>2) Being 18 years of age or over, with lascivious intent, knowingly and intentionally receiving money, property, or any other remuneration for allowing, encouraging, or enticing any person under 18 years to perform in or be a subject of sexually explicit visual material or knowingly encouraging such person to perform in or be a subject of sexually explicit material</p> <p>3) Being a parent, step-parent, grandparent or step-grandparent, taking indecent liberties with a child (or taking indecent liberties with a child by a person in a custodial or supervisory relationship as described in 5) and 6) below) who is at least 15 but less than 18 years</p> <p>4) Being a parent, step-parent, grandparent or step-grandparent, taking indecent liberties with a child (or taking indecent liberties with a child by a person in a custodial or supervisory relationship as described in 5) and 6) below) who is less than 15 years</p>	<p>1<sup>st</sup> Offense: Up to 10 years and/or fine of up to \$2,500</p> <p>2<sup>nd</sup> Offense: 2-10 years and fine of up to \$100,000</p> <p>Up to 10 years and/or fine of up to \$2,500</p> <p>2-10 years and fine of up to \$100,000</p>

## VIRGINIA

Crime	Description	Penalty
<b>Taking Indecent Liberties with a Child by Person in Custodial/Supervisory Relationship</b> <sup>v</sup>	<p>Being 18 years of age or older and maintaining a custodial or supervisory relationship over a child under 18 years (except for spouses) and with lascivious intent, knowingly and intentionally:</p> <ol style="list-style-type: none"> <li>1) Proposing that the child feel or fondle the sexual or genital parts of such person or that such person feel or handle the sexual or genital parts of the child</li> <li>2) Proposing to such child the performance of an act of sexual intercourse or sodomy</li> <li>3) Exposing his or her sexual or genital parts to such child</li> <li>4) Proposing that the child expose his or her sexual or genital parts to such person</li> <li>5) Proposing to the child that the child engage in sexual intercourse, sodomy or fondling of sexual or genital parts with another person, or</li> <li>6) Sexually abusing the child</li> </ol>	<p>1<sup>st</sup> Offense: Up to 5 years and/or fine of up to \$2,500                  2<sup>nd</sup> Offense: Up to 10 years and/or fine of up to \$2,500</p>
<b>Production, Publication, Sale, Financing of Child Pornography</b> <sup>v</sup>	<ol style="list-style-type: none"> <li>1) Accosting, enticing or soliciting a person less than 18 years with intent to induce or force such person to perform in or be a subject of child pornography</li> <li>2) Producing or making or attempting or preparing to produce or make child pornography</li> <li>3) Knowingly taking part in or participating in the filming, photographing, or other production of child pornography by any means</li> <li>4) Knowingly financing or attempting or preparing to finance child pornography</li> </ol>	
	5) Production, publication, sale, or financing of child pornography where the subject is a child less than 15	5-30 years
	6) Production, publication, sale, or financing of child pornography where the subject is a child less than 15 and the offender is at least 7 years older than the subject	<p>1<sup>st</sup> Offense: 5-30 years (5 year mandatory minimum)                  2<sup>nd</sup> Offense: 15-40 years (15 year mandatory minimum)</p>
	7) Production, publication, sale, or financing of child pornography where the subject is a child at least 15 but less than 18 years	1-20 years
	8) Production, publication, sale, or financing of child pornography where the subject is a child at least 15 but less than 18 years and the offender is at least 7 years older	<p>1<sup>st</sup> Offense: 3-30 years (3 year mandatory minimum)                  2<sup>nd</sup> Offense: 10-30 years (10 year mandatory minimum)</p>



# VIRGINIA

## B. Risk Assessment

- No Statutory Provisions

## C. Registration

(For complete information, see Annotated Code of Virginia, Title 9.1, Chapter 9)

Registration	
<b>Year Enacted</b>	2003
<b>Responsible Agency</b>	Department of State Police
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt or conspiracy to commit an offense listed in Part A 3) Criminal Homicide (homicide in conjunction with a violation of, attempted violation of, or conspiracy to commit the crimes of a) causing or encouraging acts rendering children delinquent, or b) abuse or neglect of children) 4) Murder (where the victim is either under 15 years, or is aged 15-18 years and the murder is related to registrable offense) 5) Former offense of Criminal Sexual Assault 6) Entering a Dwelling House with intent to commit Rape 7) Entering a Dwelling House with intent to commit any registerable felony
<b>Information Collected</b>	Name, all aliases, the date and locality of the conviction for which registration is required, fingerprints, photograph, date of birth, social security number, current physical and mailing address and a description of the offense or offenses for which he was convicted; locality of the conviction and a description of the offense or offenses for previous convictions for registrable offenses; DNA sample; electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use; information regarding his place of employment; vehicle registration information for all vehicles owned by him; Persons required to register who are enrolled in or employed at institutions of higher learning: name and location of the institution attended by or employing the registrant
<b>Reporting Frequency</b> <sup>276</sup>	Annually and within 3 days of any name or address change or any change in owned vehicle registration information and within 30 minutes following any change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use and (if applicable) any change in enrollment or employment status with an institution of higher learning <hr/> Sexually Violent Offenders <sup>277</sup> and those convicted of Murder: Every 90 days <hr/> Those convicted of non-compliance: Every 180 days <hr/> Those convicted of non-compliance who were required to register as sexually violent offenders or for murder: Every 30 days

<sup>276</sup> Under certain circumstances, those required to report more frequently than annually may petition the court to have those requirements removed and be allowed to register annually instead.

<sup>277</sup> Those convicted of a sexually violent offense (as indicated in Part A) and those convicted two or more times of: Carnal knowledge of a minor between 13 and 15 years; Carnal knowledge of certain minors; Former offense of Criminal Sexual Assault; Entering a dwelling house with intent to commit rape; and where the victim is a minor or is physically helpless or mentally incapacitated (where not already classified as a sexually violent offense): Abduction; Abduction with intent to extort money or for immoral purpose; Sexual battery; Attempted sexual battery, Crimes against nature (Sodomy); Incest; Reproduction of child pornography; and Entering a dwelling house with intent to commit any registerable felony.

## VIRGINIA

Registration	
<b>Duration</b>	10 years (after which offender may petition the court for relief from registration) Life: Sexually Violent Offenders, those convicted of murder or the former offense of criminal sexual assault, and those convicted of 2 or more registrable offenses
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: Up to 12 months and/or fine of up to \$2,500 2 <sup>nd</sup> Offense: Up to 5 years and/or fine of up to \$2,500 Sexually Violent Offenders and those convicted of Murder: 1 <sup>st</sup> Offense: Up to 5 years and/or fine of up to \$2,500 2 <sup>nd</sup> Offense: Up to 10 years and/or fine of up to \$2,500

### D. Community Notification

(For complete information, see Annotated Code of Virginia, Title 9.1, Chapter 9)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification	Members of the Public, upon request with a statement of the reason for the request	All registered offenders	Information contained in the registry about the specific individual who is the subject of the request
Discretionary Notification	Organizations that offer electronic communication or remote computing services (for the purpose of prescreening users or for comparison with information held by the requesting organization) <sup>278</sup>	All registered offenders	Registry information regarding all registered offender's electronic mail address information, any instant message, chat or other Internet communication name or identity information
Mandatory Notification	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, assisted living facility or foster home, nursing home or certified nursing facility, and any institution of higher education, upon request	All registered offenders	Notice of the registration or re-registration of any sex offender
Public Internet Registry	Members of the Public	All registered offenders	Offender's name; all aliases; the date and locality of the conviction and a brief description of the offense; age, current address and photograph; other information as the State Police determines is necessary to preserve public safety including but not limited to the fact that an individual is wanted for failing to register

<sup>278</sup> In order to obtain the information, the business/organization must agree to notify the Department of State Police when a comparison indicates that any such registered sex offender's electronic mail address information, any instant message, chat or other Internet communication name or identity information is being used on their system.

# VIRGINIA

## **E. Required Residency Restrictions**

(For complete information, see Annotated Code of Virginia, Title 18.2, Chapter 8)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
Adults convicted of certain elements (involving children) of rape, forcible sodomy, and object sexual penetration, committed during the course of abduction or burglary where the offender is at least three years older than the victim	Prohibition from residing within 500 feet of the premises of any place he knows or has reason to know is a child day center or a primary, secondary, or high school

## **F. Required Employment Restrictions**

(For complete information, see Annotated Code of Virginia, Title 18.2, Chapter 8)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
Adults convicted of certain elements (involving children) of rape, forcible sodomy, and object sexual penetration, committed during the course of abduction or burglary where the offender is at least three years older than the victim	Prohibition from working or engaging in any volunteer activity on property he knows or has reason to know is public or private elementary or secondary school or child day center property

## **G. Required Electronic Monitoring**

- No Statutory Provisions

## **H. Civil Commitment**

(For complete information, see Annotated Code of Virginia, Title 37.2, Chapter 9)

<b>Commitment Applies To</b>	<b>Treatment Setting</b>	<b>Period of Confinement</b>
Sexually Violent Predators: Those convicted of a sexually violent offense and who because of a mental abnormality or personality disorder, find it difficult to control their predatory behavior, which makes them likely to engage in sexually violent acts	Secure facility under the control of the Department of Mental Health, Mental Retardation and Substance Abuse Services	Yearly, up to five years after which hearings are held every 2 years

# VIRGINIA

## **I. Other Restrictions**

(For complete information, see Annotated Code of Virginia, Title 18.2, Chapter 8)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
Adults convicted of certain elements of abduction, sodomy and incest where the victim is a minor and certain elements (involving children) of rape, carnal knowledge, forcible sodomy, object sexual penetration, aggravated sexual battery, taking indecent liberties with children, causing or encouraging acts rendering children delinquent, and child pornography	Prohibition from loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or high school or a child day program

**WASHINGTON**

**WASHINGTON**

**A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Revised Code of Washington Annotated, Chapters 9A.44, 9A.64, and 9.68A)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Rape in the First Degree</b>	Engaging in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory: 1) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon, or  2) Kidnaps the victim  3) Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious, or  4) Feloniously enters into the building or vehicle where the victim is situated	Up to Life and/or fine of up to \$50,000 (3 year mandatory minimum)
<b>Rape in the Second Degree</b>	Under circumstances not constituting rape in the first degree, engaging in sexual intercourse with another person: 1) By forcible compulsion  2) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated  3) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim or was providing transportation, within the course of his or her employment, to the victim at the time of the offense  4) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs without consent during a treatment session, consultation, interview, or examination  5) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim  6) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who has a significant relationship with the victim or was providing transportation, within the course of his or her employment, to the victim at the time of the offense	Up to Life and/or fine of up to \$50,000

## WASHINGTON

Crime	Description	Penalty
<b>Rape in the Third Degree</b>	Under circumstances not constituting rape in the first or second degrees, engaging in sexual intercourse with another person, not married to the perpetrator: 1) Where the victim did not consent to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct  2) Where there is threat of substantial unlawful harm to property rights of the victim	Up to 5 years and/or fine of up to \$10,000
<b>Rape of a Child in the First Degree</b>	Sexual intercourse with another who is less than 12 years and not married to the perpetrator and the perpetrator is at least 24 months older than the victim	Up to Life and/or fine of up to \$50,000
<b>Rape of a Child in the Second Degree</b>	Sexual intercourse with another who is at least 12 years but less than 14 years and not married to the perpetrator and the perpetrator is at least 36 months older than the victim	Up to Life and/or fine of up to \$50,000
<b>Rape of a Child in the Third Degree</b>	Sexual intercourse with another who is at least 14 years but less than 16 years old and not married to the perpetrator and the perpetrator is at least 48 months older than the victim	Up to 5 years and/or fine of up to \$10,000
<b>Child Molestation in the First Degree</b>	Having or knowingly causing another person under the age of 18 to have sexual contact with another who is less than 12 years and not married to the perpetrator and the perpetrator is at least 36 months older than the victim	Up to Life and/or fine of up to \$50,000
<b>Child Molestation in the Second Degree</b>	Having or knowingly causing another person under the age of 18 to have sexual contact with another who is at least 12 years but less than 14 years and not married to the perpetrator and the perpetrator is at least 36 months older than the victim	Up to 10 years and/or fine of up to \$20,000
<b>Child Molestation in the Third Degree</b>	Having or knowingly causing another person under the age of 18 to have contact with another who is at least 14 years old but less than 16 years and not married to the perpetrator and the perpetrator is at least 48 months older than the victim.	Up to 5 years and/or fine of up to \$10,000
<b>Sexual Misconduct with a Minor in the First Degree</b>	1) Having or knowingly causing another person under the age of 18 to have sexual intercourse with another person who is at least 16 years but less than 18 years and not married to the perpetrator, if the perpetrator is at least 60 months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of 18 to engage in sexual intercourse with the victim  2) Where the person is a school employee, having or knowingly causing another person under the age of 18 to have sexual intercourse with a registered student of the school who is at least 16 years and not married to the employee, if the employee is at least 60 months older than the student  3) Being a foster parent, having or knowingly causing another person under the age of 18 to have sexual intercourse with his or her foster child who is at least 16	Up to 5 years and/or fine of up to \$10,000

## WASHINGTON

Crime	Description	Penalty
<b>Sexual Misconduct with a Minor in the Second Degree</b>	<p>1) Having or knowingly causing another person under the age of 18 to have sexual contact with another person who is at least 16 years but less than 18 years and not married to the perpetrator, if the perpetrator is at least 60 months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of 18 to engage in sexual contact with the victim</p> <p>2) Where the person is a school employee, having or knowingly causing another person under the age of 18 to have sexual contact with a registered student of the school who is at least 16 years and not married to the employee, if the employee is at least 60 months older than the student</p> <p>3) Being a foster parent having or knowingly causing another person under the age of 18 to have sexual contact with his or her foster child who is at least 16</p>	Up to 1 year and/or fine of up to \$5,000
<b>Indecent Liberties</b>	<p>Knowingly causing another person who is not his or her spouse to have sexual contact with him or her or another:</p> <p>1) By forcible compulsion</p> <p>2) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless</p> <p>3) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim or was providing transportation, within the course of his or her employment, to the victim at the time of the offense</p> <p>4) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs without consent during a treatment session, consultation, interview, or examination</p> <p>5) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim</p> <p>6) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who has a significant relationship with the victim or was providing transportation, within the course of his or her employment, to the victim at the time of the offense</p>	<p>Up to Life and/or fine of up to \$50,000</p> <p>Up to 10 years and/or fine of up to \$20,000</p>
<b>Sexually Violating Human Remains</b>	Having sexual intercourse or sexual contact with a dead human body	Up to 5 years and/or fine of up to \$10,000

## WASHINGTON

Crime	Description	Penalty
<b>Voyeurism</b>	For the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films a) another person without that person's knowledge and consent while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy, or b) the intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place	Up to 5 years and/or fine of up to \$10,000
<b>Custodial Sexual Misconduct in the First Degree</b>	1) Having sexual intercourse with another person when 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 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  2) Having sexual intercourse with a person who is being detained, under arrest, or in the custody of a law enforcement officer and the perpetrator is a law enforcement officer	Up to 5 years and/or fine of up to \$10,000
<b>Custodial Sexual Misconduct in the Second Degree</b>	1) Having sexual contact with another person when 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 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  2) Having sexual contact with a person who is being detained, under arrest, or in the custody of a law enforcement officer and the perpetrator is a law enforcement officer	Up to 1 year and/or fine of up to \$5,000
<b>Incest</b>	1) <b>Incest in the First Degree:</b> Engaging in sexual intercourse with a person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood	Up to 10 years and/or fine of up to \$20,000
	2) <b>Incest in the Second Degree:</b> Engaging in sexual contact with a person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood	Up to 5 years and/or fine of up to \$10,000
<b>Sexual Exploitation of a Minor</b>	1) Compelling a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance  2) Aiding, inviting, employing, authorizing, or causing a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance  3) Being a parent, legal guardian, or person having custody or control of a minor, permitting the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance	Up to 10 years and/or fine of up to \$20,000



## WASHINGTON

Crime	Description	Penalty
<b>Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct</b>	<p>1) Knowingly developing, duplicating, publishing, printing, disseminating, exchanging, financing, attempting to finance, or selling any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct</p> <p>2) Possessing with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct</p>	Up to 5 years and/or fine of up to \$10,000
<b>Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct</b>	Knowingly sending or causing to be sent, or bringing or causing to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct	Up to 5 years and/or fine of up to \$10,000
<b>Possession of Depictions of Minor Engaged in Sexually Explicit Conduct</b>	Knowingly possessing visual or printed matter depicting a minor engaged in sexually explicit conduct	Up to 10 years and/or fine of up to \$20,000
<b>Communication with Minor for Immoral Purposes</b>	1) Communicating with a minor or someone the person believes to be a minor for immoral purposes	1 <sup>st</sup> Offense: Up to 1 year and/or fine of up to \$5,000 2 <sup>nd</sup> Offense (for any felony sex offense): Up to 5 years and/or fine of up to \$10,000
	2) Communication with a minor for immoral purposes through the sending of an electronic communication	Up to 5 years and/or fine of up to \$10,000
<b>Commercial Sexual Abuse of a Minor</b>	<p>1) Paying a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her</p> <p>2) Paying or agreeing to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her</p> <p>3) Soliciting, offering, or requesting to engage in sexual conduct with a minor in return for a fee</p>	Up to 5 years and/or fine of up to \$10,000 and fee of \$550
<b>Promoting Commercial Sexual Abuse of a Minor</b>	Knowingly advancing commercial sexual abuse of a minor or profiting from a minor engaged in sexual conduct	Up to 10 years and/or fine of up to \$20,000
<b>Promoting Travel for Commercial Sexual Abuse of a Minor</b>	Knowingly selling or offering to sell travel services that include or facilitate travel for the purpose of engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in this state	Up to 5 years and/or fine of up to \$10,000
<b>Permitting Commercial Sexual Abuse of a Minor</b>	Having possession or control of premises which he or she knows are being used for the purpose of commercial sexual abuse of a minor, failing without lawful excuse to make reasonable effort to halt or abate such use and to make a reasonable effort to notify law enforcement of such use	Up to 1 year and/or fine of up to \$5,000

## WASHINGTON

Crime	Description	Penalty
Allowing Minor on Premises of Live Erotic Performance	Knowingly allowing a minor to be on the premises of a commercial establishment open to the public if there is a live performance containing matter which is erotic material	Up to 1 year and/or fine of up to \$5,000

### B. Risk Assessment

(For complete information, see Revised Code of Washington Annotated, Chapter 72.09)

Risk Assessment	
<b>Applies to</b>	Community Notification and Other Restrictions
<b>Responsible Agency</b>	Department of Corrections End-of-Sentence Review Committee
<b>Assessment Tool/Scale Used</b>	Not specified
<b>Appealable?</b>	No
<b>Risk Levels Utilized</b>	Risk Level I: Those whose risk assessments indicate a low risk of reoffense within the community at large Risk Level II: Those whose risk assessments indicate a moderate risk of reoffense within the community at large Risk Level III: Those risk assessments indicate a high risk of reoffense within the community at large
<b>Assessment Details</b>	The committee is responsible for assigning risk levels, reviewing available release plans, and making appropriate referrals

### C. Registration

(For complete information, see Revised Code of Washington Annotated, Chapters 9.94A, 9A.44, and 71.09)

Registration	
<b>Year Enacted</b>	1990
<b>Responsible Agency</b>	The Washington Association of Sheriffs and Police Chiefs
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A above 2) Any attempt, solicitation or conspiracy to commit an offense listed in Part A 3) Any felony where there is a finding of sexual motivation 4) Kidnapping in the first or second degree where the victim is a minor and the offender is not the minor's parent 5) Unlawful imprisonment the victim is a minor and the offender is not the minor's parent 6) Any attempt, solicitation or conspiracy to commit kidnapping or unlawful imprisonment
<b>Information Collected</b>	Name, complete residential address, date and place of birth, place of employment, crime for which convicted, date and place of conviction, aliases used, social security number, photograph, and fingerprints; Those without a fixed address must provide information as to where he or she plans to stay
<b>Reporting Frequency</b>	Within 10 days of enrollment/arrival/employment (or termination of enrollment/employment) at a school or institute of higher education; 3 days prior to any change in address within county or 14 days prior to any change in address out of county; 5 days prior to any name change Risk Level II or III: Every 90 days (after 5 years may petition to be relieved of duty to report every 90 days) and as above Those without a fixed address: Weekly and as above

## WASHINGTON

Registration	
<b>Duration</b> <sup>279</sup>	Those convicted of a Class A Felony, or who have at least one prior sex of kidnapping offense: May petition the court after 10 years with no new offenses
	Class B Felony: 15 years
	Class C Felony: 10 years
	Sexually violent predators, <sup>280</sup> those convicted of a Class A Felony with forcible compulsion, those convicted of an aggravated offense <sup>281</sup> or one or more sexually violent offenses <sup>282</sup> or offenses against a minor: <sup>283</sup> Life
<b>Penalties for Non-Compliance</b>	Original Felony Offense: Up to 5 years and/or fine of up to \$10,000
	Original Misdemeanor Offense: Up to 1 year and/or fine of up to \$5,000

<sup>279</sup> Provisions exist for relieving those whose offenses were committed as juveniles of the requirements to register; Those required to register for Life may, after 15 years, petition the court to be relieved of the community notification requirements.

<sup>280</sup> Any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

<sup>281</sup> Any sex offense involving sexual intercourse or contact where the victim is under 12 years; rape of a child in the first degree; child molestation in the first degree; any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct: rape in the second degree, indecent liberties, custodial sexual misconduct in the first degree, incest, or sexual exploitation of a minor; any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct, if the victim is 12 years or over but under 16 years and the offender is 18 years or over and is more than 48 months older than the victim: rape of a child in the second degree, rape of a child in the third degree, child molestation in the second degree, or child molestation in the third degree; a felony with a finding of sexual motivation where the victim is under 12 years or that is committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct; an offense that is an attempt or solicitation to commit such an offense.

<sup>282</sup> An aggravated offense (as described above), rape in the second degree, indecent liberties, and a felony with a finding of sexual motivation where the victim is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct; an offense that is an attempt or solicitation to commit such an offense.

<sup>283</sup> Any aggravated or sexually violent offense where the victim was under 18 years; An adult conviction for the following offenses where the victim is under 18 years: rape in the third degree, rape of a child in the second degree, rape of a child in the third degree, child molestation in the second degree, child molestation in the third degree, sexual misconduct with a minor in the first degree, sexual misconduct with a minor in the second degree, custodial sexual misconduct in the first degree, incest, sexual exploitation of a minor, communication with a minor for immoral purposes, or patronizing a juvenile prostitute; kidnapping in the first or second degree or unlawful imprisonment where the victim is a minor and the offender is not the minor's parent; a felony with a finding of sexual motivation where the victim is a minor; an offense that is an attempt or solicitation to commit such an offense.

## WASHINGTON

### D. Community Notification

(For complete information, see Revised Code of Washington Annotated, Chapters 9A.44 and 4.24)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Notification <sup>284</sup>	1) Where the offenders is a student, the public or private school which the offender is attending, or planning to attend 2) Upon request, any victim or witness to the offense and any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found	Risk Level I, II, and III Offenders	Relevant, necessary, and accurate information contained in the registry
	3) Public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found	Risk Level II and III Offenders	
	4) Members of the Public	Risk Level II Offenders and Homeless and Transient Offenders	
Mandatory Notification	School Principals and Public Safety Departments of Institutions of Higher Education who must disclose it to: a) every teacher of any student required to register, any person who supervises them or who for security purposes should be aware of the student's record	Risk Level II or III Offenders	All information contained in the registry
	b) only those personnel who for security purposes should be aware of the student's record	Risk Level I Offenders	

<sup>284</sup> Notification is authorized 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; Disclosure must be rationally related to the level of risk posed by the offender to the community, the locations where the offender resides, expects to reside, or is regularly found, and the needs of the affected community members for information to enhance their individual and collective safety.

## WASHINGTON

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Public Internet Registry	Members of the Public	Risk Level III Offenders	Information in the registry including but not limited to: name, relevant criminal convictions, address by hundred block, physical description, and photograph; The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map and shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by block
		Risk Level II Offenders and Kidnapping Offenders	As above provided it is permissible under state and federal law
		Risk Level I Offenders who are out of compliance with registration requirements	As above provided it is permissible under state and federal law

### E. Required Residency Restrictions

- No Statutory Provisions

### F. Required Employment Restrictions

- No Statutory Provisions

### G. Required Electronic Monitoring

- No Statutory Provisions

### H. Civil Commitment

(For complete information, see Revised Code of Washington Annotated, Chapter 71.09)

Commitment Applies To	Treatment Setting	Period of Confinement
Sexually Violent Predators	Secure facility operated by the department of social and health services for control, care, and treatment	Indeterminate (annual examination to determine if person continues to meet the definition of sexually violent predator)

## WASHINGTON

### **I. Other Restrictions**

(For complete information, see Revised Code of Washington Annotated, Chapter 9A.44)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
Level II or III registered offenders who commit certain offenses against children <sup>285</sup>	Where the owner, manager, or operator of the facility has requested that the offender leave, prohibition from entering any public facility or private facility whose primary purpose, at any time, is to provide for the education, care, or recreation of a child or children, including but not limited to community and recreational centers, playgrounds, schools, swimming pools, and state or municipal parks

---

<sup>285</sup> Rape of a child in the first, second, and third degree; child molestation in the first, second, and third degree; indecent liberties against a child under age fifteen; sexual misconduct with a minor in the first and second degree; incest in the first and second degree; luring with sexual motivation; possession of depictions of minors engaged in sexually explicit conduct; dealing in depictions of minors engaged in sexually explicit conduct; bringing into the state depictions of minors engaged in sexually explicit conduct; sexual exploitation of a minor; communicating with a minor for immoral purposes; patronizing a juvenile prostitute – Risk Level II or III; any felony offense for which there was a finding that the offense was committed with sexual motivation and the victim of the offense was less than 16 years at the time of the offense (includes attempt and conspiracy).

## WEST VIRGINIA

### WEST VIRGINIA

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see West Virginia Code, Chapter 61, Articles 8B, 8C, 8D, 8-7, 8-12)

Crime	Description	Penalty
<b>Sexual Assault in the First Degree</b>	1) Engaging in sexual intercourse or sexual intrusion with another person and a) inflicting serious bodily injury upon anyone, or b) employing a deadly weapon in the commission of the act	15-35 years or fine of \$1,000 to \$10,000
	2) Being 14 years or older, engaging in sexual intercourse or sexual intrusion with another person who is younger than 12 years and is not married to the offender	
	3) Sexual assault in the first degree where offender is 18 years or older and victim is under 12 years	25-100 years and fine of \$5,000 to \$25,000
	4) Sexual assault in the first degree where offender has previously been convicted of a sexually violent offense <sup>286</sup> against a victim younger than 12 years	50-150 years (no probation)
<b>Sexual Assault in the Second Degree</b>	1) Engaging in sexual intercourse or sexual intrusion with another person a) without consent, when the lack of consent results from forcible compulsion, or b) when that person is physically helpless	10-25 years and/or fine of \$1,000 to \$10,000
	2) Sexual assault in the second degree where offender has previously been convicted of a sexually violent offense against a victim younger than 12 years	30-100 years (no probation)
<b>Sexual Assault in the Third Degree</b>	1) Engaging in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated.	1-5 years or fine of up to \$10,000
	2) Being 16 years or older, engaging in sexual intercourse or sexual intrusion with another person who is younger than 16 years and who is at least 4 years younger than the offender	
	3) Sexual assault in the third degree where offender has previously been convicted of a sexually violent offense against a victim younger than 12 years	5-25 years (no probation)
<b>Sexual Abuse in the First Degree</b>	1) Subjecting another person to sexual contact without their consent, and the lack of consent results from forcible compulsion	1-5 years or fine of up to \$10,000
	2) Subjecting another person to sexual contact who is physically helpless	
	3) Subjecting another person to sexual contact when the offender is 14 years or older and the victim is younger than 12 years	
	4) Sexual abuse in the first degree where offender is 18 years or older and victim is younger than 12 years	5-25 year and fine of \$1,000 to \$5,000
	5) Sexual abuse in the first degree where offender has previously been convicted of a sexually violent offense against a victim younger than 12 years	10-35 years (no probation)

<sup>286</sup>Sexual assault in the first or second degree and sexual abuse in the first degree.

## WEST VIRGINIA

Crime	Description	Penalty
<b>Sexual Abuse in the Second Degree</b>	1) Subjecting another person to sexual contact who is mentally defective or mentally incapacitated	Up to 1 year or fine up to \$500
	2) Sexual abuse in the second degree where offender has previously been convicted of a sexually violent offense against a victim younger than 12 years	3-15 years (no probation)
<b>Sexual Abuse in the Third Degree</b>	Subjecting another person to sexual contact without the victim's consent when such lack of consent is because the victim is younger than 16 years	Up to 90 days or fine up to \$500
<b>Imposition of Sexual Intercourse or Sexual Intrusion on Incarcerated Persons</b>	1) Engaging in sexual intercourse or sexual intrusion with an incarcerated person and the offender is an employee or working at a correctional facility managed by the State or county	1-5 years or fine up to \$5,000
	2) Engaging in sexual intercourse or sexual intrusion with a person on probation or parole, and the offender is the officer supervising that person's probation or parole	1-5 years or fine up to \$5,000
<b>Use of Minors in Filming Sexually Explicit Conduct</b>	1) Using, persuading or inducing a minor to engage in or assist in any sexually explicit conduct when such conduct is being photographed or filmed	Up to 10 years and/or fine up to \$10,000
	2) Photographing or filming a minor engaging in any sexually explicit conduct	Up to 10 years and/or fine up to \$10,000
<b>Distribution and Exhibiting of Material Depicting Minors Engaged in Sexually Explicit Conduct</b>	Distributing, exhibiting or possessing any material visually portraying a minor engaged in any sexually explicit conduct	Up to 2 years and fine up to \$2,000
<b>Sexual Abuse by a Parent, Guardian, Custodian or Person in a Position of Trust to a Child; Parent, Guardian, Custodian or Person in a Position of Trust Allowing Sexual Abuse to be Inflicted Upon a child; Displaying of Sex Organs by a Parent, Guardian, or Custodian</b>	1) Engaging in or attempting to engage in sexual exploitation of, or in sexual intercourse, sexual intrusion or sexual contact with, a child, by any parent, guardian or custodian of such child	10-20 years or fine of \$500-\$5,000
	2) Procuring another person to engage in or attempt to engage in sexual exploitation of, or sexual intercourse, sexual intrusion or sexual contact with, a child, by any parent, guardian or custodian of such child	5-15 years or fine of \$1,000 to \$10,000
	3) Procuring another person to engage in or attempt to engage in sexual exploitation of, or sexual intercourse, sexual intrusion or sexual contact with, a child older than 16 years, by any parent, guardian or custodian of such child	1-5 years
<b>Sending, Distributing, Exhibiting, Possessing, Displaying or Transporting Material by a Parent, Guardian or Custodian, Depicting a Child Engaged in Sexually Explicit Conduct</b>	Distributing, exhibiting, possessing or displaying any material visually portraying a child engaged in any sexually explicit conduct, by any parent, guardian or custodian of such child	Up to 2 years and fine of \$400 to \$4,000
<b>Abduction of Person; Kidnapping or Concealing Child</b>	1) Taking away or detaining another person, against such person's will, with intent to marry or defile the person or to cause the person to be married or defiled by another person;	3-10 years
	2) Taking away a child under 16 years old from any person having lawful charge of such child, for the purpose of prostitution or concubinage.	
	3) Taking or secreting a child under 16 years old from the person or persons having lawful charge of such child.	1-10 years



## WEST VIRGINIA

Crime	Description	Penalty
<b>Detention of Person in Place of Prostitution</b>	1) Keeping, holding, detaining or restraining any person in a house of prostitution; or directly or indirectly, doing such act for the purpose of compelling such person, directly or indirectly, to pay, liquidate or cancel any debt, dues or obligations incurred	1 <sup>st</sup> Offense: 6 months – 1 year and fine of \$100 to \$500 2 <sup>nd</sup> Offense: 1-3 years
	2) Detention of Person in Place of Prostitution as above where the victim is a minor	2-5 year and/or fine up to \$5,000
<b>Procuring for House of Prostitution</b>	1) Procuring an inmate for a house of prostitution; or encouraging another to become an inmate in a house of prostitution; coming into or leaving the state for the purposes of prostitution	6 months – 1 year and fine of \$100 to \$500 2 <sup>nd</sup> Offense: 1-5 years
	2) Procuring for House of Prostitution as above where the inmate is a minor	2-5 years; Fine up to \$5,000
<b>Incest</b>	Engaging in sexual intercourse or sexual intrusion with one’s father, mother, brother, sister, daughter, son, grandfather, grandmother, grandson, granddaughter, nephew, niece, uncle or aunt	5-15 years or fine of \$500 to \$5,000

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see West Virginia Code, Chapter 15, Article 12-2)

Registration	
<b>Year Enacted</b>	1998
<b>Responsible Agency</b>	West Virginia State Police
<b>Eligible Offenses/Statutes</b>	1) All offenses listed in Part A 2) Any criminal offense that was sexually motivated 3) Any offenses for which a person was found not guilty as a result of mental illness, mental retardation, or addiction
<b>Information Collected</b>	Name, including any aliases, nicknames or other names used, address, name and address of employer, name and address of any school or training facility, social security number, photograph, brief description of offense, fingerprints, information related to any motor vehicle, trailer or motor home, information relating to any Internet accounts (e.g., screen names, user names), information related to any telephone or electronic paging device numbers
<b>Reporting Frequency</b>	Annually 90 days: Sexually Violent Predators <sup>287</sup>

<sup>287</sup> Persons convicted or found not guilty by reason of mental illness, mental retardation or addiction of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

## WEST VIRGINIA

Registration	
<b>Duration</b>	10 years Life: If any of the following apply: 1) The offender has one or more prior convictions or has previously been found not guilty by reason of mental illness, mental retardation, or addiction for any qualifying offense 2) The offender has been convicted or has been found not guilty by reason of mental illness, mental retardation, or addiction of qualifying offense involving multiple victims or multiple violations of the qualifying offense 3) The offender has been convicted or has been found not guilty by reason of mental illness, mental retardation, or addiction of a sexually violent offense 4) The offender has been determined to be a sexually violent predator 5) The offender has been convicted or has been found not guilty by reason of mental illness, mental retardation or addiction of a qualifying offense involving a minor
<b>Penalties for Non-Compliance</b>	Offenders required to register for 10 years: 1 <sup>st</sup> Offense: Up to 1 year and/or \$250-10,000 fine 2 <sup>nd</sup> Offense: 1-5 years 3 <sup>rd</sup> Offense (or more): 5-25 years <hr/> Lifetime registrants (other than sexually violent predators): 1 <sup>st</sup> Offense: 1-5 years 2 <sup>nd</sup> Offense: 10-25 years <hr/> Sexually Violent Predators: 1 <sup>st</sup> Offense: 2-10 years 2 <sup>nd</sup> Offense: 15-35 years

### D. Community Notification<sup>288</sup>

(For complete information, see West Virginia Code, Chapter 15, Article 12-5)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To: <sup>289</sup>	Information Available <sup>290</sup>
Mandatory Notification	County Superintendent of schools	All registered sex offenders	Not specified

<sup>288</sup> Community notification only applies to agencies in the county (and sometimes city) where the registrant resides, owns or leases habitable property that he or she regularly visits, is employed or attends school or a training facility.

<sup>289</sup> At the discretion of the West Virginia State Police

<sup>290</sup> If an offender is a sexually violent predator then the following information is included in the notification: name, photograph, place of residence, employment and education or training, information concerning the legal rights and obligations of both the offender and the community, and information relating to the victim of an offense, except his or her name, to the extent that it is considered necessary to best educate the public as to the nature of sexual offenses.

## WEST VIRGINIA

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Agencies that serve children and vulnerable populations including child protective services office, community organizations or religious organizations that regularly provide services to youths; individuals and organizations that 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	All registered sex offenders	Not specified
Mandatory Public Notification	Members of the Public	Lifetime registrants	A list of all persons who are required to register for life should be made available at least quarterly
Discretionary Public Notification	Members of the Public who reside in the county where a sex offender resides or owns or leases habitable real property that the persons regularly visit in that county and who are registered	All registered sex offenders	Not specified
Public Internet Registry	Members of the Public	All registered sex offenders	Photograph, name, date of birth, sex, height and weight, hair and eye color, race, ethnicity, permanent county and city, work county and city, school county and city, visiting county and city, offense for which registration is required, conviction year, victim relation, victim sex, victim age, and whether or not he or she is under supervision

## WEST VIRGINIA

### **E. Required Residency Restrictions**

(For complete information, see West Virginia Code, Chapter 62, Article 12-26)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All sex offenders	Prohibition from establishing a residence within 1,000 feet of a school or child care facility or within 1,000 feet of the residence of a victim or victims of any sexually violent offenses for which the person was convicted
Offenders who have committed a sexually violent offense against a child <sup>291</sup>	Prohibition from establishing a residence or any other living accommodation in a household in which a child under 16 resides

### **F. Required Employment Restrictions**

(For complete information, see West Virginia Code, Chapter 62, Article 12-26)

<b>Restriction Applies To</b>	<b>Type of Restriction</b>
All sex offenders	Prohibition from accepting employment within 1,000 feet of a school or child care facility or within 1,000 feet of the residence of a victim or victims of any sexually violent offenses for which the person was convicted

### **G. Required Electronic Monitoring**

(For complete information, see West Virginia Code, Chapter 62, Article 11D-2)

<b>Type of Monitoring</b>	<b>Applicable To</b>	<b>Duration</b>
Radio frequency monitoring <sup>292</sup>	Sexually Violent Predators <sup>293</sup>	Not specified

### **H. Civil Commitment**

- No Statutory Provisions

<sup>291</sup> Unless the person is the child's parent, child's grandparent, or child's stepparent and the person was the stepparent of the child prior to being convicted of a sexually violent offense, the person's parental rights to any children in the home have not been terminated, the child is not the victim of a sexually violent offense perpetrated by the person, and the court determines that the person is not likely to cause harm to the child or children with whom such person will reside

<sup>292</sup> Offenders may be placed on a higher or lower type of monitoring based on an electronic monitoring assessment, but the person shall not be on a type of electronic monitoring less effective than voice verification with a curfew.

<sup>293</sup> Other registered sex offenders may be subject to electronic monitoring, but it is not statutorily required.

## WISCONSIN

### WISCONSIN

#### **A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”**

(For complete information, see Wisconsin Statutes Annotated, Chapters 940 and 948)

<b>Crime</b>	<b>Description</b>	<b>Penalty</b>
<b>Sexual Assault</b>	<b>First Degree Sexual Assault:</b> 1) Having sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person  2) Having sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon  3) Being aided or abetted by one or more persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.	Up to 60 years
	<b>Second Degree Sexual Assault:</b> 4) Having sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence  5) Having sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim  6) Having sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable or appraising the person’s conduct, and the defendant knows of such condition  7) Having sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.  8) Having sexual contact or sexual intercourse with a person who the defendant knows is unconscious	Up to 40 years and/or \$100,000 fine

## WISCONSIN

Crime	Description	Penalty
<b>Sexual Assault (cont.)</b>	9) Being aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person	Up to 40 years and/or \$100,000 fine
	10) Having sexual contact or sexual intercourse with a person who is a patient or resident at an adult family home, a community-based residential facility, an inpatient healthcare facility, or a state treatment facility and the defendant is an employee of the facility or program	
	11) Having sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member <sup>294</sup>	
	12) Having sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent or who has influenced or attempted to influence another probation, parole, or extended supervision agent's supervision of the individual	
	<b>Third Degree Sexual Assault:</b> 13) Intentionally ejaculating or emitting urine or feces by the defendant or by another person upon instruction of the defendant upon any part of the body clothed or unclothed for the purpose of sexually degrading, sexually humiliating another person or sexually arousing the defendant	Up to 10 years and/or \$25,000 fine
<b>Fourth Degree Sexual Assault:</b> 14) Having sexual contact with a person without that person's consent	Up to 9 months and/or \$10,000 fine	
<b>Sexual Assault of a Child</b>	<b>First Degree Sexual Assault of a Child:</b> 1) Having sexual contact or sexual intercourse with a person who has not attained the age of 13 years and causing great bodily harm to the person	Life
	2) Having sexual intercourse with a person who has not attained the age of 12 years	25 to 60 years
	3) Having sexual intercourse with a person who has not attained the age of 16 years by use or threat of force or violence	5 to 60 years
	4) Having sexual contact with a person who has not attained the age of 16 years by use or threat of force or violence if the actor is at least 18 years of age when the sexual contact occurs	
	5) Having sexual contact with a person who has not attained the age of 13 years	Up to 60 years
	<b>Second Degree Sexual Assault of a Child:</b> 6) Having sexual contact or sexual intercourse with a person who has not attained the age of 16 years	Up to 40 years and/or \$100,000 fine

<sup>294</sup> Paragraphs 11 and 12 are not applicable if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for sexual contact or sexual intercourse under this section.

## WISCONSIN

Crime	Description	Penalty
<b>Sexual Assault of a Child (cont.)</b>	7) Allowing sexual intercourse or sexual contact with a child to occur with another person, and the defendant is physically and emotionally capable of taking actions which will prevent the intercourse or contact from taking place or being repeated, fails to take that action and the failure to act exposed the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person	Up to 12.5 years and/or \$25,000 fine
	<b>Sexual Assault of a Child Placed in Substitute Care:</b> 8) Having sexual contact or sexual intercourse with a child for whom the actor is a foster parent or treatment foster parent  9) Having sexual contact or sexual intercourse with a child who is placed in a shelter care facility, a group home, or a daycare center if the actor works or volunteers at the facility or is directly or indirectly responsible for managing it	Up to 40 years and/or \$100,000 fine
	<b>Sexual Assault of a Child by a School Staff Person or a Person who Works or Volunteers with Children:</b> 10) Having sexual contact or sexual intercourse with a child who has attained the age of 16 years and who is not the defendant's spouse	Up to 6 years and/or \$10,000 fine
<b>Child Enticement</b>	Causing or attempting to cause any child who is under the age of 18 to go into any vehicle, building, room or scheduled place and: 1) Causing the child to engage in prostitution  2) Exposing a sex organ to the child or causing the child to expose a sex organ  3) Recording the child having sexually explicit conduct  4) Causing bodily or mental harm to the child  5) Giving or selling the child a controlled substance	Up to 25 years and/or \$100,000 fine
<b>Sexual Exploitation of a Child</b>	1) Employing, using, persuading, inducing, enticing, or coercing any child to engage in sexually explicit conduct for the purposes of recording or displaying the conduct in any way  2) Recording or displaying in any way a child engaged in sexually explicit conduct  3) Producing, performing in, profiting from, promoting, importing into the state, reproducing, advertising, selling, distributing, or possessing with the intent to sell or distribute, any recording of a child having sexually explicit conduct if the person knows the character and content of the conduct involving the child and if the person knows or reasonably should know that the child having the sexually explicit conduct has not attained the age of 18  4) Knowingly permitting, allowing or encouraging either of the above offenses to occur	Up to 40 years and/or \$100,000 fine
	5) Sexual exploitation of a child where the actor is under the age of 18	Up to 12.5 years and/or \$25,000 fine

## WISCONSIN

Crime	Description	Penalty
<b>Soliciting a Child for Prostitution</b>	Intentionally soliciting or causing any child to practice prostitution or establishing any child in a place or prostitution	Up to 25 years and/or \$100,000 fine
<b>Possession of Child Pornography</b>	1) Possessing any undeveloped film photographic negative, photograph, motion picture, videotape, or other recording of a child engaged in sexually explicit conduct if all of the following are true: <ul style="list-style-type: none"> <li>a) the person knows that he or she possesses the material</li> <li>b) the person knows the character and content of the sexually explicit conduct in the material, and</li> <li>c) the person knows or reasonably should know that the child engaged in sexually explicit conduct has not attained the age of 18 years</li> </ul>	Up to 25 years and/or \$100,000 fine
	2) Exhibiting or playing a recording of a child engaged in sexually explicit conduct if all of the following are true: <ul style="list-style-type: none"> <li>a) the person knows that he or she has exhibited or played the recording</li> <li>b) before the person exhibited or played the recording, he or she knew the character and content of the sexually explicit conduct, and</li> <li>c) before the person exhibited or played the recording, he or she knew or reasonably should have known that the child engaged in sexually explicit conduct had not attained the age of 18 years</li> </ul>	
	3) Possession of child pornography where the perpetrator is under 18 years of age when the offense occurs	Up to 3.5 years and/or \$10,000 fine
<b>Use of Computer to Facilitate a Child Sex Crime</b>	Using a computerized communication system to communicate with an individual who the actor believes or has reason to believe has not attained the age of 16 years with intent to have sexual contact or sexual intercourse (unless the actor reasonably believed that the person to whom the communication was sent was no more than 2 years younger than the actor)	Up to 40 years and/or \$100,000 fine
<b>Abduction of Another's Child; Constructive Custody</b>	1) Taking a child who is not his or her own by birth or adoption from the child's home or the custody of his or her parent, guardian or legal custodian	Up to 15 years and/or \$50,000 fine
	2) Detaining a child who is not his or her own by birth or adoption when the child is away from home or the custody of his or her parent, guardian or legal custodian.	
	3) By force or threat of imminent force, taking a child who is not his or her own by birth or adoption from the child's home or the custody of his or her parent, guardian or legal custodian	Up to 40 years and/or \$100,000 fine
	4) By force or threat of imminent force, detaining a child who is not his or her own by birth or adoption when the child is away from home or the custody of his or her parent, guardian or legal custodian	
<b>False Imprisonment</b>	Intentionally confining or restraining another without the person's consent and with knowledge that he or she has no lawful authority to do so	Up to 6 years and/or \$10,000 fine



## WISCONSIN

Crime	Description	Penalty
<b>Kidnapping</b>	<p>1) By force or threat of imminent force carrying another from one place to another without his or her consent and with intent to cause him or her to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his or her will</p> <p>2) By force or threat of imminent force seizing or confining another without his or her consent and with intent to cause him or her to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his or her will</p> <p>3) By deceit inducing another to go from one place to another with intent to cause him or her to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his or her will</p>	Up to 40 years and/or \$100,000 fine
<b>Sexual Exploitation by Therapist</b>	Any person who is or who holds himself or herself out to be a therapist and who intentionally has sexual contact with a patient or client during any ongoing therapist-patient or therapist-client relationship, regardless of whether it occurs during any treatment, consultation, interview or examination	Up to 12.5 years and/or \$25,000 fine
<b>Incest</b>	Marrying or having sexual intercourse or having non-marital sexual intercourse with a person he or she knows is blood relative and such relative is in fact related in a degree within which the marriage of the parties is prohibited by the law of this state	Up to 12.5 years and/or \$25,000 fine
<b>Incest with a Child</b>	<p>1) Marrying or having sexual intercourse or sexual contact with a child he or she knows is related, either by blood or adoption, and the child is related in a degree of kinship closer than second cousin</p> <p>2) Having sexual contact or sexual intercourse with a child if the actor is the child's stepparent</p> <p>3) A person responsible for the child's welfare and:</p> <p style="margin-left: 20px;">a) has knowledge that another person who is related to the child by blood or adoption in a degree of kinship closer than second cousin or who is the child's stepparent has had or intends to have sexual intercourse or sexual contact with the child</p> <p style="margin-left: 20px;">b) is physically and emotionally capable of taking action that will prevent the intercourse or contact from occurring or being repeated, and</p> <p style="margin-left: 20px;">c) fails to take that action and the failure to act exposes the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person</p>	Up to 40 years and/or \$100,000 fine
<b>Causing a Child to View or Listen to Sexual Activity</b>	1) Intentionally causing a child under 13 years to view or listen to sexually explicit conduct for the purpose of sexually arousing or gratifying the actor or humiliating or degrading the child	Up to 12.5 years and/or \$25,000 fine
	2) Intentionally causing a child aged at least 13 years but under 18 years to view or listen to sexually explicit conduct for the purpose of sexually arousing or gratifying the actor or humiliating or degrading the child	6 years and/or \$10,000 fine

## WISCONSIN

Crime	Description	Penalty
<b>Exposing a Child to Harmful Material or Harmful Descriptions or Narrations</b>	1) Selling, renting, playing, distributing, or loaning to a child any harmful material, with knowledge of the character and content of the material, with or without monetary consideration	Up to 3.5 years and/or \$10,000 fine
	2) Verbally communicating, by any means, a harmful description or narrative account to a child, with or without monetary consideration, and the person is at least 17 years of age and had knowledge of the character and content of the description	
	3) Possessing harmful material with the intent to sell, rent, exhibit, play, distribute, or loan the material to a child with the knowledge of the character and content of the material	Up to 9 months and/or \$10,000 fine
Sexual Assault of a Child by a School Staff Person or a Person who Works or Volunteers with Children	Engaging in sexual contact or sexual intercourse with a child who has attained the age of 16 years and who is not the defendant's spouse where the child is enrolled as a student in a school or a school district and the defendant is a member of the school staff of the school or school district in which the child is enrolled as a student	Up to 6 years and/or \$10,000 fine

### B. Risk Assessment

- No Statutory Provisions

### C. Registration

(For complete information, see Wisconsin Statutes Annotated, Chapters 301 and 980)

Registration	
<b>Year Enacted</b>	1995
<b>Responsible Agency</b>	Department of Health and Human Services
<b>Eligible Offenses/Statutes</b>	All offenses listed in part A, Not Guilty by Reason of Mental Disease-of a listed sex offense, and Convicted Child Sex Offender Working with Children
<b>Information Collected</b>	Name, aliases, date of birth, gender, race, height, weight, hair and eye color, offense, date of conviction, adjudication or commitment, and the county/state in which the person was convicted, adjudicated, or committed; If applicable: date placed on probation, supervision, conditional release, conditional transfer or supervised release, release date, date offender entered the state, date ordered to comply with registration, address, name of supervising agency, and the office or unit and telephone number of office or unit that is responsible for supervision of the person, name and address of employer, name and location of any school in which the offender is enrolled, notation concerning the treatment that the offender has received for his/her mental disorder, most recent date on which the information in the registry was updated

## WISCONSIN

Registration	
<b>Reporting Frequency</b>	Annually Sexually violent offenders <sup>295</sup> must complete an address verification form every 90 days
<b>Duration</b>	15 years
<b>Penalties for Non-Compliance</b>	9 months and/or \$10,000 fine

### D. Community Notification

(For complete information, see Wisconsin Statutes Annotated, Chapter 301)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Victim Notification	Victim and victim's families	All sex offenders	Notice of registration and any change of information and upon request: name, aliases, date of birth, gender, race, height, weight, hair and eye color, offense, date of conviction, adjudication or commitment, and the county/state in which the person was convicted, adjudicated, or committed, date placed on probation, supervision, conditional release, conditional transfer or supervised release, release date, date offender entered the state, date ordered to comply with registration, address, name of supervising agency, and the office or unit and telephone number of office or unit that is responsible for supervision of the person, name and address of employer, name and location of any school in which the offender is enrolled, notation concerning the treatment that the offender has received for his/her mental disorder
Discretionary Notification	School, day care provider, child welfare agency, group home, shelter care facility, foster home, county department, agency providing child welfare services, boy/girl scout groups, neighborhood watch program, sheltered workshop, non-profit organization that the dept. determines should have access	All sex offenders who reside, are employed, or attend school in the entity's community, district, jurisdiction, or other applicable geographical area	Upon request: name, alias, date of conviction or commitment, and the county or state in which the person was convicted or committed, most recent date on which the information was updated
Public Notification	Members of the public where	All sex offenders	Upon request: date of conviction or commitment and the county or

<sup>295</sup> Sexually violent offender means a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or has been found guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect, or illness, and who is dangerous because he or she suffers from a mental disorder that makes it likely that the person will engage in one or more acts of sexual violence.

## WISCONSIN

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
	deemed appropriate		state in which the person was convicted or committed, most recent date information was updated, any other information that the department or the police chief or sheriff determines is appropriate
Public Internet Registry	Members of the Public	Sexually Violent Offenders	Name, home address, current color photograph of the person, sex, race, height, weight, eye color, and hair color, indication of whether the person has responded to the last contact letter, crime committed for which the person must register, any conditions of the person's supervised release, date, time and place of any scheduled hearings for supervised release or discharge, name and court of the judge who authorized supervised release or discharge for the person, the most recent date on which the information was updated

### E. Required Residency Restrictions

- No Statutory Provisions

### F. Required Employment Restrictions

(For complete information, see Wisconsin Statutes Annotated, Chapter 948, Title 13)

Restriction Applies To	Type of Restriction
Sex offenders convicted of a serious child sex offense	Cannot engage in an occupation or participate in a volunteer position that requires him or her to work or interact primarily and directly with children under 16 years or age

### G. Required Electronic Monitoring

## WISCONSIN

(For complete information, see Wisconsin Statutes Annotated, Chapter 301, Title 45)

Type of Monitoring	Applicable To	Duration
Active Global Positioning System (GPS) <sup>296</sup>	1) Sex offenders who have committed a serious child sex offense 2) Person found not guilty of a serious child sex offense by reason of mental disease or mental defect and who is placed on conditional release 3) Persons regarding whom a police chief or a sheriff receives a notification 4) Persons about whom the department makes a determination that global positioning system tracking is appropriate	Lifetime

### H. Civil Commitment

(For complete information, see Wisconsin Statutes Annotated, Chapter 980, Title 13)

Commitment Applies To	Treatment Setting	Period of Confinement
Sexually Violent Offenders and Sex Offenders with Mental Disorders	Secure mental health facility or Wisconsin Resource Center, Mendota Mental Health Institute, Winnebago Mental Health Institute, or a privately operated residential facility under contract with the department of health and human services	Indeterminate

### I. Other Restrictions

(For complete information, see Wisconsin Statutes Annotated, Chapter 31, Title 48)

Restriction Applies To	Type of Restriction
Registrants subject to GPS (see above)	Required inclusion and exclusion zones for each offender which are specific to that offender and focus on areas where children congregate within 100 to 250 feet

<sup>296</sup> A passive positioning tracking system may be used if the offender completes his/her sentence, including any probation, parole, or extended supervision period instead of maintaining lifetime tracking.

## WYOMING

### WYOMING

#### A. Crimes classified as “sex offenses” or for which conviction results in classification as a “sex offender.”

(For complete information, see Wyoming Statutes Annotated, Title 6, Chapters 2 and 4)

<b>Crime<sup>297</sup></b>	<b>Description</b>	<b>Penalty</b>
<b>Sexual Assault in the First Degree</b>	<p>Sexual intrusion (any intrusion, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body for the purposes of sexual arousal, gratification or abuse; or sexual intercourse, cunnilingus, fellatio, analingus or anal intercourse with or without emission):</p> <ol style="list-style-type: none"><li>1) Caused by the actual application of physical force or forcible confinement</li><li>2) Caused by threat of death, serious bodily injury, extreme physical pain or kidnapping</li><li>3) When the actor knows or should know that the victim is physically helpless and the victim did not consent</li><li>4) When the actor knows or should know that the victim is physically helpless through a mental illness, mental deficiency or developmental disability</li></ol>	<p>1<sup>st</sup> Offense: 5-50 years 2<sup>nd</sup> Offense: 25 years – Life 3<sup>rd</sup> Offense: Life without parole</p>
<b>Sexual Assault in the Second Degree</b>	<p><b>Sexual Intrusion:</b></p> <ol style="list-style-type: none"><li>1) Caused by threatening to retaliate in the future against the victim or the victim's family</li><li>2) Caused by any means that would prevent resistance by a victim</li><li>3) Caused by administering, or knowing that someone else administered, without the prior knowledge or consent of the victim, any substance which substantially impairs the victim's power to appraise or control his conduct</li><li>4) When the actor knows or should reasonably know that the victim submits erroneously believing the actor to be the victim's spouse</li><li>5) When the actor is in a position of authority over the victim and uses this position of authority to cause the victim to submit</li><li>6) When the actor is an employee, independent contractor or volunteer of an adult or juvenile correctional system facility 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</li><li>7) If an actor inflicts sexual intrusion in treatment or examination of a victim in a manner inconsistent with reasonable medical practices</li></ol>	<p>1<sup>st</sup> Offense: 2-20 years 2<sup>nd</sup> Offense: 25 years – Life 3<sup>rd</sup> Offense: Life without parole</p>

<sup>297</sup> Offenses marked with an asterisk (\*) are only sex offenses if the victim is a minor under 18 years.

## WYOMING

Crime	Description	Penalty
<b>Sexual Assault in the Third Degree*</b>	Sexual contact (touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts) as described under sexual assault in the second degree in 1) to 4) above without inflicting sexual intrusion on the victim and without causing serious bodily injury to the victim	1 <sup>st</sup> Offense: Up to 15 years 2 <sup>nd</sup> Offense: Up to 20 years 3 <sup>rd</sup> Offense: Life without parole
<b>Sexual Abuse of a Minor in the First Degree</b>	1) Sexual intrusion of a minor 13 or younger by an actor 16 or older  2) Sexual intrusion of a minor 18 or younger by an actor 18 or older and the actor is the victim's legal guardian, parent by adoption; blood relationships without regard to legitimacy; or a stepparent  3) Sexual intrusion of a minor 16 or younger and the actor is over 18 and occupies a position of authority in relation to the victim	1 <sup>st</sup> Offense: Up to 50 years 2 <sup>nd</sup> Offense: Life without parole
<b>Sexual Abuse of a Minor in the Second Degree</b>	1) Sexual intrusion by an actor 17 or older on a victim 13-15, and the victim is at least 4 years younger than the actor  2) Sexual contact by an actor 16 or older of a victim who is less than 13  3) Sexual contact by an actor 18 or older with a victim who is less than 18 and the actor is the victim's parent by adoption; blood relationship without regard to legitimacy; or stepparent  4) Sexual contact by an actor 18 or older with a victim who is less than 16 and the actor occupies a position of authority in relation to the victim	1 <sup>st</sup> Offense: Up to 20 years 2 <sup>nd</sup> Offense: Life without Parole
<b>Sexual Abuse of a Minor in the Third Degree</b>	1) Sexual contact by an actor 17 or older with a victim who is 13-15 and the victim is at least 4 years younger than the actor	Up to 15 Years
	2) Sexual intrusion by an actor 20 or older with a victim who is either 16 or 17, and the victim is at least 4 years younger than the actor, and the actor occupies a position of authority in relation to the victim	
	3) Being 17 or older knowingly taking immodest, immoral or indecent liberties with a victim who is less than 17 and the victim is at least four 4 years younger than the actor	
	4) Sexual intrusion by an actor on a victim who is less than 13 and the victim is at least 3 years younger than the actor	Juvenile Court Jurisdiction

## WYOMING

Crime	Description	Penalty
<b>Sexual Abuse of a Minor in the Fourth Degree</b>	1) Being an actor 20 or older, engaging in sexual contact with a victim who is 16 or 17, and the victim is at least 4 years younger than the actor, and the actor occupies a position of authority in relation to the victim	Up to 5 years
	2) Being an actor less than 16, engaging in sexual contact with a victim who is less than 13, and the victim is at least 3 years younger than the actor	Juvenile Court Jurisdiction
<b>Soliciting to Engage in Illicit Sexual Relations</b>	Having reached the age of majority, soliciting, procuring or knowingly encouraging anyone less than 14 or a person purported to be less than 14, to engage in sexual intrusion	Up to 5 years
<b>Soliciting an Act of Prostitution*</b>	Soliciting an act of prostitution and the person knowingly or intentionally pays, or offers or agrees to pay money or other property to another person	Up to 6 months and/or fine of \$750
<b>Promoting Prostitution*</b>	1) Knowingly or intentionally enticing or compelling another person to become a prostitute	Up to 3 years and/or fine of \$3,000
	2) Knowingly or intentionally procuring, or offering or agreeing to procure, a person for another person for the purpose of prostitution	
	3) Knowingly controlling the use of a place, or intentionally permitting another person to use the place, for prostitution	
	4) Receiving money or other property from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution	
	5) Promoting prostitution where the victim is under 18	
<b>Promoting Obscenity*</b>	1) Producing or reproducing obscene material with the intent of disseminating it	Up to 1 year and/or fine of \$1,000
	2) Promoting obscenity to a minor	Up to 1 year and/or fine of \$6,000
<b>Sexual Exploitation of Children</b>	1) Causing, inducing, enticing, coercing or permitting a child to engage in, or be used for, the making of child pornography	5-12 years and/or fine of \$10,000
	2) Causing, inducing, enticing or coercing a child to engage in, or be used for, any explicit sexual conduct	
	3) Manufacturing, generating, creating, receiving, distributing, reproducing, delivering or possessing with the intent to deliver, including through digital or electronic means, whether or not by computer, any child pornography	
	4) Possessing child pornography	Up to 10 years and/or fine of \$10,000





## WYOMING

<b>Registration</b>	
<b>Information Collected</b>	Name, including any aliases ever used; address; date and place of birth; social security number; place of employment; date and place of conviction; crime for which convicted; and name and location of each educational institution in state at which the person is employed or attending school; license plate number and a description of any vehicle owned or operated by the offender; and a DNA sample
<b>Reporting Frequency</b>	Annually, every 6 months, or every 3 months (varies based on the specific elements of the crime); and within 3 days of any change in address or in enrollment/employment status at any educational institution
<b>Duration</b>	15 years: Those required to report annually or every 6 months; For those required to report annually, under certain circumstances, the registration period may be reduced after 10 years 25 years: Those required to report every 3 months
<b>Penalties for Non-Compliance</b>	1 <sup>st</sup> Offense: Up to 5 years and/or fine of up to \$1,000 2 <sup>nd</sup> Offense: Up to 5 years and/or fine of up to \$1,000

### **D. Community Notification**

(For complete information, see Wyoming Statutes Annotated, Title 7, Chapter 19, Article 3)

Type of Notification	Individual/Group to whom Notification is Available	Notification Applies To:	Information Available
Mandatory Notification	Residential neighbors within at least 750 feet of the offender's residence, organizations in the community, including schools, religious and youth organizations	Registered offenders required to report every 3 or 6 months	Name, including any aliases, physical address, date and place of birth, date and place of conviction, crime for which convicted, photograph, physical characteristics including race, sex, height, weight, eye and hair color, history of all criminal convictions, license plate number and a description of any vehicle owned or operated by the offender
Discretionary Notification	Members of Educational Institutions, upon request	Registered offenders required to report every 3 or 6 months who are employed by or attend that educational institution	As above
Public Internet Registry	Members of the Public	All registered offenders	As above

### **E. Required Residency Restrictions**

- No Statutory Provisions

## WYOMING

### **F. Required Employment Restrictions**

- No Statutory Provisions

### **G. Required Electronic Monitoring**

- No Statutory Provisions

### **H. Civil Commitment**

- No Statutory Provisions