

July 1996

**Sex Offender Registration:  
A Review of State Laws  
EXECUTIVE SUMMARY**

Sex offender registration laws require offenders to supply their addresses, and other identifying information, to a state agency or law enforcement with the intent of increasing community protection.

Fifty states now require sex offenders to register; twenty-six states passed their laws from 1994 to 1996. Massachusetts is the last state to pass a sex offender registration law, a final version of the bill has yet to be agreed to. Federal legislation, known as "Megan's Law," has also been passed.

Legal challenges to registration laws have resulted in decisions upholding their constitutionality. Courts have found that registration is not a form of punishment, and therefore not subject to the Eighth Amendment prohibition against cruel and unusual punishment. In California, where registration *has* been examined as a form of punishment, the courts have found it not to be cruel and unusual.

Sex offender registration statutes conform in many respects:

- The registry is usually maintained by a state agency.
- Generally, local law enforcement is responsible for collecting information and forwarding it to the administrating state agency.
- Typical information obtained includes an offender's name, address, fingerprints, photo, date of birth, social security number, criminal history, place of employment, and vehicle registration. Eight states also collect blood samples for DNA identification; Michigan includes a DNA profile in the registry if available.
- The timeframe for initial registration varies from "prior to release" or "immediately" to one year; the most common timeframe being 30 days or less.
- In most states, the duration of the registration requirement is over 10 years, with 15 states requiring lifetime registration in all or some instances. Most states requiring lifetime registration allow the offender to petition the courts for relief from this duty.
- Most registries are updated only when an offender notifies law enforcement that they have changed residences. Seven states have annual address verification; for some offenders verification is required every 90 days.

Sixteen states specify that registry information is available only to law enforcement and related investigative authorities. The remaining states allow broader access, ranging from criminal background checks for agencies hiring individuals to work with children, to full public access and community notification.