

***MEGAN'S LAW:
A REVIEW OF STATE AND
FEDERAL LEGISLATION***

**Scott Matson
with
Roxanne Lieb**

October 1997

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WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY

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Executive Summary

The group of laws called “Megan’s Law,” or community notification, authorizes the public release of identifying information about registered sex offenders when necessary to protect public safety. This report analyzes the 47 states with community notification laws. The laws vary in the focus of notification, with three major categories:

- **Broad community notification:** 18 states authorize broad dissemination of sex offender information to the public.
- **Notification to individuals and organizations at risk:** 14 states disseminate information based on the need to protect an individual or organization vulnerable to a specific offender.
- **Access to registration information:** 15 states allow access by citizens or organizations to sex offender information through local law enforcement.

Almost 70 percent of the states that authorize notification have enacted guidelines and procedures into law regarding how and when notification shall occur. An additional 20 percent require advisory groups or criminal justice agencies to establish such procedures. The remaining states allow public officials to exercise broad discretion in these decisions.

Notification laws have been subject to legal challenges on constitutional grounds in at least 16 states. Most frequently, these challenges have argued that notification represents additional punishment for the offender and is thus unconstitutional. No court has found these laws to be unconstitutional in substance; however, procedural provisions such as scope of application, have been reversed in a few states. The U.S. Circuit Court of Appeals has upheld the constitutionality of Megan’s Law in three states—New Jersey, New York, and Washington.

Community notification programs have also been implemented in Canada and Great Britain. In Australia, recommendations for such a program have been proposed. These laws resemble U.S. notification laws in terms of applicability, decision-making, and approach.

An analysis of state statutes in the United States reveals the following:

RISK ASSESSMENT

- Generally, notification is reserved for those offenders *assessed as high risk* for reoffense or those *convicted of offenses against children*.
- Ten states assign offenders to one of *three tiers of risk* for the purpose of community notification. In these states, offenders assessed as moderate or high risk (Tier II or III) are subject to notification.

- Many states use *risk assessment instruments* to determine risk of reoffense and assess whether an offender should be subject to notification.

METHODS OF NOTIFICATION

- *Approaches and methods* of notification to the general public *vary*, including the use of press releases, flyers, and newspaper announcements. Several states are providing notification through interactive computerized access.
- A notification *typically includes* the offender's name, description and/or photograph, address or approximate address, description of the crime, and the age of the victim.

DECISION-MAKING

- State organizations often develop *rules and procedures* for carrying out community notification, with local law enforcement agencies generally responsible for the actual notification.
- Many states create *advisory bodies* to develop guidelines and procedures for the notification process.
- A few states place decision-making with *district or sentencing courts*.

Introduction

In response to horrific crimes committed by repeat sex offenders, legislatures in most states have enacted laws authorizing public release of identifying information about registered sex offenders. These laws are collectively known as “Megan’s Law,” or community notification, in honor of seven-year-old Megan Kanka of New Jersey who was raped and murdered in 1994 by a twice-convicted child molester who lived on her block.

Community notification laws vary in the methods used to inform citizens and which offenders are subject to notification. In some states, citizens are notified about the release of all sex offenders from incarceration, or those sex offenders convicted of specific crimes. In other states, notification is authorized only when it is deemed necessary to protect the public from a specific offender. In these instances, the offender may be classified as a habitual or predatory sex offender, and someone who has shown little ability to reform. Several states issue notification based on an offender’s assessed level of risk to reoffend, reserving notification for those deemed to be high-risk. Many state laws allow members of the public access to information upon making a request to law enforcement officials.

In April 1996, an Institute report examined state laws providing some form of community notification.¹ Since that time, additional states have passed legislation on this topic. This report updates the description of relevant laws and compares several of their key provisions.

¹ Washington State Institute for Public Policy, *Sex Offender Community Notification: A Review of Laws in 32 States*, Olympia, WA, April 1996.

I. Background

In 1994, Congress passed the Jacob Wetterling Act² (Title XVII of the Violent Crime Control and Law Enforcement Act of 1994) requiring states to create registries of offenders convicted of sexually violent offenses or crimes against children and to establish more rigorous registration requirements for highly dangerous sex offenders (“sexually violent predators”). The Act further requires offenders to verify their addresses annually for ten years, and requires sexually violent predators to verify on a quarterly basis for life. States that have not complied with the Jacob Wetterling Act’s provisions by September 1997 are subject to a mandatory ten percent reduction of Byrne formula grant funding.³ These funds will be reallocated to states that are in compliance. States that are showing a “good faith effort” to reach compliance may be granted an additional two years.⁴ Federal guidelines further interpret the law and offer guidance on how to comply with the Act.⁵

When passed in 1994, the Jacob Wetterling Act allowed states discretion in deciding whether to release relevant registration information to the public when necessary for the public’s protection. Congress amended the Act in May 1996, with Megan’s Law:⁶

A designated state or local law enforcement agency “...shall release relevant information that is necessary to protect the public concerning a specific person required to register...”

Megan’s Law allows states discretion to make judgments in determining if disclosure of information is necessary for public protection and in specifying standards and procedures for making these determinations. States are also allowed to make judgments concerning the threat an offender may pose to the public and to release information for all offenders or offenders convicted of specific offenses. When releasing information, states may choose an active dissemination approach, or make the information accessible to the public on request.

Megan’s Law carries the same compliance deadline and consequences as the Jacob Wetterling Act.

Additional federal legislation, the Pam Lychner Sexual Offender Tracking and Identification Act, was passed in October 1996.⁷ The Lychner Act directs the Federal Bureau of Investigation (FBI) to establish a national database of sex offenders within three years. The Act will assist law enforcement agencies in tracking sex offenders when they move in or out of a state.

² In 1989, an armed, masked man abducted 11-year-old Jacob Wetterling near his home in St. Joseph, Minnesota. Jacob Wetterling is still missing.

³ The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, 42 U.S.C. § 3750. The purpose of the grant is to help states improve criminal justice records, curb motor vehicle thefts and the related violence, and improve functioning of the criminal justice system with an emphasis on violent crime and serious offenders.

⁴ The U.S. House of Representatives passed House Resolution 1683 on September 23, 1997, which would give states until October 4, 1999 to comply with the Jacob Wetterling Act’s provisions.

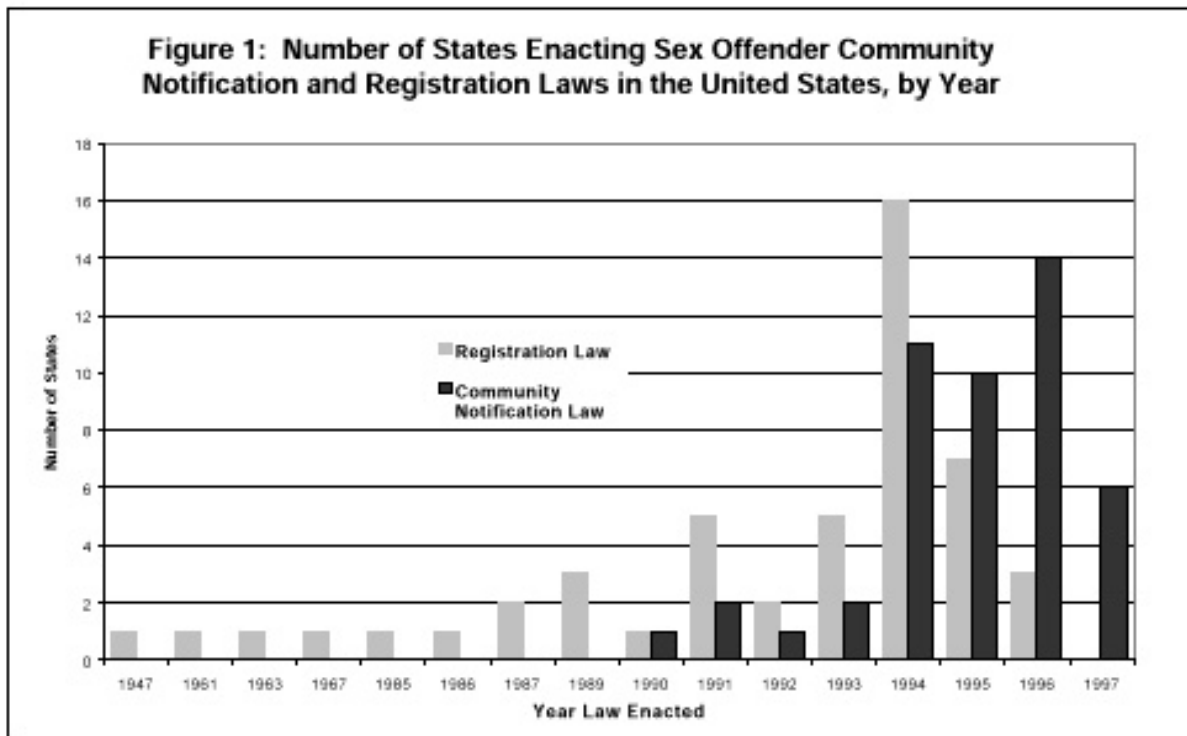
⁵ Department of Justice, Office of the Attorney General, *Final Guidelines for Megan’s Law and the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act*, RIN 1105-AA50.

⁶ Pub. L. No. 104-145, 110 Stat. 1345.

⁷ Pam Lychner was a victims’ rights advocate killed in the crash of TWA flight 800 in July 1996.

Currently, 47 states have passed Megan’s Laws. Washington State enacted the first of these laws in 1990. Between 1990 and 1994, five additional states enacted community notification laws. A period of intense activity followed the passage of the Jacob Wetterling Act, with 21 states passing legislation in 1994 and 1995. Since the federal passage of Megan’s Law (1996), 20 additional states have enacted community notification legislation. While community notification laws were created in the 1990s, sex offender registration laws have existed for many years; California has the nation’s oldest law, passed in 1947—retroactive to 1944.¹

Figure 1 (below) charts the growth by year of states enacting registration and community notification laws.



Community notification programs have also been implemented in Canada and the United Kingdom. In Australia, a recent commission on police corruption recommended such a law. Many similarities exist between these and United States’ procedures for community notification programs, including applicability, decision-making, and approach.

¹ Washington State Institute for Public Policy, *Sex Offender Registration: A Review of State Laws*, Olympia, WA, July 1996.

II. Three Categories of Notification Laws

The state laws regarding notification vary in form and function. They can be divided into three categories, organized principally by the degree of notification.⁹

BROAD COMMUNITY NOTIFICATION

These states authorize *broad dissemination of relevant information* to the public regarding designated sex offenders. Eighteen states provide this type of notification.¹⁰ The process for determining which offenders should be subject to notification differs from state to state.

Of the eighteen states in this group, three issue notifications for *all sex offenders* convicted of specific offenses: Alabama, Louisiana, and Texas. In these states, public officials *do not* exercise discretion regarding notification decisions. The remaining fifteen states notify the public regarding those released sex offenders who are determined to pose a risk to reoffend. Various approaches are used to assess an offender's risk.

States use numerous methods for releasing information, including the telephone, CD-ROM, the Internet, and notices in newspapers.

NOTIFICATION TO INDIVIDUALS AND ORGANIZATIONS AT RISK

These states provide more limited notification, with the *release* of information based on a *need to protect an individual or vulnerable organization* from a specific sex offender.

Fourteen states provide this type of notification.¹¹ Local law enforcement officials generally determine which individuals are at risk. Organizations typically notified are child care facilities, religious organizations, public and private schools, and other entities that provide services to children or vulnerable populations.

Connecticut and Illinois issue information when it is deemed necessary to protect a person from a specific offender, with local law enforcement agencies making the decision. The Illinois Department of State Police, or local law enforcement agencies also issue information to schools and child care facilities.

New York issues information dependent upon an offender's level of risk, relying on a risk assessment instrument. Those assessed as moderate or high risk may be subject to notification.

⁹ Information was collected from May to September 1997 from states known to have sex offender community notification laws. Information was collected through telephone interviews, fax transmissions, and mailings. Informants were administrators, legislative research staff, legal counsel, and law enforcement officials, as appropriate.

¹⁰ Alabama, Arizona, California, Delaware, Florida, Louisiana, Massachusetts, Minnesota, Montana, Nevada, New Jersey, Ohio, Oregon, Rhode Island, Tennessee, Texas, Washington, and Wyoming.

¹¹ Arkansas, Connecticut, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, New Hampshire, New York, Oklahoma, Pennsylvania, West Virginia, and Wisconsin.

Georgia and Pennsylvania issue notifications to organizations providing services to children. Indiana notifies all schools, state agencies that license individuals working with children, the state department of personnel, and licensed child care facilities.

ACCESS TO REGISTRATION INFORMATION

States in this category allow *access* to sex offender information by citizens or community organizations through their county sheriff or local police department.

Fifteen states allow such access.¹² In most of these states, local law enforcement officials maintain a registry of sex offenders residing within their jurisdiction. Some are open to public inspection, others are open only to citizens at risk from a specific offender (generally determined by proximity to an offender's residence), and still others are open only to community organizations such as schools, licensed child care facilities, and religious organizations.

Some states allow access to a statewide registration database. Colorado and North Dakota allow a requester to view registration information when demonstrating a need to know. Virginia limits access exclusively to schools and agencies that provide services to children.

¹² Alaska, Colorado, Hawaii, Idaho, Kansas, Michigan, Mississippi, Missouri, North Carolina, North Dakota, South Carolina, South Dakota, Utah, Vermont, and Virginia.

III. Implementing Notification Laws

Broad variation can be found among states in the mechanisms for decision-making and implementation of community notification laws. Some statutes explicitly define the key elements of the notification process, while others allow law enforcement to release “relevant and necessary” information. The elements of notification that are included in statutes vary, but can include:

- Procedures or guidelines for agencies to follow when performing a notification.
- Categories of offenders that are subject to notification.
- Scope, form, and content of notification.
- Designation of an agency to perform the notification.

Many statutes assign responsibilities to more than one organization.

Although no two state statutes are identical, many share commonalities. For instance, the majority of states define some of their procedures for notification in statute. Many states also classify which offenders are subject to notification in statute, as well as who is to be notified and how. Local law enforcement is responsible for carrying out the notification in all but five states.¹³

Figure 2 (page 9) outlines the principle variations in notification for the 18 states that provide broad community notification and the 14 states that provide notification to individuals and organizations at risk.

APPROACH TO NOTIFICATION

This section summarizes the state statutes in terms of major decision points. The overlap in categories requires describing some state’s statutes in more than one topic area. Appendix A analyzes each state statute in detail.

Legislative Direction:

In order to increase uniformity, states often develop procedures or guidelines for decision-making. These procedures involve targeting offenders for notification, determining who in the community should be notified, and specifying how they should be notified. The majority of states promulgate some, if not all of these features, into legislation. For example, Alabama and Texas statutes identify procedures for notification, including which offenders are subject to notification, which law enforcement agencies are responsible for carrying out the notification, who in the community should be notified, and the form and content of the notification. Most state statutes are not this specific.

¹³ Illinois, Indiana, Louisiana, Montana, and West Virginia.

Law Enforcement Discretion:

Two states allow law enforcement agencies broad discretion throughout the notification process. In Connecticut and Tennessee, local law enforcement agencies are notified by an offender's releasing agency when that offender intends to reside in the agency's jurisdiction. Local law enforcement then determines, based on information forwarded by the releasing agency (e.g., department of corrections, sentencing court, or probation/parole officer), whether the offender poses a significant risk to that community.

Advisory Groups:

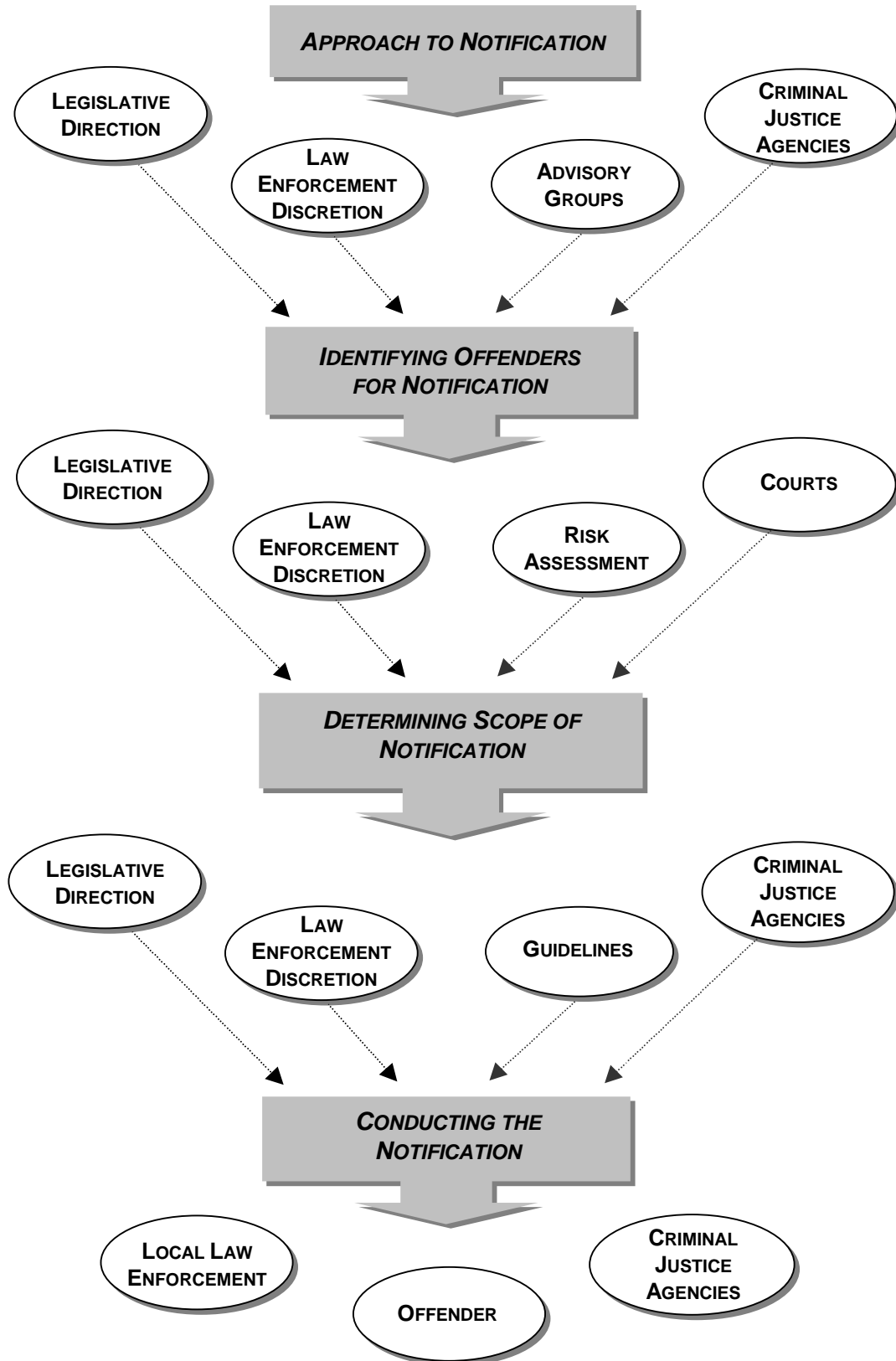
Several states rely on committees or advisory groups to develop guidelines and procedures for the notification process, typically in conjunction with criminal justice agencies.¹⁴ In Nevada, the state's Attorney General, together with an Advisory Council for Community Notification, have created guidelines. The Advisory Council consists of three members appointed by the governor and four members appointed by the legislative commission. Arizona created the Sex Offender Community Notification Guideline Committee to perform specific tasks, including: developing the notification process and guidelines; developing an assessment instrument to categorize the risk of sex offenders; developing the statutory changes necessary to implement notification; and identifying and documenting the resource and staff needs required.

Criminal Justice Agencies:

Some states appoint existing criminal justice agencies to develop guidelines. In New York, the Division of Criminal Justice Services developed guidelines. In Ohio, the state's attorney general was responsible for promulgating rules and procedures for notification. The latest revision to Washington State's community notification law calls for the Washington Association of Sheriffs and Police Chiefs to develop guidelines for notification after an offender's risk has been determined.

¹⁴ Arizona, Arkansas, Massachusetts, New Jersey, Nevada, and Rhode Island.

**FIGURE 2: *Implementing Community Notification Laws:
State Variations***



IDENTIFYING OFFENDERS FOR NOTIFICATION

Legislative Direction:

The majority of state statutes define the population of offenders that are subject to community notification as those convicted of a sexually violent offense or a sexual offense against a victim who is a minor. In most states, community notification is not mandatory for these offenders. In addition to the qualifying offense, offenders' records are assessed to determine whether they pose a significant risk to reoffend. Some statutes authorize community notification for a category of sex offenders, such as all individuals who commit a certain type of offense or whose victim is under a certain age.

Because notification laws typically concern offenders who are being released from custody, paroled, or placed on probation by the sentencing court, the question of retroactive application of the law has been an issue in several states. In some states, the relevant populations are offenders convicted *after* the law's effective date—others apply their laws retroactively to all appropriate offenders, regardless of adjudication date.

At least 19 states subject juvenile sex offenders to registration and/or community notification (see Figure 3, below). In New York, juveniles are subject to registration provisions, but that information may not be shared outside criminal justice agencies. South Dakota's statute applies to adult sex offenders and juveniles 15 years or older. In Virginia, juveniles are subject to the law if convicted in a circuit court, whether sentenced as an adult or juvenile.

| FIGURE 3: States Subjecting Juvenile Sex Offenders to Registration and/or Community Notification | |
|--|--|
| <ul style="list-style-type: none"> ➤ <i>California</i>: Broad Public Notification ➤ <i>Colorado</i>: Registration (Sexually violent predator status not applicable to juveniles) ➤ <i>Delaware</i>: Broad Public Notification ➤ <i>Florida</i>: Broad Public Notification (If found to be a sexually violent predator through court decision) ➤ <i>Iowa</i>: Notification to Organizations or Individuals at Risk ➤ <i>Massachusetts</i>: Broad Public Notification ➤ <i>Michigan</i>: Registration ➤ <i>Minnesota</i>: Registration (Limited) ➤ <i>Mississippi</i>: Registration (If twice adjudicated for any sex offense) ➤ <i>New Jersey</i>: Broad Public Notification | <ul style="list-style-type: none"> ➤ <i>New York</i>: Registration (Information only available to other criminal justice agencies) ➤ <i>North Carolina</i>: Registration (applies to juveniles age 12-15, beginning in 1999) ➤ <i>Rhode Island</i>: Broad Public Notification ➤ <i>South Carolina</i>: Registration ➤ <i>South Dakota</i>: Registration (If 15 years or older) ➤ <i>Texas</i>: Broad Public Notification ➤ <i>Virginia</i>: Registration (If convicted in circuit courts, whether sentenced as adults or juveniles) ➤ <i>Washington</i>: Broad Public Notification ➤ <i>Wisconsin</i>: Notification to Organizations or Individuals at Risk |

Law Enforcement Discretion:

In many states, local law enforcement makes the final decision on notification. Generally, law enforcement officials have broad discretion in making this decision. In most cases, local law enforcement officials rely on information forwarded by the offender's releasing agency to make the decision. This information can include offense history, patterns of abuse, response to treatment (if given) while incarcerated, and a variety of other personal information.

Risk Assessment:

Many states assess the risk of an individual offender before notification. Some states use formal assessment instruments while others enlist the help of advisory committees. A few states require the sentencing court to assess risk.

Risk assessment instruments are used in at least ten states to systematically categorize an offender's level of risk to reoffend.¹⁵ These instruments consist of scales that assign point values to various behaviors and past offenses. Offenders scoring a certain point total are subject to community notification. In New York, an offender's level of risk (Tiers I, II, or III) is measured by an objective assessment instrument. The instrument assigns point values to risk factors, including current offense, criminal history, post-offense behavior, and planned release environment. In Nevada, a weighted community notification assessment scale is used to place an offender in a notification tier (I, II, or III). The assessment scale utilizes criteria intended to identify repetitive and compulsive offenders, including seriousness of offense, criminal history, characteristics of offender, and community support. In weighing the criteria, offense items are given the most weight.

At least five states enlist committees for the purpose of assessing an offender's level of risk to reoffend in the community.¹⁶ These committees typically assess risk prior to an individual's release from incarceration. Information obtained in the assessment is forwarded to local law enforcement agencies for the purpose of notification. Typically with this approach, an offender is subjected to risk assessment and assigned to one of three tiers of risk: Tier I, low risk to reoffend; Tier II, moderate risk to reoffend; Tier III, high risk to reoffend.

In Minnesota, End-of-Confinement Review Committees assess risk on a case-by-case basis at each state correctional facility and at each state treatment facility where sex offenders are confined. Each committee consists of the following members appointed by the state's Commissioner of Corrections: the chief executive officer or head of the correctional or treatment facility where the offender is confined; a law enforcement officer; a treatment professional trained in the assessment of sex offenders; a caseworker experienced in supervising sex offenders; and a representative from a victim advocacy organization. In Washington, an End-of-Sentence Review Committee assesses an individual's risk to reoffend prior to release from the state's Department of Corrections. This information is then forwarded to local law enforcement, who make the determination to notify the community. The Committee is composed of representatives from the Department of Corrections, and from the juvenile corrections and mental health divisions of the Department of Social and Health Services.

¹⁵ Arizona, Delaware, Maine, Minnesota, Nevada, New Jersey, New York, Oregon, Rhode Island, and Pennsylvania.

¹⁶ Massachusetts, Minnesota, Nevada, New York, and Washington.

Courts:

In some states, courts determine which offenders qualify for community notification. Florida and Pennsylvania courts assess offender's risk at sentencing. In these states, when an offender is convicted of a sexually violent offense, the sentencing court conducts a risk assessment to determine whether an offender is a sexually violent predator. If found to meet the criteria, the offender is subject to notification upon release from confinement.

Montana and Wyoming district courts perform risk assessment upon an offender's release from custody. In these states, a specific government representative can request an order allowing the release of information to the public about offenders who may pose a threat. Montana's Department of Corrections and Human Services can petition the court for an order to release information prior to a sex offender's release. In Wyoming, a district attorney files the petition.

When making the determination, the court considers all relevant evidence when assessing the offender's risk, typically including information about: the relationship between the offender and the victim; the involvement of a weapon, violence, or the threat of violence in the offense; the circumstances surrounding prior sexual or violent offenses; any evidence that indicates a risk of recidivism; a response to treatment; and the recent behavior of the offender.

DETERMINING THE SCOPE OF NOTIFICATION**Legislative Direction:**

In a few states, the statute spells out the geographic vicinity for notification. In Alabama, the extent of notification is dependent upon population density in the area of an offender's residence. In major cities, notification is provided to citizens with residences within 1,000 feet of an offender, in municipalities with a population less than 5,000, notification is provided to all those with residences within 2,000 feet of an offender. In Louisiana, notice is given by mail to at least one person in every residence and business within a one-mile radius of the offender's residence in a rural area and three square blocks in an urban area.

Law Enforcement Discretion:

Most states allow law enforcement agencies discretion in determining the form, content, and geographic scope of a notification. In these instances, statutes authorize the release of "relevant and necessary" information.

Guidelines:

Many states that have developed guidelines for notification use a three-tiered approach when releasing information.¹⁷ Law enforcement, following guidelines, release information dependent upon the tier of risk:

- **Tier I (low risk):** Information may be shared with other law enforcement agencies and any victim or witness to the offense.
- **Tier II (moderate risk):** Includes the activities listed above, but in addition, schools, child care centers, family day care providers, businesses, organizations, and community groups may be notified of an offender's release.
- **Tier III (high risk):** In addition to the actions above, members of the public who are likely to encounter the offender are notified.

Washington was the first state to adopt a three-tiered approach to community notification.

Criminal Justice Agencies:

A few states charge criminal justice agencies with setting state policy on notification procedures. New Jersey county prosecutors, in consultation with local law enforcement, determine who should be notified in a community, and how. State Departments of Corrections in Montana and Wisconsin are responsible for these determinations. In Oregon, the scope of notification is dependent upon the offender's probation/parole officer's discretion and the population density in the area that the offender resides.

CONDUCTING THE NOTIFICATION

Local Law Enforcement:

In almost every state, local law enforcement officials notify the appropriate organizations and individuals. Typical methods of notification include press releases, flyers distributed throughout neighborhoods, ads in newspapers, and direct mailings to the offender's neighbors. Minnesota and Washington law enforcement officials conduct community meetings to augment the release of sex offender information. The meetings are usually structured to include information about the offender, sex offenders in general, and techniques to protect children and the general community from sex offenders.¹⁸

Offender:

In Louisiana, the offender is required to place an ad in a local newspaper and mail the notification to neighbors and the superintendent of the school district in which the offender intends to reside.

¹⁷ Arizona, Delaware, Massachusetts, Minnesota, Nevada, New Jersey, New York, Rhode Island, Washington, and Wyoming.

¹⁸ Washington State Institute for Public Policy, *Community Notification in Washington State: 1996 Survey of Law Enforcement*, Olympia, WA, November 1996.

Criminal Justice Agencies:

In Illinois and West Virginia, the state police and local law enforcement are responsible for notifying the appropriate parties. The Montana Department of Corrections notifies the community when a district court deems it necessary. The Indiana Criminal Justice Institute issues notification to statutorily defined organizations at risk from a specific offender. In Oregon, a parole or probation officer supervising an offender conducts the notification.

ACCESSING REGISTRATION INFORMATION

Almost every state maintains a central registry, listing all registered sex offenders within the state. In addition to, or in lieu of notification, many states allow members of the public access to these registries. In these instances, information can be accessed in a variety of ways: telephone, computer, written request, or by reviewing the registry at a local law enforcement office.

Some states allow any citizen to view sex offender registries, while others only allow access to organizations that provide services to women, children, or vulnerable populations. States may require the citizen or organization seeking information to provide the name or description of the individual for whom information is sought. If a state's sex offender registry is centrally located, an individual may be required to request information in writing or pay a fee to receive the information.

In some states, law enforcement place restrictions on individuals consulting a registry. In these instances, an individual may not be allowed to further disseminate information. In South Carolina, requests to view the registry must be made in writing, stating the name of the person requesting the information and the name or address of the person about whom the information is sought. Only one name is allowed per request. Law enforcement can only release information to the public living in the county in which the offender is registered.

A few states have dedicated *telephone lines* that allow the public to call and inquire about offenders residing in their neighborhoods. California, Florida, New York, and Wisconsin maintain telephone lines that the public may call to inquire whether individuals are registered sex offenders. Typically, the caller must provide identifying information about the person in question and about himself or herself before the information can be released. California and New York phone lines are "900" numbers, requiring the caller to pay a fee for access. Florida and Wisconsin phone lines are "800" numbers, free of charge.

In some states, *interactive computer access*, through the World Wide Web or CD-ROM, is a way members of the public can access sex offender information. Florida posts lists of resident sexual predators on the World Wide Web.¹⁹ Here, a person can find pictures, addresses, and other identifying information about sexual predators. Kansas has a similar Web site where the public can search for registered sex offenders by name, county, city, and zip code.²⁰ Alaska and Indiana sex offender registries are also available and searchable on the Web.²¹ Specific

¹⁹ Florida: <http://www.fdle.state.fl.us/>

²⁰ Kansas: <http://www.ink.org/public/kbi/>

²¹ Alaska: <http://www.state.ak.us/>, Indiana: <http://www.state.in.us/acin/cji/>

counties in Georgia, Michigan, and Oregon release information on registered sex offenders over the Web.²² California's Department of Justice provides a CD-ROM containing a list of all registered sex offenders to local law enforcement agencies throughout the state for public viewing.

CHALLENGING NOTIFICATION DECISIONS

At least eleven states allow an offender to contest the decision subjecting them to notification.²³ In these instances, an offender can petition a court for a hearing or seek administrative review of the decision. At the court hearing, the offender has the right to be present, to present testimony, to call and cross-examine witnesses, and to be represented by counsel.

In July 1995, the New Jersey Supreme Court upheld the state's notification statute, determining it to be constitutional as long as sex offenders facing notification had a chance to exercise their right to contest the decision in court:

"...those subject to the statute are entitled to the protection of procedures designed to assure that the risk of reoffense and the extent of notification are fairly evaluated before Tier II or Tier III notification is implemented."
Furthermore, *"we have concluded that judicial review through summary proceeding should be available prior to notification if sought by any person covered by the law."*²⁴

In Texas, an offender may petition the district court for a hearing to restrain local law enforcement from publishing a notice in a newspaper. The hearing centers on whether the notification would place the person's health and well being in immediate danger. In Massachusetts, an offender assessed as Tier I is not able to contest his or her designation. However, a Tier II or III offender can petition the superior court for review of the decision.

²² Georgia: <http://www.oconeesherriff.org/SEXOFF.html>, Michigan: <http://www.mlive.com/news/crimes>, Oregon: <http://www.peak.org/benton-county/sheriff/corrections/sonote.htm>

²³ Florida, Louisiana, Massachusetts, Minnesota, Nevada, New Jersey, New York, Pennsylvania, Texas, Washington, and West Virginia.

²⁴ *Doe v. Poritz*, 662 A.2d 367 (NJ 1995).

IV. Legal Challenges

The central constitutional challenge to community notification law is whether the burden imposed by the law constitutes punishment for the offender. These challenges have primarily focused on the *ex post facto* nature of many laws, in that they retroactively apply to offenders convicted before the statute was enacted. Other challenges have argued that these laws violate prohibitions of cruel and unusual punishment, double jeopardy, or failure to provide adequate due process.²⁵ These laws have been challenged in at least 16 states.²⁶

Three United States Circuit Courts of Appeals have recently upheld the retroactive provisions of New Jersey, New York, and Washington notification laws. To date, these are the highest federal courts to rule on the constitutionality of Megan's Law.²⁷

Courts have generally found that Megan's Laws are constitutional and that their principal purpose is regulatory in nature and not punitive. Courts have further stated that the primary concern of these statutes is protecting the public. Portions of notification laws, such as procedural mechanisms and retroactive application, are most susceptible to challenges in state and federal courts.²⁸

The following sections provide a more detailed discussion of the legal challenges to community notification laws in various states.

RETROACTIVITY

Many states apply their community notification laws to offenders who committed their crimes prior to the law's enactment. Some laws apply to sex offenders who were incarcerated, or under state's custody, at the time of enactment. The retroactive application of laws in Iowa, Kansas, Louisiana, New York, New Jersey, Oregon, Texas, and Washington resulted in legal challenges. Results of these challenges have varied, with most laws being upheld and a few being reversed. The actions in various states are described below.

New Jersey courts have issued contradictory rulings on the subject of retroactivity.²⁹ In 1995, the New Jersey Supreme Court upheld the state's retroactive Megan's Law.³⁰ The court based its decision on the regulatory nature of the law. The court further stated that without retroactivity the law would not apply for many years when currently sentenced offenders are released into the community. Also in 1995, the U.S. Court of Appeals for the Third Circuit struck down a district court injunction against retroactive application of notification for Tier II

²⁵ Daniel L. Feldman, *The "Scarlet Letter Laws" of the 1990s: A Response to Critics*, 60 Albany Law Review 1081-1125 (1997).

²⁶ Alaska, Arizona, California, Connecticut, Illinois, Louisiana, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Tennessee, Washington, and Wyoming.

²⁷ Jennifer Preston, *U.S. Court Upholds 'Megan's Law' in Split Ruling*, The New York Times, August 21, 1997.

²⁸ National Center for Missing and Exploited Children, *The Legal Validity and Policy Concerns Associated with Community Notification for Sex Offenders*, Arlington, VA, February 1997.

²⁹ Peter Finn, *Sex Offender Community Notification*, Research in Action (National Institute of Justice, Washington, D.C.), February 1997.

³⁰ *Doe v. Poritz*.

and III offenders.³¹ However, the court upheld the constitutionality of retroactive Tier I notification. In July 1996, the U.S. District Court for the District of New Jersey upheld the retroactive application of Tier II and III notifications as constitutional.³² Upon appeal of that decision, the U.S. Court of Appeals for the Third Circuit issued a ruling in August 1997, upholding Tier II and III notifications on retroactive cases.³³

Washington State's community notification provision has also been challenged under retroactive application. In 1994, Washington State's Supreme Court found that the burden of registration and notification must rise to the level of punishment to violate the *ex post facto* clause of the constitution.³⁴ Also, a Washington State appellate court pronounced the state's sex offender registration and community notification laws regulatory in character.³⁵ In both cases, the courts further stated that any resulting stigma or suspicions are based on the offender's past crimes, not the registration or notification requirements. Recently, the U.S. Court of Appeals for the Ninth Circuit upheld a challenge to the retroactive application of the state's law.³⁶

Portions of Louisiana's community notification statute have been found unconstitutional based on retroactive application. Louisiana's statute is one of the broadest in the nation, requiring every released sex offender to notify the neighborhood at his or her own expense and obligation. The law has been challenged several times, and its retroactive application was found unconstitutional in 1994, with regard to the broadest notification provisions.³⁷

In 1996, the Supreme Court of Kansas determined that the state's notification law was punitive due to its very broad scope of application.³⁸ As a result of this decision, the statute's retroactive application was changed. Now public access is limited by the date an offense was committed and by offense type. For example, an offender convicted of rape on or after April 14, 1994, must register and such registration becomes public record. However, an offender convicted of sexual battery on or after April 14, 1994, must register but the information is not public unless the date of offense occurred on or after July 1, 1997.

Challenges to the retroactive application of Iowa, Oregon, and Texas community notification laws have been upheld.³⁹ An injunction against the retroactive provision of New York's statute was issued in 1996.⁴⁰ Upon appeal of that decision, in August 1997 the U.S. Court of Appeals for the Second Circuit upheld the constitutionality of the retroactive provisions of New York's Megan's Law.⁴¹

³¹ *Artway v. Attorney General*, 872 F.Supp. 66 (D. NJ 1995).

³² *W.P. v. Poritz*, 931 F.Supp. 1199 (D. NJ 1996).

³³ *E.B. v. Verniero*, 1997.C03.206 (<http://www.versuslaw.com>).

³⁴ *State v. Ward*, 869 P.2d 1062 (WA 1994).

³⁵ *State v. Taylor*, 835 P.2d 245 (WA App. 1992).

³⁶ *Russell/Stearns v. Gregoire*, 1997.C09.1471 (<http://www.versuslaw.com>).

³⁷ *State v. Babin*, 637 So.2d 814 (LA Ct. App. 1994). See also: *State v. Linson*, 1995 LA App. LEXIS 865; and *State v. Calhoun*, 1996 LA App. LEXIS 456.

³⁸ *State v. Myers*, 923 P.2d 1024 (KS 1996).

³⁹ *State v. Pickens*, 1997 Iowa Sup. LEXIS 27; *Williford v. Bd. of Parole and Post-Prison Supervision*, 904 P.2d 1074 (OR App. 1995); *Perez v. Texas*, 1997 Texas App. LEXIS 332.

⁴⁰ *Doe v. Pataki*, 919 F. Supp. 691 (S.D.N.Y. 1996), see also: *Doe v. Pataki II*, 940 F. Supp. 603 (S.D.N.Y. 1996).

⁴¹ *Doe v. Pataki*, Nos. 96-6249 (L), 96-6269 (2d Cir. Aug. 22, 1997).

CRUEL AND UNUSUAL PUNISHMENT

Most courts have held that registration and notification laws are not punishment under the Eighth Amendment provision against cruel and unusual punishment. For example, in 1991 the Illinois Supreme Court reasoned that the offender's criminal history is public information, so no additional stigmatization is attached to registration or community notification, and therefore is not considered punishment under the Eighth Amendment.⁴² California courts do consider registration as punishment, but not "cruel and unusual" punishment prohibited by the constitution.⁴³

OTHER LEGAL ISSUES

Notification laws have also been challenged on other fronts, namely privacy issues and due process. Most right to privacy challenges have failed because community notification bulletins include information that is public record. Due process challenges generally arise because offenders may not have knowledge of their obligations under sex offender statutes at the time of a plea. Washington's Supreme Court reasoned that there is no constitutional requirement to advise the defendant of the registration requirement at the time of the guilty plea.⁴⁴

Legal challenges have led to the clarification of certain aspects of Megan's Laws in New Jersey and Washington. In 1995, a New Jersey Supreme Court ruling upheld the constitutionality of Megan's Law and set the following standard for notification:

"For Tier II notification, only those community organizations that own or operate an establishment where children gather under their care, or where women are cared for, shall qualify, and only those that are likely to encounter the offender," and "As for the manner and extent of notification under Tier III, likely to encounter clearly includes the immediate neighborhood of the offender's residence and not just the people next door. It presumably would include (since Tier III includes Tier II notification) all schools within the municipality, adjacent municipalities depending upon their distance from the offender's residence, place of work, or school."⁴⁵

Similarly, in *Washington State* a 1994 Supreme Court ruling set the following parameters for determining which offenders should be subject to notification:

A disclosing agency or official "...must have some evidence of an offender's future dangerousness, likelihood of reoffense, or threat to the community, to justify disclosure to the public in a given case. This statutory limit ensures that disclosure occurs to prevent future harm, not to punish past offenses."⁴⁶

⁴² *People v. Adams*, 581 N.E.2d 637 (IL 1991).

⁴³ *People v. King*, 20 Cal.Rptr.2d 220 (CA Ct. App. 1993).

⁴⁴ *State v. Ward*.

⁴⁵ *Doe v. Poritz*.

⁴⁶ *State v. Ward*; see also *State v. Taylor* and *In re Estavillo*, 69 Wn. App 401, review denied, 122 Wn.2d 1003 (1993).

In determining what information to disclose, Washington's Supreme Court set the standard as "relevant and necessary."

"This standard imposes an obligation to release registrant information reasonably necessary to counteract the danger created by the particular offender. An agency must disclose only that information relevant to and necessary for counteracting the offender's dangerousness."⁴⁷

⁴⁷ *Ibid.*

V. Sexually Violent Predators

The Jacob Wetterling Act requires states to provide more stringent registration requirements to a sub-class of highly dangerous offenders determined to be “sexually violent predators.” These requirements include registering for life and verifying addresses every 90 days. States may apply these more stringent requirements to all sex offenders required to register to help comply with the Act.

Guidelines⁴⁸ for implementation of the Jacob Wetterling Act suggest that the sentencing court make the determination of whether a person is a sexually violent predator either at the time of sentencing or upon release from a term of imprisonment. The court should make its decision after receiving a report by a state board composed of experts in the field of the behavior and treatment of sexual offenders. A state board can be a body or group containing two or more experts that is authorized by state law or designated under the authority of state law. The Act affords state discretion concerning the selection and composition of such boards.

Some states utilize these assessment boards to help sentencing courts make the sexually violent predator determination. Others use risk assessment instruments to make the determination.

Sentencing courts in Pennsylvania enlist the evaluation expertise of the Sexual Offender Assessment Board, a statewide board that requires at least two state appointed psychiatrists or psychologists to conduct independent risk assessment evaluations. These evaluations are then submitted to the court for its determination. Risk assessment includes a review of factors such as the offender’s age, prior criminal history, demonstrated pattern of abuse in sexual contact with the victim, display of unusual cruelty, use of illegal drugs, mental illness or mental disability, and behavioral characteristics that contribute to conduct.

Some states use a formal risk assessment instrument in their determination. In Oregon, prior to an offender’s release the Department of Corrections uses the state’s Sex Offender Risk Assessment Scale to determine if an offender exhibits predatory characteristics. An offender is considered predatory if he/she receives a score on a minimum of three of nine specific criteria on the risk assessment scale, or is otherwise determined predatory by the supervising agency or the Board of Parole and Post-Prison Supervision. These criteria are: history of sex offense convictions; offense characteristics such as familiarity to the victim, multiple victims, use of weapons, threats or coercion; predatory behavior; forcible rape; men who molest boys (multiple male victims); and prior non-sexual criminal history such as the use of a weapon during commission of the offense.

The federal provisions allow states to impose these more stringent registration requirements on a broader class of offenders. If a state elects this approach, it is not necessary for the state to have sexually violent predator determinations made by the sentencing court, or to constitute boards of experts to advise the courts in such determinations.⁴⁹ For example, Hawaii requires

⁴⁸ Department of Justice, Office of the Attorney General, *Final Guidelines for Megan’s Law and the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act*, RIN 1105-AA50.

⁴⁹ *Ibid.*

all offenders convicted of a sexually violent offense or a criminal offense against a victim who is a minor (offenses defined in statute) to register their addresses every 90 days for life.

The duration of the registration requirement for a sexually violent predator may terminate only upon the sentencing court determining that the offender no longer suffers from a mental abnormality or personality disorder that makes him or her likely to engage in a predatory sexually violent offense. States are allowed discretion in determining a time interval for review of a sexually violent predator's status. Typically, states require five- or ten-year intervals before the sentencing court entertains a request for review.

VI. Notification Programs in Other Countries

Many countries have legislation outlining penalties for sex offenders, but few require registration and community notification. British Parliament passed the Sex Offenders Act in March 1997, and issued guidelines for community notification in the United Kingdom. Canada has been notifying communities about released sex offenders since 1994. In Australia, a royal commission recently recommended that police register convicted pedophiles and notify government officials and community groups of their presence. The following section provides a brief analysis of these laws and programs.

UNITED KINGDOM

In March 1997, the British Parliament enacted the Sex Offender Act.⁵⁰ The Act requires offenders who have committed sexual offenses against children to register with police authorities throughout the United Kingdom. The Act further requires these offenders to notify the police of a change of address or name. The Home Office was charged with developing guidelines for disclosure of sex offender information to the public. The Home Office is the Government department responsible for governmental internal affairs in England and Wales. Home Office Minister Alun Michael published guidelines on August 11, 1997.⁵¹ These guidelines outline how and when information should be disclosed by the police to community members and organizations.⁵²

Guidelines state that information required under the Sex Offenders Act is to be used for the protection of children and vulnerable adults:

“Within that context, any disclosure decision should be based on a risk assessment of the individual committing an offense and the vulnerability of a child or children, or other persons at risk.”⁵³

As a general principle, disclosure to the general public should occur only under exceptional circumstances.

According to guidelines, the assessment is to consider the nature and pattern of previous offending, compliance with previous sentences or court orders, the probability that further offenses will be committed, any predatory behavior which indicates a likelihood of reoffense, the harm such offenses would cause, the potential objects of the harm, the potential effects of disclosure to the offender and his or her family, and the potential effects of disclosure in the wider context of law and order.

⁵⁰ Her Majesty's Stationery Office, Acts of Parliament, *Sex Offenders Act 1997*, 1997 chapter 51.

⁵¹ Home Office News Release, *Guidelines for Operating Sex Offenders Register Published*, London, UK, August 11, 1997.

⁵² Home Office Circular, HOC 39/1997, London, UK, August 11, 1997.

⁵³ *Ibid.*

Guidelines further state that when police make the decision to disclose, the types of information released and the extent of its disclosure should be decided on a case-by-case basis through police discretion, in consultation with other interested agencies.

When information is disseminated, it should only be released to an identified individual or individuals directly at risk from a particular offender or to those with responsibilities for supervising individuals at risk (e.g., teachers). Before releasing information, police should be prepared to give advice and guidance on the proper use of information.

CANADA

In Canada, the Corrections and Conditional Release Act outlines the notification responsibilities of the Correctional Service of Canada upon releasing federal offenders into the community.⁵⁴ The Correctional Service of Canada is required to give the National Parole Board, provincial governments, provincial parole boards, law enforcement, and any other body authorized to supervise offenders, all information that is relevant regarding decision making on the release, supervision, or surveillance of an offender. Unlike the United States, Canada has no federal mandate requiring sex offender community notification. However, at least six provinces, including Alberta, British Columbia, Manitoba, Newfoundland, Ontario, and Saskatchewan are notifying the public about released sex offenders.⁵⁵ Most programs became effective in 1995 or 1996. British Columbia created a draft policy for notification in 1994.

Many similarities exist between Canadian and United States procedures for community notification. Notification generally applies to sex offenders who pose a risk of harm to the public. Local law enforcement agencies are usually involved in the decision-making process and carrying out notifications. Once a determination has been made to release information about an offender, law enforcement agencies notify the public via the media, flyers, newspapers or telephone.

Alberta and British Columbia community notification programs apply to convicted sex offenders judged to pose a risk of harm to others. In these provinces local police authorities and other law enforcement or psychiatric service agencies decide whether notification is needed and, if so, the scope, form, and content of notification. In Alberta, once a determination has been made that an individual presents a risk to the public and law enforcement decide to notify, the offender has the opportunity to challenge the decision.

In Manitoba and Saskatchewan, advisory committees assess sex offenders about to be released from a correctional facility, those currently being supervised in the community, and convicted offenders believed to pose a continuing threat to reoffend. Manitoba's Community Notification Advisory Committee is comprised of representatives from criminal justice agencies at the federal, provincial, and municipal levels. In Saskatchewan, the Public Disclosure Committee is comprised of a victims' services official, the director of the regional sex offender

⁵⁴ Consolidated Statutes of Canada, 1992, c. 20 [C-44.6].

⁵⁵ Information provided by the John Howard Society of Alberta, *Community Notification*, 1997 and G. Lewis, Public Prosecutors Division, Manitoba Justice, *Summary of Canadian Notification Programs*, prepared for the Provincial-Territorial Meeting of Ministers Responsible for Justice, Fredericton, New Brunswick, February 1997.

treatment program, officers from two municipal police services, one Royal Canadian Mounted Police (RCMP) officer, a religious leader, an aboriginal representative, and a private bar defense counsel. These committees work with law enforcement in making decisions about community notification.

Newfoundland's notification program applies to any high-risk sex offender whose criminal history demonstrates one or more of the following characteristics: a pattern of repetitive behavior evidencing a failure to restrain harmful conduct; a pattern of persistent aggressive behavior showing a substantial degree of indifference of his/her behavior; any behavior that is of such a brutal nature as to compel the conclusion that future conduct is unlikely to be inhibited by normal standards of behavioral restraint; or, any conduct in any sexual matter that reveals a failure or inability to control sexual impulses and gives rise to the probability of injury or pain to others. Law enforcement is responsible for making the final decision and carrying out a notification.

Ontario's Community Safety Act permits police and corrections officials to release information on high-risk offenders to victims, the public, and other criminal justice agencies.

AUSTRALIA

In August 1997, the Royal Commission into the New South Wales Police Service recommended that consideration be given to a registration system with police of all convicted child sexual offenders, requiring verification of address and notification of changes in name or address to police services. The Commission further recommended:

Police services be empowered "to give warnings to relevant government agencies, agencies and community groups relating to the presence of a person convicted or seriously suspected of child sexual assault offenses, where reasonable grounds exist for the fear that such a person may place a child or children in the immediate neighborhood of the offender in serious risk of sexual abuse."⁵⁶

Other states in Australia are providing their own programs to help identify child sexual abusers. The Victoria Police recently announced that it would launch a year-round Internet site, providing detailed information about pedophiles and contacts for victims needing help. The Internet site is part of Operation Paradox, a 1989 initiative designed to raise public awareness and give child victims of sexual abuse a means of reporting that abuse.⁵⁷

⁵⁶ Royal Commission into the New South Wales Police Service, *Final Report, Paedophile Inquiry (Volumes 4-6)*, Commissioner: The Hon. Justice JRT Wood, The Government of the State of New South Wales, Australia 1997.

⁵⁷ Jason Koutsoukis, *New Home Page Throws the Net Over Paedophiles*, The Age—Melbourne Online, Australia, September 11, 1997.

VII. Offender Harassment

The potential for citizens to harass offenders following notification has been a concern since these laws were first passed. Most notifications are accompanied by actions intended to guard against harassment. These actions include warnings on flyers and verbal warnings during door-to-door notification and at community meetings. Typically, these warnings advise citizens that legal action will be taken against those responsible for the harassment and that the law will be repealed if it results in citizen vigilantism.

In California, New York, and Wisconsin, phone lines that the public can access to obtain registration information issue a warning stating that it is illegal to use information obtained to commit a crime against any sex offender listed or to engage in illegal discrimination or harassment against such a person. Alaska and Florida Internet homepages include a reminder that information is made available for the purpose of protecting the public and that it is illegal to use public information regarding a registered sexual predator or offender to facilitate the commission of a crime.

At least three states have tracked incidents of harassment: New Jersey, Oregon, and Washington.

New Jersey's Administrative Office of the Courts reports that, as of May 1996, there were 528 sex offender registrants designated as Tier I, 585 as Tier II, and 59 as Tier III. According to county prosecutors, notification was completed for 135 out of the 644 individuals classified to Tier II or III.⁵⁸ According to law enforcement records, these 135 cases have produced only a single instance of physical assault being reported to the authorities—an attack on a person mistaken for a registered sex offender. In addition, there were a total of four reports to law enforcement personnel of threats, harassment, or other offensive actions.⁵⁹

Oregon's Department of Corrections issued a 1995 report on community notification.⁶⁰ From the time of the law's implementation (November 1993) to the time of the report, there were 237 notifications, representing 9 percent of those eligible under the statute (2,614). Less than 10 percent of this group experienced some form of harassment. These incidents included name-calling, graffiti, toilet papering, and minor property vandalism. Two extreme cases of harassment were reported: one sex offender was threatened at gun-point; a second offender was blamed for slashing a victim's tires and subsequently, threats of arson to the offender's residence were made.

In a 1996 survey of Washington State law enforcement officials, respondents recalled 33 incidents of harassment since the implementation of the law.⁶¹ Law enforcement report issuing a total of 942 notifications—615 Tier II and 327 Tier III; given the total number of notifications, harassment incidents follow 3.5 percent of all notifications.

⁵⁸ *E.B. v. Verniero*, P. 90.

⁵⁹ *Ibid.*

⁶⁰ Oregon Department of Corrections, *Sex Offender Community Notification in Oregon*, prepared for the 1995 Legislature, January 1995.

⁶¹ Washington State Institute for Public Policy, *Community Notification in Washington State: 1996 Survey of Law Enforcement*, Olympia, WA, November 1996.

The most serious incident resulted in a residence being burned down.⁶² Two others resulted in minor property damage, and in two cases, offenders were physically assaulted. Almost half of these incidents extended to family members of the offender, usually in the form of verbal threats and warnings. None of these harassment incidents have led to prosecution.

In the United Kingdom, a serious incident of harassment occurred in February 1997. Neighbors burned down the home of an alleged pedophile in the West Midlands. They were unaware that a child was inside the house. The child died as a result of the fire.⁶³

Recently issued guidelines outline how and when police should disclose sex offender information to community members and organizations in the United Kingdom.⁶⁴ These guidelines advise police to educate community members on the proper use of information before releasing such information.

⁶² In July 1993, Snohomish County issued a notification on Joseph Gallardo which resulted in the offender's planned residence being burned down. The responsible parties were never caught and the crime was never solved.

⁶³ Kate Hilpern, *Child Protection: The Law and the Lynch Mob*, The Guardian p.22, London, UK, February 19, 1997.

⁶⁴ Home Office Circular, HOC 39/1997, London, UK, August 11, 1997.

VIII. Conclusion

Currently, 47 states have some form of a community notification, or Megan's Law. Federal guidelines outline procedures for states to follow in implementing the Jacob Wetterling Act and Megan's Law. States have until September 1997 to comply with these provisions or risk losing 10 percent of their crime control funds. States that are showing a "good faith effort" to reach compliance may be granted an additional two years.

These statutes vary greatly in form and function. Many states have emulated existing legislation in states with established programs when developing their own laws. However, no two state laws are identical. The enactment of federal legislation that did not carry additional funding, only penalties, has required states to look inward for resources in developing these laws.

Legal challenges to Megan's Laws have generally been unsuccessful, except for *ex post facto* challenges. Retroactive application has been found unconstitutional in several states. Many states that have recently enacted community notification legislation have limited the scope to those individuals who committed their offense on or after the statute's effective date. Recently, the retroactive provisions of state statutes have withstood challenges in the United States Court of Appeals.

Several states rely on a formal risk assessment for determining offenders subject to notification. In many instances, offenders are allowed to petition for review of the risk category in which they are placed. Courts have determined that this risk assessment and petition process aids in upholding the constitutionality of these laws.

The few states that have tracked the effects of community notification report relatively few documented instances of harassment. Most law enforcement officials have implemented notification programs in a manner that emphasizes public education and guards against vigilantism.

Recently passed federal legislation will enhance law enforcement's awareness of sex offenders as they move within and outside a state. The Pam Lychner Sexual Offender Tracking and Identification Act of 1996 will implement a nationwide central repository that contains the location, and other identifying information, of all registered sex offenders throughout the country, allowing the Federal Bureau of Investigation to track sex offenders when they move. The law directs the FBI to establish a national database of sex offenders within the next three years.

Appendices

APPENDIX A: SUMMARIES OF STATE STATUTES

- **Table Overview**
- **Table 1** (a) and (b): States authorizing broad community notification
- **Table 2** (a) and (b): States authorizing notification to individuals and organizations at risk
- **Table 3** (a) and (b): States allowing access to registration information

APPENDIX B: STATE NOTIFICATION STATUTES

Appendix A: Summaries of State Statutes

TABLE OVERVIEW

The state statutes examined in this report can be compared in more detail by examining their key elements: which offenders are subject to notification; how communities are notified and what type of information is included in a notification; how an offender's level of risk to reoffend is assessed; what state and local roles are in the notification process; and how states utilize sex offender registries.

The following six tables contain information regarding the 47 states' community notification statutes. Table 1 (parts a and b) contains information on the 18 states that authorize broad community notification. Table 2 (parts a and b) contains information on the 14 states that authorize notification to individuals and organizations at risk. Table 3 (parts a and b) contains information on the 15 states that allow access to sex offender registration information. Each table contains elements of state laws relating to community notification including the notification process, risk assessment, state and local roles, and contact people involved in each state's notification program.

TABLE 1a
State Laws Authorizing Broad Community Notification

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
|---------------------------------|---|---|---|---|
| Alabama (1996) | A person convicted, incarcerated, and released for a following offense: rape in the first or second degree; sodomy in the first or second degree; sexual torture; sexual abuse; or incest when offender is 20 years old or older and the victim is 18 years old or younger. | Notification by mail and by posting copy of mailed notice in a prominent place at city hall and police station closest to declared residence of released offender. Extent of notification dependent upon population density in area of offender's residence: notification to all persons with residences within 1,000 feet of offender in cities of Birmingham, Mobile, Huntsville, and Montgomery; notification to all persons with residences within 1,500 feet of offender in all other cities with a resident population of 5,000 or more; notification to all persons with residences within 2,000 feet of offender in all other municipalities with a resident population of less than 5,000. | Name, address, sex, age, physical description, current photograph, and a statement of the sex crime or crimes for which the offender has completed sentence, and the date of release. The notification shall also include a statement that the same information is on file at police headquarters, or sheriff's office, and is available to the general public. | Statute applies to any person convicted of any criminal sexual offense. |
| Arizona (1996) | Convicted sex offenders who: are released from prison, are placed on probation, violate and are reinstated to probation, or have been accepted under Interstate Compact on or after June 1, 1996; notification dependent upon level of risk. | Community notification guidelines provide levels of notification based on risk: for <u>low risk</u> offenders, the local law enforcement agency that has responsibility for notification shall maintain information about the offender and may disseminate this information to other law enforcement agencies and may give notification to the people with whom the offender resides; for <u>moderate risk</u> offenders, the notification may be made to schools, neighbors, community groups, and prospective employers; for <u>high risk</u> offenders, the notification shall be made to schools, neighbors, community groups, prospective employers, and the media. | <u>Tier III</u> flyers can contain a picture and address of the offender, a brief criminal history, and synopsis of the mode of operation used when committing the offense. | A screening tool developed by the Community Notification Guidelines Committee will place an offender into a low, medium, or high category. Factors, such as seriousness of crime, use of force, history of criminal behavior, and number of victims will be assessed. <u>Tier I</u> offenders pose a lower risk to the community. <u>Tier II</u> offenders pose a medium risk to the community. <u>Tier III</u> offenders would pose the greatest risk to the community. Risk is assessed within 72 hours of release or sentencing. |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
|--|---|--|--|---|
| California (1997) | Registered adult and juvenile sex offenders; serious offenders (specific offenses covered in California Penal Code 290), and high-risk offenders. | A law enforcement agency may disseminate sex offender information to ensure the public safety. Serious sex offender information may be provided to public and private schools, day care centers, persons likely to encounter the offender, and other agencies who serve individuals likely to be victimized by the offender. In addition to the above, high-risk offender information to be released through media to the public. Registered sex offender information can be accessed through a "900" telephone line and CD-ROM. | Information to be disclosed includes the offender's full name, aliases, gender, race, physical description, photograph, date of birth, crimes resulting in registration, address, vehicle description and license plate number, type of victim, parole and probation conditions, dates of crimes, and date of release from confinement. Information released through "900" number includes name, physical description, and crimes resulting in registration. | A high-risk sex offender is a serious offender who has been convicted of an offense for which registration is required and meets one of the following criteria: <ul style="list-style-type: none"> • Has been convicted of 3 or more violent sex offenses. • Has been convicted of 2 violent sex offenses and 1 or more violent non-sex offenses. • Has been convicted of 1 violent sex offense and 2 or more violent non-sex offenses. • Has been convicted of either 2 violent sex offenses or 1 violent sex offense and 1 violent non-sex offense, and has been arrested on separate occasions for 3 or more violent sex offenses, violent non-sex offenses, or associated offenses. Registration records are continually searched to identify high-risk offenders. |
| Delaware (1994, Latest Revision 1996) | Any offender convicted after statute's effective date (1994) of specified offenses listed in Title 11 of Delaware Crimes and Criminal Procedure. | Community notification dependent upon risk score received on the Registrant Risk Assessment Scale. For those persons receiving a <u>low risk</u> score, notification is provided to all law enforcement agencies with jurisdiction over the area where the offender intends to reside. For those persons receiving a <u>moderate risk</u> score, in addition to the previous, a Community Organization Alert is provided. This alert is provided to organizations registered with law enforcement that operate an establishment where children gather under their care or where women are cared for and schools. Notification provided only to those organizations that are likely to encounter the offender. For those persons receiving a <u>high risk</u> score, in addition to the previous, the community is notified by conducting door-to-door appearances or by mail or by other methods. Community notification should be targeted to a defined community likely to encounter the offender. | Notification to contain the offender's name, release address, offenses for which convicted, and a photograph if law enforcement deems appropriate. | An offender's level of risk is determined through the Registrant Risk Assessment Scale. Those offenders receiving low-risk scores are considered <u>Tier I</u> offenders. Those offenders receiving moderate-risk scores are considered <u>Tier II</u> offenders. Those offenders receiving high-risk scores are considered <u>Tier III</u> offenders. This assessment is not intended to determine the actual probability of reoffense but is a method of objectively placing registrants in tiers designed to provide the public with notice of the whereabouts of convicted sex offenders. Criteria considered on the risk assessment include seriousness of the offense, offense history of the registrant, and characteristics exhibited by the registrant. The criteria are weighted more heavily on seriousness of offense and less on characteristics of the offender. Notice of an offender's pending release provided to the Attorney General within 90 days. Notice of an offender placed on probation provided no more than 5 days after the offender's release. Attorney General shall assess the offender within 10 days of receiving notice of release. |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
|--|---|---|--|--|
| Florida (1995 Latest Revision 1996) | <p><i>Tier 1:</i> sexual predators whose offense was committed on or after October 1, 1993 and before October 1, 1995.</p> <p><i>Tier 2:</i> sexual predators whose offense was committed on or after October 1, 1995 and before October 1, 1996.</p> <p><i>Tier 3:</i> sexual predators whose offense was committed on or after October 1, 1996.</p> | <p><i>Tier 1</i> sexual predators are not subject to community notification. <i>Tier 2</i> sexual predators are subject to statutorily authorized community notification. Community notification to be published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the predator resides. <i>Tier 3</i> sexual predators are subject to broad-based community notification. Sexual predator information also available through an "800" phone line and through the World Wide Web.</p> | <p>Notice includes name, description (including a photograph), offense and circumstances surrounding conviction, and whether the victim was a minor or adult at the time of offense.</p> | <p>For <i>Tier 1</i>, there must be a written court finding at the time of sentencing for the designation as a sexual predator. For <i>Tiers 2 and 3</i>, a written court finding for the designation as a sexual predator may occur at the time of sentencing or at a later hearing. The court shall consider all relevant evidence when assessing risk, including but not limited to: relationship between the sexual predator and the victim; whether offense involved the use of a weapon or violence, or threat of violence; the circumstances surrounding any prior sexual offenses or violent offenses; evidence that indicates a risk of recidivism; response to treatment; and recent behavior.</p> |
| Louisiana (1992) | <p>Applies to all sex offenders convicted after August 21, 1992, the statute's effective date, and incarcerated sex offenders convicted before effective date, who are eligible for parole after statute's effective date. Additional notification required for offenders with victims under the age of 18.</p> | <p>Mandatory community notification for all convicted sex offenders. Sex offenders required to give notice by mail to at least one person in every residence and business within a one-mile radius in rural area and three square blocks in urban area of offender's residence, and to superintendent of school district who shall notify the principal of relevant schools. Additional community notification via newspaper publication at offender's expense. If the victim is under age 18, notice shall also be given to park, playground and recreational area superintendents within the designated area where the defendant will reside.</p> | <p>Notice to include offender's crime of conviction, name, and address. When victim is under 18, notice to superintendent of school district and superintendent of park, playground, and recreational districts shall include two clear, recent photographs. Also, newspaper notification of an offender whose victim is under 18 to include a photograph.</p> | <p>Statute applies to all convicted sex offenders.</p> |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
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| Massachusetts (1996) | A person convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense, or released from incarceration or parole or probation on or after August 1, 1981. | Notification dependent upon risk of reoffense: <u>low risk</u> , registration data transmitted to police departments where the offender intends to live and work and where the offense was committed and to the FBI; <u>moderate risk</u> , schools, day care centers, religious and youth organizations, and sports leagues that are likely to encounter the offender must also be notified; <u>high risk</u> , individual members of the public that are likely to encounter the offender must also be notified. The public shall have access to all levels of sex offender information. | <u>Tier II and III</u> notifications include: offender's name, address, work address, offenses for which convicted, date of conviction, age, sex, race, height, weight, eye and hair color, and a photograph of the offender. | Guidelines for community notification established in a three-tier system dependent on the risk of reoffense: <u>Tier I</u> , low risk; <u>Tier II</u> , moderate risk; <u>Tier III</u> , high risk. Factors relevant to risk shall include, but not be limited to: criminal history factors; conditions of release; physical conditions that minimize risk of reoffense; whether the offender was a juvenile when offense was committed, response to treatment and subsequent criminal behavior; whether psychological or psychiatric profiles indicate risk; history of drug/alcohol abuse; recent behavior; review of victim impact statement and review of any materials submitted by the offender. A risk tier determination of each sex offender listed in the registry shall be made, beginning with offenders who have been released from incarceration within the past 12 months, are currently on parole or probation, or are scheduled for release within 6 months. |
| Minnesota (1996) | Applies to sex offenders who are released, sentenced, or adjudicated delinquent on or after January 1, 1997. | Notification process is dependent upon the offender's assessed level of risk to reoffend: <u>low risk</u> (Tier I), information maintained within law enforcement agencies and may be disclosed to victims or witnesses to the offense; <u>moderate risk</u> (Tier II), law enforcement agencies may disclose information to agencies and groups that the offender is likely to encounter (public and private schools, day care facilities, and other agencies or groups dealing with children or women); <u>high risk</u> (Tier III), law enforcement agencies also may disclose information to other members of the community whom the offender is likely to encounter. Exact methods of notification are subject to judgment by local law enforcement. For <u>high-risk</u> offenders, community meetings are recommended. | Information to be included in a notification is subject to judgment by local law enforcement. | End-of-confinement review committees shall conduct risk assessment and assign offenders to one of three tiers at least 90 days before released from confinement or accepted for supervision. Factors relevant to risk assessment include, but are not limited to: the seriousness of the offense should the offender reoffend; the offender's prior offense history; the offender's characteristics (response to prior treatment efforts and history of substance abuse); the availability of community supports to the offender (supervision, treatment availability, family and social relationships, lack of education or employment stability); and whether the offender demonstrates a physical condition that minimizes the risk of reoffense. |
| Montana (1991) | Sex offenders required to register. | Limited notification dependent upon need to protect; a court order allowing the release of registration information must first be obtained. If court order is obtained, possible method of notification may be in the form of a press release. | County sheriff may only release the name of a registered sex offender. If court allows release of information for public protection, the information may include a photograph, approximate address, and other relevant information. | Risk determined by ruling in district court. |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
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| Nevada (1995) | All offenders convicted, after October 1, 1995, of a sexual offense and released on parole are subject to risk assessment; notification dependent upon level of risk. | Notification process is dependent upon the assessed level of risk: <u>low risk</u> , notice provided to local law enforcement agencies in the jurisdiction where the offender is expected to reside or work; <u>moderate risk</u> , in addition to the previous level, notice provided to any school districts, camps, day care centers, youth organizations, or other religious or community organizations that care or provide services to children or women and are likely to encounter the offender; <u>high risk</u> , in addition to the previous levels, notice provided to members of the community likely to encounter the offender and whom law enforcement considers appropriate to receive such notification. Methods of <u>moderate risk</u> notification can include meetings conducted at schools or at organizations eligible to receive notification and fliers distributed to the head administrator of such organizations. Methods of <u>high risk</u> notification can include door-to-door appearances, fliers distributed by mail, or other methods. | Current photograph, complete description, name and all aliases used, offense listed for which paroled and brief description of circumstances of crime and past offenses including date of offenses, age and sex of any victim, general description of the geographic area where offense was committed, name and location of penal institution from which the offender was paroled, city block of offender's residence, description and license number of any vehicle owned by offender, and the location and telephone number of the parole and probation office responsible for supervising the offender. | The Attorney General and advisory council established three tiers of notification depending upon an offender's risk of recidivism: <u>Tier 1</u> , low risk; <u>Tier 2</u> , moderate risk; <u>Tier 3</u> , high risk. The assessment panel uses a community notification assessment scale to place an offender in a notification tier. The assessment scale utilizes criteria intended to identify repetitive and compulsive offenders. These criteria include seriousness of offense, criminal history, characteristics of offender, and community support. In weighing the criteria, seriousness of offense items are given the most weight, followed by criminal history, characteristics of the offender, and community support items. The scale has a maximum point total of 168. Low risk offenders' scores range from 0 to 55, moderate risk offenders' scores range from 56 to 112, and high risk offenders' scores range from 113 to 168. Risk assessment to be conducted within 120 days prior to the date the offender is eligible to be released on parole. |
| New Jersey (1994) | All sex offenders, released or adjudicated delinquent after October 31, 1994, required to register are subject to risk assessment; notification dependent upon level of risk. | Notification process is dependent upon the degree of danger an offender presents to the community: <u>low risk</u> , notice provided only to victim and law enforcement agencies likely to encounter the offender; <u>moderate risk</u> , notice given to community organizations including schools, religious and youth organizations; <u>high risk</u> , subject to public notification, only to those community members who are likely to encounter the offender. | In all tiers, the information will include name, description, photograph, address, place of employment or schooling, vehicle description and its license plate number. | Guidelines for community notification established in a three-tier system: <u>Tier 1</u> , low risk; <u>Tier 2</u> , moderate risk; <u>Tier 3</u> , high risk. Factors relevant to risk of reoffense shall include, but not be limited to, the following: (1) Conditions that minimize risk of reoffense, including whether the offender is under supervision of probation or parole; receiving counseling, therapy or treatment; or residing in a home situation that provides guidance and supervision; (2) Physical conditions that minimize risk of reoffense, including advanced age or debilitating illness; (3) Criminal history factors indicative of high risk of reoffense (outlined in legislation). Risk assessment occurs at least 90 days prior to the inmate's release. |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
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| Ohio (1997) | <p><i>Sexual predators:</i> a person who is convicted of a sexually violent offense and is found by the sentencing court to be a sexual predator.</p> <p><i>Habitual sex offenders:</i> a person previously convicted of one or more sexually oriented offenses and sentencing judge determines community notification is necessary for that individual.</p> <p>The act applies to anyone released after January 1, 1997, regardless of when the individual was sentenced.</p> | <p>Written notice of a habitual sex offender or sexual predator is provided to the following persons within the specified geographic notification area (defined in administrative rule as the entire school district in which an offender resides): local law enforcement, all occupants of residences adjacent to the offender's place of residence; the executive director of the public children services agency; the superintendent of each board of education of a school district; the appointing or hiring officer of each nonpublic school; the director, head teacher, or elementary principal of each preschool program; the administrator of each child day care center; and, the president or other chief administrative officer of each institution of higher education.</p> | <p>Notification shall include the offender's name, address, sexually oriented offense of conviction, and a statement that the person has been adjudicated as a sexually violent predator or habitual sex offender.</p> | <p><i>Sexual predator</i> status determined if a person is convicted of a sexually violent offense and also is convicted of a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense. The conviction of the specification automatically classifies the offender as a sexual predator.</p> <p>In all other cases, the judge who is to impose sentence upon an offender convicted of a sexually oriented offense may conduct a hearing to determine whether the offender is a sexual predator. In making the determination, the judge shall consider all relevant factors, including the offender's age and prior criminal record, the age of the victim, whether the offense involved multiple victims, whether drugs or alcohol were involved in the offense, whether the offender participated in available programs for sex offenders, any mental illness or mental disability, offender's demonstrated pattern of abuse, and whether the offender displayed cruelty or made threats of cruelty.</p> <p>No levels of risk for <i>habitual sex offenders</i>; determined by conviction.</p> <p>For offenders sentenced prior to the effective date but released after the effective date, the Ohio Department of Rehabilitation and Correction makes a recommendation to the sentencing court. For offenders sentenced after the effective date, the court makes the determination prior to sentencing.</p> |
| Oregon (1993) | <p>Offenders classified as predatory sex offenders. A predatory sex offender is defined in statute as any offender under parole, probation or post-prison supervision who has been convicted of rape, sodomy, sexual abuse, unlawful sexual penetration, in any degree, or of attempting to commit one of these crimes, who exhibits characteristics showing a tendency to victimize or injure others. Statute is retroactive.</p> | <p>Notifications have included television and radio announcements, community meetings, newspaper articles, door-to-door flyers, and posting of the offender's residence. Method dependent upon geographic location and population density.</p> | <p>Notice may include: name, address, physical description, type of vehicle driven, any conditions of probation, parole or conditions of release, description of primary and secondary targets and method of offense, current photograph, and probation or parole officer's name or phone number.</p> | <p>Upon an offender's pending release, the Department of Corrections uses the Sex Offender Risk Assessment Scale to determine if an offender exhibits predatory characteristics. An offender is considered predatory if he/she receives a score on a minimum of three of nine starred criteria on the risk assessment or otherwise determined by the supervising agency, or by the Board of Parole and Post-Prison Supervision. These criteria are: history of sex offense convictions, stranger to victim, multiple victims, use of weapons, threats or coercion, predatory behavior, prior non-sexual criminal history, forcible rape, use of a weapon during commission of offense, and men who molest boys (multiple male victims).</p> |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
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| Rhode Island (1996) | Registration required for any person who has been convicted of a criminal offense against a victim who is a minor, a sexually violent offense, or has been determined to be a sexually violent predator. Applies to those convicted of an offense committed after the act's effective date. | Notification process is dependent upon the degree of risk of reoffense by the offender: <u>low risk</u> , law enforcement agencies likely to encounter the registered person shall be notified; <u>moderate risk</u> , organizations in the community including schools, religious and youth organizations likely to encounter the registered person shall be notified; <u>high risk</u> , members of the public likely to encounter the registered person shall be in accordance with the notification advisory council and attorney general's guidelines. | Procedures for community notification, including content and form, to be developed. | Guidelines dependent on the degree of risk of reoffense: <u>Tier I</u> , low risk; <u>Tier II</u> , moderate risk; <u>Tier III</u> , high risk. Factors relevant to risk include, but are not limited to: conditions of release that minimize risk of reoffense; physical conditions that minimize risk of reoffense; criminal history factors indicative of high risk of reoffense; whether or not psychological or psychiatric profiles indicate a risk of recidivism; the offender's response to treatment; recent behavior; recent threats against persons or expressions of intent to commit additional crimes. |
| Tennessee (1994) | All sex offenders required to register. Statute applies retroactively to all convicted offenders. | Notification based on need to protect the public from a specific sex offender. | County sheriff to release relevant and necessary information for a specific sex offender. Exact information to be released determined by sheriff. | Sex offender's level of risk determined by sheriff upon notice of a registration statement. |
| Texas (1995) | Registered offenders who are dispositioned on or after September 1, 1995, for any offense where the victim is a child younger than the age of 17, excluding incest offenses and all deferred probation offenses. | Community notification via newspaper publication and notice to superintendent of public schools by mail. Registration information available to the public. | Newspaper publication to include offender's age and gender; a brief description of the offense for which subject to registration; and the municipality, street name, and zip code where the offender intends to reside. Registration information contained in central database is public information, with the exception of offender's photo, social security number, driver's license number, street address and home phone number. | Notification in all cases of sex offense against a victim under 17, excluding incest offenses and all deferred probation offenses. |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
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| Washington (1990, Latest Revision 1997) | Adult and juvenile sex offenders, regardless of conviction date, are subject to risk assessment; notification dependent upon level of risk. | Notification is dependent upon the level of risk an offender poses to public safety: <u>low risk</u> , notice to law enforcement agencies and may disclose information, upon request, to any individual community member who resides near an offender; <u>moderate risk</u> , information may also be disclosed to schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighborhood groups; <u>high risk</u> , information may also be disclosed to the public at large. A model policy is to be developed by December 1, 1997, for agencies to follow when disclosing information about sex offenders to the public. Community meetings are one form of public notification. | Public agencies are authorized to release relevant and necessary information regarding sex offenders to the public when release of the information is necessary for public protection. A model policy is to be developed for agencies to follow when disclosing information about sex offenders to the public, including content and form of notifications. | The Department of Corrections, the Juvenile Rehabilitation Administration, and the Indeterminate Sentence Review Board are required to classify all sex offenders released from their facilities into tiers of risk for the purposes of public notification: <u>Tier I</u> , low risk; <u>Tier II</u> , moderate risk; and <u>Tier III</u> , high risk. An end-of-sentence review committee is established for the purpose of assigning risk tiers, reviewing available release plans, and making appropriate referrals for sex offenders. The committee shall assess, on a case-by-case basis, the public risk by sex offenders who are preparing for their release from confinement or are accepted from another state under the interstate compact. |
| Wyoming (1997) | Individuals convicted of a felony sex offense in which the victim was less than sixteen years of age and the offender was at least four years older than the victim. Applies to offenders convicted after January 1, 1985. | Notification process is dependent upon the degree of risk of reoffense by the offender, determined by the court: <u>low risk</u> , notification provided to only those persons authorized to receive criminal history records information (criminal justice agencies, state agencies working with children and families); <u>moderate risk</u> , in addition to the previous level, notification to organizations including schools, religious and youth organizations; <u>high risk</u> , in addition to the previous levels, notification provided to the public, through means specified in the court's order. | Registration information includes the offender's name, address, date and place of birth, social security number, recent photograph, fingerprints, crime for which the person was convicted, date and place of conviction, and place of employment. | In determining an offender's risk of reoffense, the court shall consider: conditions of release that minimize risk of reoffense; physical conditions that minimize risk of reoffense; criminal history factors indicative of high risk of reoffense; whether or not psychological or psychiatric profiles indicate a risk of recidivism; the offender's response to treatment; recent behavior; recent threats against persons or expressions of intent to commit additional crimes, and other criminal history factors. |

TABLE 1b
State Laws Authorizing Broad Community Notification

| State | State Role | Local Role | Comments | Contact Person |
|-------------------|--|--|--|---|
| Alabama | The warden of the correctional facility in which the offender is incarcerated shall, within 48 hours of an offender's declaration of intended residence, notify the Attorney General, the Director of the Department of Public Safety, the district attorney and the sheriff of the county in which the offender intends to reside, the chief of police of any municipality, and the FBI. | The Chief of Police, or county sheriff, shall notify all persons, within a designated area of the declared residence of the released offender, that the offender will be establishing his or her residence in proximity to the residents. | No released sex crime offender shall be allowed to establish a legal residence within 1,000 feet of any public or private school, day care center, any other child care facilities, or former victims. | Ron Cunningham or Isaac Kervin Criminal Justice Information Center (205) 242-4900 |
| Arizona | The agency that had custody of the offender must complete the risk assessment instrument and send it, along with identifying information about the offender, and the date of release and sentencing to the Department of Public Safety. Within 10 days after release or sentencing, the Department of Public Safety must make sure the offender is registered. The originating agency notifies and forwards information packet to local law enforcement agency. | The originating agency forwards material to the chief law enforcement officer of the community in which the offender is residing. Within 45 days of receiving the information about the offender, the chief law enforcement officer must categorize the offender and determine a notification tier and make the required notification. | Previously registered sex offenders subsequently convicted of registration violations are subject to community notification. | Kenneth Marion Fugitive Unit Supervisor, Community Corrections Division, Department of Corrections (602) 255-4244 |
| California | The Department of Justice receives all registration records and reviews these records for the purpose of identifying high-risk offenders. Four times each year, the department provides to each chief of police and sheriff in the state, and to any other law enforcement agency upon request, information regarding each identified high-risk sexual offender. The Department of Justice also provides a "900" phone line for the general public to call and request information regarding a specific offender. The Department of Justice is also required to provide a CD-ROM or other electronic medium containing information regarding registered sex offenders to specified law enforcement agencies. | When a peace officer reasonably suspects that a child or other person may be at risk from a sex offender, a law enforcement agency may provide information about that registered sex offender to ensure public safety. A law enforcement agency may continue to disclose information on an offender for as long as the offender is registered. Local law enforcement agencies are required to make the CD-ROM or other electronic medium containing information regarding registered sex offenders available for public viewing. | Warnings are given through the "900" phone line and CD-ROM that it is illegal to use information obtained to commit a crime against any person listed or to engage in illegal discrimination or harassment against such persons. | Debbie Mullinax Department of Justice (916) 227-3743 |
| Delaware | State Attorney General assesses an offender in accordance with the Registrant Risk Assessment Scale. The Attorney General notifies the state police and the chief of law enforcement in the jurisdiction where the offender intends to reside as to the resulting score on the risk assessment and of the assessment itself. | The chief law enforcement officer of the jurisdiction where the offender intends to reside provides notification of the convicted sex offender's release in accordance with the offender's assessed level of risk. | Notification by Department of Correction via newspaper publication is still in effect for offenders convicted between 1994 and 1996 of sexual offenses against victims under age 16. | Carl C. Danberg Department of Correction (302) 856-5243 |

| State | State Role | Local Role | Comments | Contact Person |
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| Florida | All sexual predators must register with the Department of Law Enforcement (FDLE). The FDLE shall notify the sheriff, the state attorney, and the chief of police of the community in which a predator resides within 48 hours of the predator's registration with the Department. For <i>Tier 2</i> sexual predators, the state attorney shall file a petition with the circuit court for a hearing to determine whether the offender poses a threat to the public. If the offender is determined to pose a threat, the court shall submit its finding to the sheriff or chief of police of the community where the sexual predator resides. The FDLE also maintains an "800" phone line which the public may call to request information about sexual predators. This information is also available through the World Wide Web, on the FDLE homepage (http://www.fdle.state.fl.us/). | The sheriff of the county or the chief of police where the <i>Tier 2</i> sexual predator resides shall notify the public. The notice must be published once a week for two consecutive weeks in a newspaper of general circulation published in the county where the predator resides. The sheriff of the county or the chief of police where the <i>Tier 3</i> sexual predator resides shall notify the public in any manner deemed appropriate. | At the court hearing, the sexual predator has the right to be present, to present testimony, to call and cross-examine witnesses, and to be represented by counsel. Effective October 1, 1997, all tiers of court ordered sexual predators are subject to community notification. | For inquires contact: Sexual Predator Program User Services Bureau Department of Law Enforcement (904) 488-5224 |
| Louisiana | Upon release from incarceration, as condition of parole, the State Board of Parole requires the offender to give notice in any form that it deems appropriate. Sex offender disseminates information by mail and notice shall be published on two separate days within 30-day period in the official journal of the governing authority of the parish where the defendant plans to reside. The board may order any other form of notice that it deems appropriate, including but not limited to signs, handbills, bumper stickers, or clothing labeled to that effect. Notification shall occur within 21 days after conviction or release from confinement, whichever occurs later. | In cases where the defendant has been convicted of a sex offense and the sentencing court places the offender on probation, the court requires the offender to register and give notice in any form that it deems appropriate, consistent with relevant statutes. Methods of dissemination are the same as required by Board of Parole. The court and parole boards have the discretion to add conditions in addition to those mandated by law. | Any person having the duty to register and give notice may petition the sentencing court to be relieved of that duty. | William T. "Bill" Price Department of Public Safety and Corrections, Division of Probation and Parole (504) 342-6609 |
| Massachusetts | The Sex Offender Registry Board, overseen by the Executive Office of Public Safety, developed guidelines to assess the risk of reoffense by a sex offender and provides for three tiers of notification depending on the risk of reoffense. The Board transmits registration data to the police departments where the offender intends to live and work and where the offense was committed, and to the FBI. | The police department receiving the registration information from the Sex Offender Registry Board shall be required to notify the appropriate organizations or individuals in the community in which the offender intends to live, work, and where the offense, for which registration was required, was committed. | <u>Tier I</u> designation shall be final, with no judicial review. A <u>Tier II</u> or <u>Tier III</u> designation may be petitioned by the offender in the superior court where the offender intends to reside. | Charles McDonald or Jim Gilbert Executive Office of Public Safety (617) 727-7775 |

| State | State Role | Local Role | Comments | Contact Person |
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| Minnesota | End-of-confinement review committees are incorporated at each state correctional facility and at each state treatment facility where sex offenders are confined. The committees assess the public risk posed by sex offenders on a case-by-case basis. Each committee consists of the following members appointed by the Commissioner of Corrections: the chief executive officer or head of the correctional or treatment facility where the offender is currently confined, or that person's designee; a law enforcement officer; a treatment professional who is trained in the assessment of sex offenders; a caseworker experienced in supervising sex offenders; and a representative from a victim advocacy organization. | The Minnesota Peace Officers Standards and Training (POST) Board shall develop a model policy for law enforcement agencies to follow when they disclose information on sex offenders to the public. The policy shall address and recommend the following matters: contents and form of community notification documents; methods of distributing community notification documents; methods of providing follow-up notifications to community residents at specified intervals; methods of educating community residents at public meetings on how they can use the information to enhance their safety; procedures for educating community members regarding the right of sex offenders not to be harassed; and procedures for educating sex offenders on the nature and scope of the notification process. | An offender assigned to <u>Tier II or III</u> has the right to seek administrative review of the committee's risk assessment determination. | Stephen Huot Sex Offenders/Chemical Dependency Services, Department of Corrections, (612) 642-0279 |
| Montana | Prior to release of sex offender, the State Department of Corrections and Human Services may petition the court for an order allowing the release of relevant and necessary registration information regarding the offender, needed to protect the public. Department of Correction to notify community if court deems necessary. | The district court for the judicial district in which the prison is located which holds the offender or the judicial district where the offender intends to reside is petitioned for release of information. | County sheriff may release the name of a sex offender only. | Ted Clack Department of Corrections (406) 444-4907 |
| Nevada | The State Attorney General together with an Advisory Council for Community Notification has established statewide guidelines and procedures for notification. The advisory council consists of three members appointed by the Governor and four members appointed by the legislative commission. Risk assessment is performed by a three-member panel consisting of the Director of the Nevada Department of Prisons, the Chief of the Nevada Division of Parole and Probation, and the Administrator of the Division of Mental Hygiene and Mental Retardation, or their respective designees. | The relevant law enforcement agency shall disclose information regarding the sex offender to the appropriate parties, according to the tier of risk assessed. | Any offender assessed as <u>Tier II or III</u> shall have 10 days following the assessment to request a hearing for reconsideration of the assessment. Warnings accompany <u>Tier II and III</u> notifications advising that it may be a violation of state law to redistribute information. Notifications also warn against vigilantism. | Carlos C. Concha Department of Probation and Parole (702) 687-5752 |

| State | State Role | Local Role | Comments | Contact Person |
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| New Jersey | The State Attorney General developed guidelines in consultation with the Notification Advisory Council, a 12-member body created by law: four appointed by the Governor; four appointed by the President of the Senate; and four appointed by the Speaker of the General Assembly. | The county prosecutors of the county where the person was convicted and where the registered person will reside, together with any law enforcement officials that either deems appropriate, shall assess the risk of reoffense by the registered person. The county prosecutor of the county in which the registered person will reside, after consultation with local law enforcement officials, shall determine the means of notification. Some methods of notification include community meetings, speeches in schools and religious congregations, and door-to-door visits in the community. | The United States Court of Appeals for the Third Circuit in Philadelphia upheld the retroactive application of the state's Megan's Law in August 1997. | Debra L. Stone Assistant Attorney General (609) 984-0020 |
| Ohio | State Attorney General shall establish and maintain a state registry of sex offenders that is housed at the Bureau of Criminal Identification and Investigation (BCI&I). Attorney General, in consultation with local law enforcement, shall adopt guidelines necessary for implementation of sex offender registration and community notification. The BCI&I is to develop and provide necessary forms (registration, verification, change of address, etc.) to county sheriffs. The BCI&I is required to forward registration information to county sheriffs and to the Federal Bureau of Investigation. | The sheriff with whom the offender has most recently registered is responsible for providing community notification to designated individuals located in the specified geographic notification area. | Guidelines necessary for implementation of sex offender registration and community notification have not been adopted. | Darrel Pennington Bureau of Criminal Identification and Investigation Attorney General's Office (614) 466-8204 Mike Elrod Attorney General's Office (614) 644-5720 |
| Oregon | Before a sex offender's release from prison, a Release Counselor completes the risk assessment scale and submits it along with other release information to the Board of Parole and Post-Prison Supervision. If the Board determines the offender is predatory, they enter the finding to the Parole Order. The parole/probation officer classifies offenders on probation, using the risk assessment scale. The supervising officer completes a notification plan on offenders determined to be predatory. Notification plan includes type and content of community notification, as well as geographic scope of the notification. | Local law enforcement can provide notification on specific convicted sex offenders who have been discharged from supervision. The law enforcement agency must find that the offender is predatory and must make that determination in conjunction with the Department of Corrections. | | James Ragon State Police (503) 378-3720 |
| Rhode Island | A Notification Advisory Council is established to consult with and provide recommendations to the attorney general concerning the guidelines to be promulgated for community notification. The council shall consist of 12 members who have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education or community relations. | The parole board and the chief law enforcement officer of the city or town in which the convicted offender will reside shall develop procedures for evaluation of the risk of reoffense and implementation of community notification. | Guidelines to be established within six months of the appointment of the Notification Advisory Council. | Gregg Perry Attorney General's Office (401) 274-4400 |

| State | State Role | Local Role | Comments | Contact Person |
|-------------------|---|--|--|---|
| Tennessee | State Bureau of Investigation maintains sex offender database and disseminates information to county sheriff and local law enforcement agencies. | Local law enforcement to determine if sex offender poses a threat to public safety, at own discretion. Notification to the public determined on a case-by-case basis. Procedures for public notification determined by local law enforcement, at its discretion. | Challenges to this law are currently pending in the U.S. District Court for both the Eastern and Middle Districts of Tennessee. | Jeff Long Special Agent in Charge, Bureau of Investigation (615) 741-0430 |
| Texas | Department of Public Safety maintains a central database of registered sex offenders. Information contained in the database, that is considered public, may be released to any individual who requests such information in writing. | Local law enforcement provides community notification when an offender is released and when an offender changes address. Community notification published in English and Spanish in at least one newspaper of general circulation in the county in which the offender intends to reside. Local law enforcement shall also provide notice to the superintendent of public schools of the school district in which the offender intends to reside, by mail to the district office. Members of the community may also obtain information on registered sex offenders from the local law enforcement by written request for a fee that covers the cost of providing the requested information. | A person subject to registration may petition the district court for injunctive relief to restrain a local law enforcement authority from publishing notice in a newspaper, until a hearing is held. The court may grant relief warranted by the facts if it is determined that the information published in the newspaper would place the person's health and well being in immediate danger. | Paul Jordan Criminal Intelligence Service Department of Public Safety (512) 424-2200 |
| Washington | The End of Sentence Review Committee includes representatives from the Department of Corrections, and from the juvenile corrections and mental health divisions of the Department of Social and Health Services. The committee shall issue to appropriate law enforcement agencies narrative notices regarding the pending release of sex offenders. The narrative notices describe the identity and criminal history behavior of the offender and shall include a risk tier classification for the offender. For offenders classified as <u>Tier II or III</u> , the narrative notice shall also include the reasons underlying the classification. By December 1, 1997, the Washington Association of Sheriffs and Police Chiefs (WASPC) shall developed guidelines for notification to be used after the risk assessment has been conducted. | Upon receiving a narrative notice, local law enforcement agencies review all available information and assign risk tier classifications to all sex offenders about whom information will be disseminated. Local law enforcement agencies may classify an offender to a risk tier other than the one assigned in a narrative notice. If so, the law enforcement agency must submit its reasons supporting the change in classifications. Local law enforcement agencies are to follow the model guidelines, developed by WASPC, when disclosing information to the public. Local law enforcement agencies shall make a good faith effort to notify the public and residents at least 14 days before the sex offender is released. | Washington's community notification law was the first in the country. | Victoria Roberts or Maureen Ashley Department of Corrections (360) 753-6789 |

| State | State Role | Local Role | Comments | Contact Person |
|----------------|--|--|--|--|
| Wyoming | The Division of Criminal Investigation maintains a central registry of sex offenders. Upon application of the district attorney, and following notice to the offender and an in-camera hearing, the district court may, based upon its finding as to the risk of reoffense by the offender, authorize the release of information, beyond entities entitled to receive criminal history record information. | Local law enforcement maintains registration records. If authorized by district court, the county sheriff or chief of police may disseminate these records to the public through means specified in the court's order. | Any person having the duty to register may petition the district court for relief of that duty. Statute is effective July 1, 1997. | Dave Gruver Legislative Services Office (307) 777-7881 |

TABLE 2a
State Laws Authorizing Notification to Individuals and Organizations at Risk

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
|---------------------------------|---|---|--|---|
| Arkansas (1997) | All adult sex offenders who have been adjudicated on or after the effective date of this act. | Limited public disclosure when it is deemed necessary to protect the public from a specific sex offender required to register. Guidelines shall be developed to address the scope of disclosure of information to the public. | Guidelines and procedures shall identify the extent of the information to be disclosed to the community in order to enhance their individual and collective safety. | The guidelines developed by the Child Abuse/Rape/Domestic Violence Commission shall identify factors relevant to an offender's future dangerousness and likelihood of reoffense or threat to the community prior to an offender's conditional release or discharge. |
| Connecticut (1994) | Sex offenders required to register. | Limited public disclosure, when it is deemed necessary to protect a person from a specific sex offender required to register. | Registration information includes name, address, social security number, inmate number, crime of conviction, date and place of conviction, probation termination date, and a complete description of the offender including photograph and fingerprints. | Only those sex offenders who are deemed a threat to public safety by local law enforcement agencies are considered a risk. |
| Georgia (1994) | Child sex offenders. | Offenders convicted of a listed sex offense are required to notify superintendent of public school district and sheriff in area of residence as condition of parole. Sheriff to maintain registry of all registered sex offenders in county for inspection by the public. | Notice to include offender's name, address, crime for which convicted, and parole date. Registry includes offender's name and address only. | Statute applies to all child sex offenders. |
| Illinois (1996) | Any offender convicted of a registerable sex crime or an attempt to commit such a crime, or an equivalent offense in another state. Offenders adjudicated as Sexually Dangerous Persons where the victim was under the age of 18. Retroactive application includes convictions or releases from confinement after January 1, 1986. Offenders convicted of a child murder (victim under the age of 18) after June 1, 1996. | Notification of registerable sex offenders to: schools, child care facilities, the public, Illinois Department of Children and Family Services; and discretionary release to any person or organization likely to encounter sex offenders. | Offender's name, date of birth, address, offense for which convicted. | Statute applies to felony convicted sex offenders adjudicated or released from confinement after January 1, 1986, for a period of 10 years, and any person convicted of a child murder (victim under 18) after June 1, 1996. |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
|---------------------------------|---|--|---|---|
| Indiana (1994) | Sex offenders, convicted after June 30, 1994, with victims under 18. | Statutory notification to all public and nonpublic schools, state agencies licensing or hiring individuals dealing with children, and registered child care facilities. Sex offender registry is accessible on the World Wide Web. | Local law enforcement registration information includes: name, all aliases, date of birth, sex, race, height, weight, eye color, social security number, driver's license number, home address, identification of offense(s), date of conviction, and sentence imposed. The statewide Sex Offender Registry contains the same information excluding home address. | Statute applies to all convicted sex offenders with victims under 18. |
| Iowa (1995) | Sex offenders required to register for a criminal offense against a minor, sexual exploitation, or a sexually violent offense. Applies to offenders convicted or incarcerated on or after statute's effective date. | Registration information disseminated to criminal justice agencies, government agencies for background checks, the public, with case-specific authorization, when deemed necessary to protect the public, and an individual if specific identifying information is provided about both the person requesting the information and the registrant, along with the reason for requesting the information. | Registration forms include the registrant's name, social security number, current address, and phone number. Exact information released to the public not specified in statute. | Statute applies to offenders convicted of specific offenses. |
| Maine (1996) | Applies to offenders convicted of gross sexual assault with a victim under 16 who are sentenced or placed in institutional confinement on or after September 1, 1996. | Upon the conditional release or discharge of a sex offender from a state correctional institution, notice is given to members of the public who are determined appropriate to ensure public safety. | Notification to include the offender's address, work address, the geographic area to which the offender's conditional release is limited (if any), and the status of the offender when released as determined by a risk assessment instrument. | Prior to conditional release or discharge, a risk assessment instrument will be applied to all sex offenders for the purpose of notification to law enforcement agencies and to the public. The risk assessment instrument will be created and modified as necessary by reviewing and analyzing precursors to a sex offense, victim populations of a sex offender, living conditions and environment of a sex offender and other factors predisposing a person to become a sex offender or a repeat sex offender. |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
|--|--|--|--|---|
| Maryland (1995, Latest Revision 1997) | Child sexual offenders, convicted after October 1, 1995. Offenders, Sexually violent offenders, and offenders found to be sexually violent predators after July 1, 1997. | The supervision agency, in some instances the Courts, must notify the designated law enforcement agency of the child sex offender. The designated law enforcement agency must notify the County Superintendent of schools, who must, in turn, notify the school principals. Law enforcement may provide notice to individuals or organizations if the agency determines that such notice is necessary to protect the public interest. Procedures for carrying out the notification requirements to be developed. Registration information provided upon request. | Registration information includes: name, address, place of employment; description of the crime, date convicted, jurisdiction of conviction, all aliases used, social security number, photograph, and fingerprints. | Statute applies child sexual offenders convicted after October 1, 1995, and to offenders convicted of a sexually violent offense, ordered by the sentencing court to register (for kidnapping, child prostitution, and child pornography), or found to be a sexually violent predator after July 1, 1997. If a person is convicted of a second sexually violent offense, the sentencing court shall determine whether the person is a sexually violent predator before the offender is released. The supervising authority notifies the sentencing court at least six months prior to an offender's release. The sentencing court makes a predatory determination based on information presented, including: the offender's inmate record; any evidence introduced by the person convicted; and any evidence presented by a victim of the sexually violent offense. |
| New Hampshire (1996) | Adult sex offenders required to register. | Law enforcement may notify organizations in the community where an offender intends to reside. Organizations include, but are not limited to: schools, youth groups, day care centers, summer camps, libraries, or any other organization where children gather and are supervised by persons in the organization. Law enforcement may utilize a form developed by the Department of Safety for the dissemination of information. | Law enforcement may provide an organization with the following information: offender's name and address, recent photograph, offense for which convicted, method of approach, and information on the profile of previous victims. | An offender can file a petition for a qualified order with the superior court. The court shall issue a qualified order if the court finds by clear and convincing evidence that the offender's risk of reoffending is low. The superior court may consider, but not be limited to: conditions of release which minimize the risk of reoffending; whether the petitioner's physical condition minimizes the risk of reoffending; factors present in the petitioner's criminal history; any history of substance abuse; response to treatment; and recent behavior. |
| New York (1996) | All sex offenders subject to registration are subject to risk assessment; amount of notification information dependent upon level of risk assessed. | Notification process is dependent upon the degree of danger an offender presents to the community: <u>low risk</u> , notice to law enforcement; <u>moderate risk</u> , law enforcement may disseminate relevant information to any entity at risk and that entity may disclose information at their discretion; <u>high risk</u> same as moderate risk. High-risk sex offender information is available to the public, upon request, in the <i>Subdirectory of High-Risk (Tier III) Sex Offenders</i> . | Information disclosed dependent upon offender's classified tier of risk. <u>Tier I</u> includes only the name of the offender. <u>Tier II</u> includes offender's approximate address based on zip code, photograph, crime of conviction, modus of operation, type of victim targeted and the description of special conditions imposed. <u>Tier III</u> also includes offender's exact address. <i>Subdirectory of High-Risk (Tier III) Sex Offenders</i> also contains photographs of offenders. | An offender's tier of risk is determined 60 days prior to discharge, parole or release, through assessment instrument: <u>Tier I</u> , low risk; <u>Tier II</u> , moderate risk; <u>Tier III</u> , high risk. The instrument measures current offense, criminal history, post offense behavior, and planned release environment. It assigns numerical values to each risk factor – e.g., 20 points if there were two victims; 30 points if there were three or more victims. The presumptive risk tier is calculated by adding total points. If the score is 70 points or less, the offender is presumptively <u>Tier I</u> ; if more than 70 but less than 110, <u>Tier II</u> ; if 110 or more <u>Tier III</u> . |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
|--|--|--|---|--|
| Oklahoma (1995, Latest Revision 1997) | Sexual predators, defined in statute as those offenders convicted after November 1, 1997, of child abuse where sexual abuse of exploitation is involved, forcible sodomy, rape by instrumentation, rape 1 and 2, or lewd/indecent proposals or acts to a child under 16, or who move into the state with one of these convictions. All adult sex offenders convicted or entering the state after November 1, 1989, (offenses defined in statute) are required to register. | Sexual predators notification provided to family, prior victims, residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent, information available to the public upon request. Limited access to registration information for sex offenders not designated as sexual predators; available to entities that provide services to children, including churches and elementary schools, and request the registry. | Notification may include, but is not limited to name, address, physical description, vehicle description, conditions of release, description of past offense patterns, current photograph, and the name and telephone number of the offender's probation or parole officer. | Sexual predator status is determined by conviction. |
| Pennsylvania (1995, Latest Revision 1996) | Sex offenders assessed as sexually violent predators. Statute applies to offenders convicted after statute's effective date and offenders convicted before the statute's effective date that remain under jurisdiction of the Board of Probation and Parole or Department of Corrections. | Community notification regarding sexually violent predators issued as a means of assuring public protection. Sexually violent predator information available to the public upon request. | Notice includes name, address, photograph, offense for which convicted, and a statement by the court that the offender is a sexually violent predator. | Members of the Sexual Offender Assessment Board conduct two separate risk assessment evaluations. These evaluations are then submitted to the court of conviction for determination of sexually violent predator status. Risk assessment includes factors such as age of the offender, offender's prior criminal record, age of the victim, whether there were multiple victims, use of illegal drugs by offender, offender's completion of sentence and participation in programs for sex offenders, mental illness or mental disability of the offender, demonstrated pattern of abuse in sexual contact with victim, unusual cruelty displayed by offender, and any behavioral characteristics that contribute to offender's conduct. |

| State (Year Enacted) | Population Subject to Notification | Notification Process | Information Included | Assessing Risk |
|---------------------------------|---|--|--|---|
| West Virginia (1996) | All convicted sex offenders and those convicted of attempt to commit are required to register. | Registration information is distributed to the county superintendent of schools where the person will reside, the child protective services office in the county where the person will reside, and the local law enforcement in that county where the person will reside. All community organizations or religious organizations that regularly provide services to youths in the county where the person will reside can receive offender registration information once they have signed a non-disclosure agreement with the state police. Information may be provided to any other person upon application to (and approval by) the circuit court where the applicant seeking the information resides. | Registration information includes the offender's name, address, social security number, date of birth, previous address, county of residence, jurisdiction of arrest or conviction including date of conviction, if not incarcerated, or date of release from incarceration, description of crime, and parole or probation officer name and phone number. | Statute applies to all sex offenders required to register. |
| Wisconsin (1996) | All individuals who are convicted of felony sexual offenses or determined to be sexually violent persons. | Sex offender registry maintained on statewide level. Registration information also available on local level. There will be ongoing direct access to the registry through an "800" phone line. In addition, information may be disseminated when deemed necessary. The law allows for flexibility and discretion for decision-making at the community level by law enforcement and correctional officials. | Offender's name and any aliases, date of conviction or commitment, make, model and license number of vehicle, supervising agency and phone number, and date information was last updated. Additional information may be included in a special bulletin, including a recent photograph, history of criminal sexual convictions, and description of offense pattern. | Special bulletins are distributed to law enforcement from the Department of Corrections and contain detailed information on a specific offender who poses a significant risk to the community. These bulletins are mandatory for all offenders convicted of two separate sexual assaults and those offenders committed as sexually violent persons. "Sexually violent person" 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 not 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 substantially probable that the person will engage in acts of sexual violence. The Department of Corrections has discretion on disseminating bulletins on any other cases. |

TABLE 2b
State Laws Authorizing Notification to Individuals and Organizations at Risk

| State | State Role | Local Role | Comments | Contact Person |
|--------------------|--|--|--|--|
| Arkansas | The Child Abuse/Rape/Domestic Violence Commission shall promulgate guidelines and procedures for the disclosure of information to the public when it is deemed necessary for public protection. In developing guidelines and procedures, the commission shall consult with persons who, by experience or training have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education, and community relations. The proposed guidelines and procedures shall be submitted to the House and Senate Committees on Public Health, Welfare and Labor for their review and the Commission shall report to the Committees every six months on the implementation of these guidelines. The State Board of Education shall promulgate guidelines for the disclosure to students and parents of information regarding an offender when such information is released to a local school district by a local law enforcement agency. | Local law enforcement agencies having jurisdiction shall disclose, in accordance with guidelines, relevant and necessary information regarding offenders to the public when disclosure of such information is necessary for public protection. Law enforcement shall make a good faith effort to notify the public within 14 days before an offender is released or placed into the community. The board of directors of a local school district shall adopt a written policy, in accordance with guidelines promulgated by the State Board of Education, for distribution to students and parents of information regarding an offender. | Statute effective August 1, 1997. Guidelines have not been implemented. | Lt. Mary Margaret Kesterson, State Police, (501) 221-8223 |
| Connecticut | State Board of Parole notifies local law enforcement agencies and victims listed with board, of sex offender's release into jurisdiction. | The chief of police or resident state trooper may release registration information to governmental agencies conducting background checks or to specific individual if disclosure determined to be necessary to protect that individual from a sex offender required to register. | Exact method of notification not set. Discretion lies with local law enforcement agencies. | Nick Gentile Board of Parole (860) 566-3710 |
| Georgia | Registration requirement ordered as a condition of parole. | Sheriff of each county maintains a registry of all registered sex offenders, which public may examine. | Method of direct notice to superintendent and sheriff not specified. | Eden Freeman Bureau of Investigation Crime Information Center (404) 244-2895 |
| Illinois | The Illinois State Police shall establish and maintain a statewide sex offender database for the purpose of identifying sex offenders. The database shall be created within the Law Enforcement Agencies Data System (LEADS). The State Police shall provide lists of child care facilities and schools to police departments and sheriff's offices. The State Police shall provide sex offender registration information to the Illinois Department of Children and Family Services. The State Police provide training to criminal justice agencies throughout the state. | The law enforcement agency having jurisdiction shall enter notification and registration information into the LEADS and disclose sex offender information to school boards of public school districts and the principal or other administrative officer of non-public schools, and child care facilities located in the county or police district where the sex offender resides. Every municipal police department or sheriff's office shall make available to the public, at its headquarters, information on registered sex offenders within their jurisdictions. | | Mike Welter, Carol Williams, Ben Cooper State Police, Intelligence Bureau (217) 785-2316 |

| State | State Role | Local Role | Comments | Contact Person |
|----------------|--|--|---|--|
| Indiana | The Indiana Criminal Justice Institute maintains a Sex Offender Registry available on computer disk and the World Wide Web (http://www.state.in.us/acin/cji/). Paper copy of Registry distributed to schools, registered child care facilities, state licensing agencies, and other requesting entities that provide services to children. | Offender registration required with local law enforcement agencies in area where offender intends to reside. | | Catherine O'Connor Criminal Justice Institute (317) 232-1233 |
| Iowa | The Department of Public Safety determines who receives information regarding specific sex offenders. Department is responsible for maintaining a central registry of sex offenders. Registration information disseminated to criminal justice and government agencies for background checks. The Department or a criminal justice agency with case-specific authorization from the Department may release relevant information from the registry that is necessary to protect the public concerning a specific person who is required to register. | The sheriff of each county shall release information regarding a specific offender to the general public if the person requesting the information gives the person's name and address in writing, states the reason for requesting the information, and provides the sheriff with the name and address of the person about whom the information is sought. | The Department of Public Safety shall adopt procedures for determining when public release of information is appropriate. | Steve Conlon Division of Criminal Investigation (515) 281-5138 |
| Maine | The Department of Corrections shall establish and apply a risk assessment instrument to each sex offender under its jurisdiction for the purpose of notification to law enforcement agencies and to the public. When an offender is conditionally discharged, the Department of Corrections provides the Department of Public Safety and the State Bureau of Identification notice of sex offender information. Upon receipt of information, the Department of Public Safety and the State Bureau of Identification forwards the information to all law enforcement agencies that have jurisdiction in those areas where the offender may reside or work. The Department of Corrections also gives notice to members of the public whom the department determines appropriate to ensure public safety. | Upon receipt of information concerning the conditional release or discharge of a sex offender, a local law enforcement agency shall notify members of that municipality whom the law enforcement agency determines appropriate to ensure public safety. | Upon request, the Department of Corrections shall provide to law enforcement agencies technical assistance concerning risk assessment for the purposes of notification. | Dorothy Morang State Bureau of Identification (207) 733-3377 |

| State | State Role | Local Role | Comments | Contact Person |
|----------------------|---|---|---|---|
| Maryland | The State Department of Public Safety and Correctional Services shall maintain a central registry of sexual offenders and sexually violent predators. Information is forwarded to the department by local law enforcement agencies. Registries available via the World Wide Web: http://www.dpscs.state.md.us/ | Designated law enforcement agency shall send written notice of the registration statement to the county superintendent in the county where the child sexual offender will reside. The county superintendent shall send written notice of the registration statement to the principals of the schools within the supervision of the superintendent. Law enforcement agencies shall establish procedures for carrying out the notification requirements. Upon written request, a designated law enforcement agency shall send a copy of a registration statement to the person who submitted the request. The request must contain the requester's name, address, and reason for the request. | The Department of Public Safety and Correctional Services shall conduct public education and awareness programs to inform the public of its ability to obtain information regarding sexual offenders. | Audrey Brown Department of Public Safety and Correction, Division of Correction (410) 764-4188 Earl L. Gillespie Department of Public Safety and Correction and CJIS (410) 764-5665 |
| New Hampshire | Statewide LENS computer system will maintain list of registered sex offenders. | Offender must register with local law enforcement agency, which is responsible for further dissemination of information. Law enforcement notifies community organizations of a sex offender within 10 days of registration. Offender petitions must be filed with the Merrimack County Superior Court. If the court finds by clear and convincing evidence that disclosure beyond law enforcement is not warranted, the offender's registration information shall be sealed. | | Kelly Wright State Police (603) 271-2663 |
| New York | Sex offenders are assessed as <u>Tier I, II, or III</u> (low, medium, and high risk of reoffending). This information is forwarded from the sentencing court to the Registry at the Division of Criminal Justice Services and is communicated to local police departments who may disseminate relevant information to the community. The Registry produces and distributes the <i>Subdirectory of High-Risk (Tier III) Sex Offenders</i> and operates a "900" telephone line which the general public may call and inquire whether a named individual is listed. Caller must provide information concerning the registrant including name of potential registrant and exact street address, or birth date, or social security number, or driver's license number. Additional information such as name, hair color, eye color, height, weight, distinctive markings, and ethnicity are helpful but not required. | Local law enforcement agencies may notify schools and other entities with vulnerable populations about a sex offender's presence if the offender poses a threat to public safety. The <i>Subdirectory of High-Risk (Tier III) Sex Offenders</i> is available at law enforcement agencies throughout the state. | The United States Court of Appeals for the Second Circuit in New York upheld the retroactive application of the state's Megan's Law in August 1997. | Kelly Haskin-Tenenini Division of Criminal Justice Services (518) 457-3167 |

| State | State Role | Local Role | Comments | Contact Person |
|----------------------|---|---|--|---|
| Oklahoma | The Department of Corrections maintains statewide sex offender registry and provides all local law enforcement officials a list of those offenders registered and living in their county, as well as sexual predators. | Local law enforcement shall provide notification of sexual predators. Local law enforcement determines the method of notification and those deemed appropriate to receive notification, including family, prior victims, residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or potential victims may frequent, and to any person upon request. Each local law enforcement agency makes its sex offender registration information available to public and private elementary schools, licensed child care facilities, any state agency that licenses individuals to work with children, to the State Office of Personnel Management to screen persons who may work with children, and to other entities that provide services to children and request the registry, including churches. | Sexual predator provisions of law effective November 1, 1997. | Jim Rabon Department of Corrections (405) 425-2615 e-mail address: osjimr@doc.state.ok.us |
| Pennsylvania | Assessment of a convicted sex offender is conducted by the Sexual Offender Assessment Board, then given to the court of conviction. At least two psychiatrists or psychologists, appointed by the governor, perform the assessment. The court determines, based on assessment, whether the offender is a sexually violent predator. | The chief law enforcement officer of the police department of the municipality where a sexually violent predator lives is responsible for providing written notification to neighbors, the director of the county children and youth services, superintendent of each school district, director of each licensed day care center, and president of each college within the offender's residential vicinity. Notice shall be provided to neighbors within 72 hours after information of offender's release date is received by the chief law enforcement officer and 7 days to all other entities entitled to receive notification. Information on sexually violent predators available upon request to the general public. | Before imposing predatory judgement, a separate hearing is held at which the offender presents evidence to the contrary. Offender has the right to be heard and to call witnesses, and has the right to counsel during court proceedings. Offender also has the right to petition the court with original jurisdiction for reconsideration of the determination in 5-year intervals after release. | Megan's Law Section of the State Police Department (717) 783-4363 |
| West Virginia | The state police maintain a central registry of all persons who register and are responsible for the release of registration information. The state police are also responsible for verifying the address every year of all the offenders registered and every 90 days for the violent offenders. | When a person required to register is released from incarceration, granted probation, granted a suspended sentence, released on probation or parole, or ordered to be placed on home detention, the commissioner of corrections, regional jail supervisor or city or sheriff operating a jail which releases such person and any parole or probation officer who releases such person or supervises such person following the release shall obtain all registration information and forward it to the state police. State police will be notified within 3 days of release. | The circuit court may provide an applicant registration information when that court finds that the information is sufficiently relevant to protect public safety and outweighs the importance of maintaining confidentiality. | Sgt. Thomas Barrick State Police, Director of Criminal Records (304) 746-2177 |

| State | State Role | Local Role | Comments | Contact Person |
|------------------|---|--|-----------------|--|
| Wisconsin | An "800" phone line is operated statewide that members of the public may call to access information on a specific sex offender. Department of Corrections makes available all information on released sex offenders to local law enforcement; individual inquiries may be made to the department as well. Law enforcement can access the sex offender registry through the CIB/TIME computer access system. Department of Corrections distributes special bulletins to local law enforcement on those offenders who pose a significant risk to the community. | Local law enforcement maintains registration information; inquiries may be made by members of the general public. County sheriff or local police chief may disseminate additional information about a released sex offender when deemed necessary. | | Anthony Steveler Department of Corrections (608) 266-3831 Special Agent Ron Feurer Department of Justice (414) 227-2100 |

TABLE 3a
State Laws Allowing Access to Registration Information

| State (Year Enacted) | Offenders Subject to Registration | Registry Type | Information Included | Who Has Access |
|---------------------------------|--|--|--|---|
| Alaska (1994) | Convicted sex offenders who were convicted of a single sex offense and whose unconditional discharge date was July 1, 1984, or later; all convicted sex offenders who have been convicted of two or more sex offenses. | Central registry is located in the Alaska Department of Public Safety, Division of Alaska State Troopers. A list of all registered sex offenders is available at each Trooper's Office. | Public disclosure of offender's name, address, photo, and place of employment. Date of birth, all aliases or other names used, crime for which convicted, date of conviction, place and court of conviction, and length of sentence are available on the registration report only. The list of all registered sex offenders, available at each Trooper's Office, contains the offender's name, resident address, date of birth, and crime for which convicted. | Law enforcement agencies and any person who submits a written request to the department's permits and licensing unit for the information (on a form supplied by the department). A list of all registered sex offenders is available at each Trooper's Office for viewing. Registry is also available on the World Wide Web: http://www.state.ak.us/ |
| Colorado (1994) | Adult and juvenile sex offenders convicted on and after July 1, 1994, residing in the state. | Registration records kept with local law enforcement agencies. Central registry maintained of all sex offenders registered in state. | Basic identification information released regarding the registrant including a photograph if readily available, and a history of sex offense convictions. | Information regarding any person registered may be released to the public. Information may be released to anyone residing within the local law enforcement agency's jurisdiction, and anyone outside the jurisdiction upon request and demonstration of a need to know. |
| Hawaii (1997) | Any person convicted of a sexually violent offense or a criminal offense against a victim who is a minor. Applies retroactively to offenders convicted before statute's effective date. | A file of all registered sex offenders is maintained on state and local levels. Information also available through an interactive electronic database maintained by respective law enforcement agencies. | Name, all aliases, street name and zip code where offender resides and how long offender has resided there, future address and telephone number (if known), street name and zip code of the offender's current location of employment, vehicle registration information, a brief summary of offenses, and a recent photograph. | Relevant information that is necessary to protect the public concerning a specific person required to register shall be released to the general public. |
| Idaho (1993) | Adult sex offenders and juveniles charged as adults, convicted, incarcerated, on probation or parole on or after statute's effective date (July 1, 1993), are required to register for life. | A central registry of sex offenders who are required to register is maintained. | Name, all aliases, offenses committed, place of commission, where found or pled guilty, and name at time of conviction. | Registration information available to public through central registry upon request. Requester must provide offender's name and date of birth or name and address. |

| State (Year Enacted) | Offenders Subject to Registration | Registry Type | Information Included | Who Has Access |
|--|--|---|--|---|
| Kansas <i>(1994, Latest Revision 1997)</i> | The date of conviction and type of offense determines whether an offender must register. Anyone convicted of the following offenses and whose date of offense occurred on or after April 14, 1994, must register and such registration becomes public record: rape, (aggravated) indecent liberties with a child, (aggravated) criminal sodomy, (aggravated) indecent solicitation of a child, sexual exploitation of a child, and aggravated sexual battery. Anyone convicted of the following offenses on or after April 14, 1994, must register, and if date of offense occurred on or after July 1, 1997, such registration becomes public record: sexual battery and aggravated incest. Anyone convicted of the following offenses on or after July 1, 1997, must register, and if date of offense occurred on or after July 1, 1997, such registration becomes public record: capital murder, first degree murder, second degree murder, voluntary (and involuntary) manslaughter, kidnapping (except by a parent), aggravated kidnapping, criminal restraint (except by a parent) when the victim is less than 18 years of age, adultery, criminal sodomy, promoting prostitution, patronizing a prostitute, lewd and lascivious unlawful sexual conduct when one of the parties involved is less than 18 years of age. | Central repository for all registrants maintained on a statewide level. Information is available for inspection at the local level. Selected offender information is available on the World Wide Web (http://www.ink.org/public/kbi). | Name, date of birth, offense committed, date of conviction, city or county of conviction, a photograph, fingerprints, and social security number. | Members of the general public may inspect registration records. Date of offense determines whether an offender's registration information is public record. |
| Michigan <i>(1994, Latest Revision 1997)</i> | Adult and juvenile sex offenders. | A central computerized database that consists of all individuals registered under this act. | Information released includes the offender's name, date of birth, address, physical description, and a brief summary of convictions for listed offenses. | Sex offender registration information is available for public inspection. |
| Mississippi <i>(1995)</i> | Any person residing in the state who has been twice adjudicated delinquent for any sex offense or attempted sex offense or who has been convicted of any sex offense or attempted sex offense or who has been acquitted by reason of insanity for any sex offense or attempted sex offense. Applies retroactively to offenders convicted before statute's effective date. | A central registry of sex offenders required to register is maintained on a statewide level. Registration also available on a local level. | Name and address of registered offender, place of employment, crime for which convicted, and date and place of conviction. | Upon request, the public has access to the statewide central registry and to registration information maintained at the local level. |

| State (Year Enacted) | Offenders Subject to Registration | Registry Type | Information Included | Who Has Access |
|--|---|---|---|---|
| Missouri (1997) | Offenders required to register if convicted of any of a felony sex offenses on or after July 1, 1979. | Central repository of sex offender registration information maintained. Local law enforcement maintains lists of sex offenders registered in jurisdiction. | Name, address, and crime of convicted. | A local law enforcement agency shall provide a complete list of offenders registered within the agency's jurisdiction to any person upon request. |
| North Carolina (1995, Latest Revision 1997) | Individuals convicted, in North Carolina or a state with similar laws, on or after January 1, 1996, or released from a penal institution on or after that date, of a sex offense against a minor, or a sexually violent offense. Beginning in 1999, juveniles age 12-15 convicted of a serious sex offense will be subject to registration. | Registration database of all registered sex offenders residing in state. Access to sexual predator information will be provided to the public via the Internet, beginning April 1, 1998. Individual registration records maintained at local level. | Name, sex, address, physical description, picture, conviction date, offense for which registration was required, the sentence imposed as a result of the conviction, and registration status. | Sex offender registration information and registry is public record, open for public inspection. A copy of the entire registry may be provided to any group, entity, organization or school working with children, the disabled or elderly upon written request and payment of a fee. |
| North Dakota (1991) | Adult sex offenders and adult non-sex offenders against children. | A file of registered offenders maintained at both state and local levels. | Name, address, date of birth, gender, place of employment, offense of conviction, date of conviction, court of record, release date, treatment history, whether they have been designated as a sexually violent predator, date of registration, originating agency, and registering agency. | Relevant and necessary registration information shall be disclosed to the public by a law enforcement agency if the agency determines that the individual registered is a public risk and disclosure of the information is necessary for public protection. |
| South Carolina (1994) | A person convicted of the following: criminal sexual conduct in the first, second, third degree or assaults with intent to commit; criminal sexual conduct with a minor in the first or second degree; engaging, producing, directing, or promoting a child for sexual performance; incest; buggery; eavesdropping or peeping. Applies to persons convicted after July 1, 1994. | Automated registry is available through a statewide network. Registration information available at local level. | Name of the offender, any aliases, date of birth, current home address, offense for which offender was required to register, date, city and state of conviction, and a photocopy of a current photograph is provided. | Information collected for the offender registry is open to public inspection, upon request to the county sheriff. Request must be made in writing, stating the name of the person requesting the information, and the name or address of the person about whom the information is sought. Only one name is allowed per request. Law enforcement can only release information to the public living in the county which the offender is registered. |
| South Dakota (1994) | Adult sex offenders present in the state and juveniles, 15 years or older adjudicated of a sex crime or of felony sexual contact as defined in statute. | Sex offender registry maintained at state level, registration lists provided to local law enforcement. | Name, address, all aliases, complete description, photo, fingerprints, length of time at residence, and length of time expected to remain at that residence. | Registration information and records are public records. |

| State (Year Enacted) | Offenders Subject to Registration | Registry Type | Information Included | Who Has Access |
|---------------------------------|---|--|--|--|
| Utah (1996) | Adult sex offenders. | Sex offender registration information maintained on statewide level. | Information released to petitioners includes offender's name and address, physical description, type of vehicle, any conditions or restrictions of release, current photograph, name or telephone number of offender's parole and probation officer, crimes charged with and convicted of, description of offender's primary and secondary targets, and a description of the offender's method of offense. | Law enforcement agencies, State Office of Education, Department of Corrections, and a petitioner pursuant to a petition approved by the department. A petitioner is a person who requests in writing information about a sex offender, and is a victim of a sexual offense or a resident in a location where a sex offender is suspected to reside. A petition must include a return address and telephone number. |
| Vermont (1996) | Sex offenders convicted on or after July 1, 1996, and sex offenders convicted prior to July 1, 1996, confined under the custody of the commissioner of corrections, and released from confinement on or after July 1, 1996. Also includes sex offenders convicted in another state on or after July 1, 1986, and who established residence in Vermont on or after July 1, 1996. | Sex offender registry maintained on statewide level. | Sex offender's name, date of birth, general physical description, current address, social security number, fingerprints, current photograph, current employment, offense, supervising probation office, availability of treatment history, and conditions of release. | Local, state and federal law enforcement agencies, any employer, including a school district, who is authorized by law to request records and information from the criminal information center, where such disclosure is necessary to protect the public concerning persons required to register. Members of the public may be notified by a law enforcement agency in the interest of public safety. |
| Virginia (1994) | All sex offenders and violent sex offenders are required to register with the Department of State Police. Sex offenders are required to verify their address on an annual basis. Violent sex offenders are required to verify their address every 90 days. (Including juveniles convicted in circuit courts.) | Statewide sex offender registry maintained. | Registration information includes name, alias, sex, race, date of birth, social security number, fingerprints, photograph, and description of convictions requiring registration. | Information disseminated upon request to public and private schools, child welfare agencies, family day care, child-minding and day care services. |

TABLE 3b
State Laws Allowing Access to Registration Information

| State | State Role | Local Role | Comments | Contact Person |
|-----------------|--|--|--|--|
| Alaska | State Department of Public Safety is responsible for maintaining central registry of sex offenders. | Sex offenders register at their local Trooper's Office, which then forwards the information to the Department of Public Safety. A list of all registered sex offenders is available at each Trooper's Office. | Sex offender allowed to view registration information that refers to that offender, and if the offender believes the information to be inaccurate, to request the department to correct the information. | Corporal Patrick Hames, Department of Public Safety, Division of State Troopers (907) 258-8892. |
| Colorado | State Bureau of Investigation maintains central registry of sex offenders. | The local law enforcement agency where offender is registered is to provide registration information to anyone who requests the information and resides within the agency's jurisdiction or demonstrates a need to know. Local law enforcement agencies must report all registration information to the State Bureau of Investigation for entry into central registry. | Local law enforcement agencies are strongly encouraged to regularly provide public notice of the availability of sex offender information. | Gray Buckley Bureau of Investigation (303) 239-4207 |
| Hawaii | Sex offenders are required to register with the state's attorney general. Attorney general shall release information upon request at the Hawaii Criminal Justice Data Center upon payment of reasonable fees. | County police departments also provide relevant sex offender information for public inspection upon request and payment of reasonable fees. | Sex offenders are required to register for life. Offenders can petition any circuit court for relief of duty to register after five years of release or conviction (whichever is later). If the petition is denied, a new petition may not be submitted earlier than one year following denial. | Dan Morris Deputy Attorney General (808) 586-1160 |
| Idaho | The Idaho Department of Law Enforcement to establish and maintain a central registry of sex offenders who are required to register. The district court shall provide written notification to the offender at the time of sentencing of duty to register. | Offenders required to register with county sheriff. County sheriff to forward registration information to Department of Law Enforcement for entry into central registry. | Any person having duty to register may file a petition with the district court for an order to expunge the information contained in the registry. The court may grant the petition if the petitioner shows that: duty to register has expired; no criminal charge pending or under investigation; and not a substantial risk to commit new violations. | Lonnie Gray Bureau of Criminal Investigation (208) 884-7135 |

| State | State Role | Local Role | Comments | Contact Person |
|-----------------------|---|--|---|--|
| Kansas | Offenders are required to register at the time of release from the Department of Corrections or upon placement with court services or community corrections. The Kansas Bureau of Investigations acts as the central repository for all sex offender registration. | County sheriff maintains registration information. Registration information open to public inspection in sheriff's office subject to Open Records Act. | Any sex offender registered may apply to the court having jurisdiction over the county in which the offender resides for an order relieving the sex offender of the duty of registration. If the court finds the offender rehabilitated, the court shall grant an order relieving the offender of the duty to register. | Mary Ann Howerton Manager, Crime Data Information Center Kansas Bureau of Investigations (913) 296-8277 |
| Michigan | Department of State Police is responsible for creating, maintaining, and disseminating the computerized database, consisting of a compilation of registered sex offenders, to local law enforcement agencies. | Local law enforcement makes the sex offender registry available for the zip code area located within agency's jurisdiction to the public. | Local law enforcement is not required to make a copy of the information for a member of the public. | Det. Sgt. Robert Carr State Police (517) 336-6683 |
| Mississippi | State Department of Public Safety to maintain registration information in a statewide central registry. This information is forwarded to county sheriffs as well as the FBI and appropriate law enforcement in the state to which a registrant is moving or has moved. State to send non-forwardable postcards to offenders every year, or every 90 days to sexual predators. State Crime Lab maintains DNA database. | Sheriff of each county maintains registration information for that county and forwards information to Department of Public Safety. Sheriff is required to make available to law enforcement and to any person upon request, sex offender registration information. | A Sex Offender Advisory Board has been formed to review all sex offenders in order to determine if an offender is a sexual predator. Nothing in this statute shall be construed to prevent law enforcement officers from providing community notification of any circumstances or individuals that pose or could pose a danger to the public. | Lt. Judy Tucker Department of Public Safety Criminal Investigation Bureau (601) 987-1592 |
| Missouri | The State Highway Patrol maintains the Missouri Uniform Law Enforcement System (MULES), a central repository containing a list of all registered sex offenders in the state. | Local law enforcement responsible for registering sex offenders and forwarding information to the Highway Patrol. A local law enforcement agency shall provide information on each offender registered within such agency's jurisdiction to any person upon request. | Law effective August 28, 1997. | Jim Vermeersch Executive Director Missouri Sheriff's Association (573) 635-5925 |
| North Carolina | State Division of Criminal Information maintains complete registration database and will be responsible for maintaining the registry on the Internet. | Requests for registration information must be made to county sheriff. Any person can obtain a copy of an offender's registration form upon payment of the costs to copy the form. | Any individual required to register may petition the superior court in the county of residence for exemption from registering. If the individual shows for good cause that registration will not serve any useful purpose, the court shall grant the exemption. | Jane Gray Department of Justice (919) 716-6400 |

| State | State Role | Local Role | Comments | Contact Person |
|-----------------------|---|---|---|---|
| North Dakota | Office of Attorney General maintains a statewide registry and provides registration materials and instructions to all involved agencies. State Department of Corrections and Rehabilitation initiates most registration processes by informing offenders of the registration requirement. | Local law enforcement agencies are the registering agencies, completing registration forms and acquiring fingerprints and photographs. Local law enforcement agencies determine whether an offender is a public risk. Disclosure of sex offender registration information dependent upon law enforcement agency's discretion. | Statute is currently under court challenge (<u>State v. Breiner</u> , 1997 ND 71). | Bob Helten Bureau of Criminal Investigations (701) 328-5500 |
| South Carolina | The automated statewide sex offender registry is under the direction of the chief of the State Law Enforcement Division (SLED). Department of Corrections, the Department of Probation, Parole, and Pardon services, or the Department of Juvenile Justice enters the information on an offender being released from their facility on a certain date. The automated registry sends a message to the county where the offender will reside, advising them of the requirement of that person to register within 24 hours of release. | The offender must register with the sheriff of the county in which he/she resides. The county sheriff enters the information into the automated registry and is responsible for all updates, changes, and annual registration of the offender. All fingerprints and photographs are kept by the sheriff's office. | Any person required to register under this statute shall be required to register annually for life. | Capt. Nita Danenburg Law Enforcement Division (803) 896-7051 |
| South Dakota | State Division of Criminal Investigation provides registration lists to local law enforcement and criminal records check. | Local law enforcement agencies maintain registration lists, open to public inspection. Registration information is forwarded to the Division of Criminal Investigation. | Juveniles placed on the registry can petition the court for removal upon showing that he/she has not been adjudicated or convicted of a sex crime for at least 10 years and is not a threat to reoffend. | Jacque Storm Legislative Research Council (605) 773-3251 Judy Schneider Division of Criminal Investigations (605) 773-3331 |
| Utah | State Department of Corrections (DOC) shall develop and operate a system to collect, analyze, maintain, and disseminate information on sex offenders and sex offenses. | Any law enforcement agency shall inform the DOC of a report or complaint of a sex offense, an arrest of a person suspected of committing a sex offense. Upon convicting a person of a sex offense, the convicting court shall forward a copy of the judgment and sentence to the DOC. | This law is not retroactive. The DOC shall make rules necessary to implement this law including criteria for approval of a petition, method of dissemination of information, and instructions regarding use of information by a petitioner. | Machelle Rodriguez Department of Corrections (801) 265-5626 |

| State | State Role | Local Role | Comments | Contact Person |
|-----------------|---|---|---|--|
| Vermont | Department of Public Safety established and maintains a statewide sex offender registry and has the responsibility to verify addresses of registrants and to notify law enforcement agencies as to the address of a registrant who moves into or out of their jurisdiction. The Department of Corrections shall notify the Department of Public Safety of sex offender's release or change of address. Upon receipt of information, the Department of Public Safety shall transmit the conviction data and fingerprints to the FBI. | Sentencing court shall forward the sex offender's conviction record, including offense, date of conviction, fingerprints, photograph, sentence and any conditions of release or probation to the Department of Public Safety. | | Max Schlueter Criminal Information Center, Department of Public Safety (802) 244-8727 |
| Virginia | Department of State Police release sex offender registration information upon request to criminal justice agencies, public and private schools, child welfare agencies, child-minding, family day care, and day care services for screening possible employees or volunteers. | Local criminal justice agencies are required to fingerprint and photograph individuals upon registration and submit the registration information to the Department of State Police, within prescribed time frames. | Registration information not available to the public. | Captain R. Lewis Vass Department of State Police (804) 674-2147 |

Appendix B: State Notification Statutes

Alabama: Senate Bill 393
Alaska Statutes: § 12.63.010
Arizona Revised Statutes: § 13-3825
Arkansas: House Bill 1061
California: Assembly Bill 1562
Colorado Revised Statutes: § 18-3-412.5
Connecticut Public Act: § 94-246
Delaware Laws: 11 § 4336
Florida Statutes: § 775.21
Georgia Code: 42-9-44.1 § 1
Hawaii: House Bill 108
Idaho Code: § 9-340
Illinois: Senate Bill 721
Indiana Code: 5-2-12 § 11
Iowa Code: § 692A
Kansas Statutes: 22-4910
Louisiana Revised Statutes: 15-574.4(h)
Maine Revised Statutes: 34-A § 11001
Maryland: Senate Bill 605
Massachusetts: Senate Bill 2149
Michigan: Senate Bill 959
Minnesota: Senate Bill 2856
Mississippi: Senate Bill 2800
Missouri: Senate Bill 56, House Bill 883
Montana Code: § 44-5-301 § 1
Nevada Revised Statutes: § 213.1247
New Hampshire: House Bill 1543
New Jersey Statutes: 2C: 52-2
New York Correct. Law: § 168
North Carolina: Senate Bill 676
North Dakota Code: § 12.1-32-15
Ohio: House Bill 180
Oklahoma: House Bill 1729
Oregon Statutes: § 191.508
Pennsylvania Statutes: Title 42 § 9793
Rhode Island: House Bill 7576
South Carolina: Senate Bill 1286
South Dakota Codified Laws: § 22-22-31
Tennessee: Pub. Chap. #976
Texas Revised Civil Statutes: Title 110A, Article 6252-13c.1
Utah: House Bill 15
Vermont: Senate Bill 217
Virginia Code: § 19.2.390.1
Washington Revised Code: § 4.24.550
West Virginia: Senate Bill 130
Wisconsin: Senate Bill 182
Wyoming Statutes: § 7-19-301