

## STATE SURVEY ON THE IMPLEMENTATION OF ADAM WALSH ACT SORNA REQUIREMENTS

This survey examines the state-level implementation of federal requirements associated with the Sex Offender Registration and Notification Act (SORNA), pursuant to the 2006 Adam Walsh Child Protection and Safety Act and the [SORNA guidelines](#) issued in 2008 by the Department of Justice. It aims to shed light on the prognosis for successful implementation of SORNA, and to inform the further development of state and federal policy in this area.

The survey, which should take approximately 15-20 minutes to complete, focuses on eight SORNA provision areas: offenses requiring registration; inclusion of juveniles adjudicated delinquent for certain sex offenses; offense-based classification systems; retroactivity; registry contents; general public access to registry information; and tier-based requirements related to both the duration of registration and the mandated frequency of registration updates.

For each of these areas, you will be asked to:

1. Rate the consistency between SORNA provisions and current state policy and practice; and
2. Evaluate the implementation demands and challenges associated with achieving compliance with the SORNA guidelines in that area.

Following completion of this section, you will be asked two brief questions regarding your state's actions to date regarding SORNA compliance.

You have been selected to complete this survey based on your knowledge of, and involvement with, the AWA SORNA provisions and your state's current systems of registration & notification. It is understood that state-level policy decisions related to SORNA requirements may entail legislative and/or high-level executive action, and, further, that determinations regarding SORNA compliance ultimately rest with the federal SMART office. Accordingly, your responses are not expected to provide a binding assessment, but rather should reflect your informed opinion regarding the questions as presented.

Participation in this survey is entirely voluntary. You will be asked for certain identifying information that will be used for internal research purposes such as validation and clarification of survey responses. This information will be removed from the data prior to analysis, and will not be disclosed in any publicly disseminated results or research findings. While responses will not be attributed to specific individuals or jurisdictions, and while significant provisions have been made to ensure confidentiality, participation in this survey recognizes the limited potential for unintended disclosure of identifying information and the risks associated with such disclosure.

For further information regarding the survey, its purpose, and its confidentiality provisions, please contact:

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## SURVEY QUESTIONS

### GENERAL INSTRUCTIONS

In the following pages, you will be presented with eight SORNA provision areas. For each area, you will be presented with two rating scales -- the first focused on the relationship between SORNA and your state's current policy and practice, and the second focused on the extent of your state's challenges associated with SORNA implementation.

For the first rating scale, please rate the consistency between the SORNA provision and your state's existing policy and practice, according to the following definitions:

**Highly Inconsistent:** Provision is in direct contradiction with existing law, policy, or practice. Compliance with provision requires a radical shift in state policy.

**Moderately Inconsistent:** Provision substantively differs from existing law, policy, or practice. Compliance with provision requires a significant shift in state policy.

**Partially Consistent:** Provision partially reflects existing law, policy, or practice. Compliance with provision requires some modest adjustments to state policy.

**Consistent:** Provision reflects or closely approximates existing law, policy, and practice. Compliance requires minor adjustments or no adjustments to state policy.

You will be asked to evaluate consistency in two domains:

1. For the legal/statutory domain, you should rate the consistency between SORNA provisions and existing state law (i.e. the extent to which legislative and/or state constitutional changes would be necessary to achieve compliance with the provision).
2. For the administrative/regulatory domain, you should rate the consistency between SORNA provisions and existing practice (i.e. the extent to which changes to registration systems, agency responsibilities, and administrative procedures would be necessary to achieve compliance with the provision).

For the second rating scale, please evaluate the specified SORNA provision across four domains -- legal, operational, financial, and practical (definitions of each are provided within the rating matrix). Please use the following rating criteria:

**Very Significant Concern:** Provision faces major implementation barriers.

**Significant Concern:** Provision faces substantial, but potentially surmountable, implementation barriers.

**Minimally Significant Concern:** Provision faces limited and surmountable implementation barriers.

**No Concerns:** Provision faces minimal or no implementation barriers.

**Uncertain:** Respondent does not have the appropriate knowledge or information to assess implementation barriers.

Throughout the survey, several hyperlinks are provided for your reference. For each provision area, you will be given a link to general summary information regarding SORNA requirements. While these summaries should provide you with the requisite information, you may also wish to refer to the complete SORNA Guidelines available [here](#). Additionally, each rating matrix will include a link that will allow you to refer back to the above-referenced rating criteria.

## COVERED OFFENSES FOR ADULTS

SORNA guidelines delineate a series of "covered offenses" indicating those individuals who are subject to mandatory registration. Provision details may be accessed through the links below.

1. Rate the consistency between your current state policy/practice and SORNA requirements related to covered offenses (i.e. individuals subject to registration and convicted as adults).

	Highly Inconsistent	Moderately Inconsistent	Partially Consistent	Consistent
<b>Legislative:</b> Consistency with state law				
<b>Administrative:</b> Consistency with prevailing practice				

2. Rate the extent of legal, management, financial, and practical challenges associated with implementing SORNA requirements related to covered offenses (i.e. individuals subject to registration and convicted as adults).

	Very Significant Concern	Significant Concern	Minimally Significant Concern	No Concern	Uncertain
<b>Legal Concerns:</b> Provision's implementation may be constrained by legal (i.e. state or federal constitutional) challenges					
<b>Operational Concerns:</b> Provision's implementation may be constrained by operational factors such as agency roles, capacity of information systems, and standing policies and procedures					
<b>Financial Concerns:</b> Provision's implementation may be constrained by costs and unmet resource demands					
<b>Practical Concerns:</b> Provision's implementation may produce adverse collateral public safety consequences					
<b>Political/Legislative:</b> Concerns and/or potential that implementation may be impeded by lack of required legislative action.					

## JUVENILES ADJUDICATED DELINQUENT

SORNA guidelines require the inclusion in the state registry of juveniles adjudicated delinquent of specified sexual offenses. Provision details may be accessed through the links below.

3. Rate the consistency between your current state policy/practice and SORNA requirements related to Inclusion in registry of juveniles adjudicated delinquent for certain sex offenses.

	Highly Inconsistent	Moderately Inconsistent	Partially Consistent	Consistent
<b>Legislative:</b> Consistency with state law				
<b>Administrative:</b> Consistency with prevailing practice				

4. Rate the extent of legal, management, financial, and practical challenges associated with implementing SORNA requirements related to the inclusion in registry of juveniles adjudicated delinquent for certain sexual offenses.

	Very Significant Concern	Significant Concern	Minimally Significant Concern	No Concern	Uncertain
<b>Legal Concerns:</b> Provision's implementation may be constrained by legal (i.e. state or federal constitutional) challenges					
<b>Operational Concerns:</b> Provision's implementation may be constrained by operational factors such as agency roles, capacity of information systems, and standing policies and procedures					
<b>Financial Concerns:</b> Provision's implementation may be constrained by costs and unmet resource demands					
<b>Practical Concerns:</b> Provision's implementation may produce adverse collateral public safety consequences					
<b>Political/Legislative:</b> Concerns and/or potential that implementation may be impeded by lack of required legislative action.					

OFFENSE-BASED CLASSIFICATION

SORNA guidelines requires that states distinguishing between levels of sex offenders do so on the basis of an offense-based (rather than risk-based) classification system. Provision details may be accessed through the links below.

- Rate the consistency between your current state policy/practice and SORNA requirements related to offense-based (as opposed to risk-based) classification.

	Highly Inconsistent	Moderately Inconsistent	Partially Consistent	Consistent
<b>Legislative:</b> Consistency with state law				
<b>Administrative:</b> Consistency with prevailing practice				

- Rate the extent of legal, management, financial, and practical challenges associated with implementing SORNA requirements related to offense-based (as opposed to risk-based) classification.

	Very Significant Concern	Significant Concern	Minimally Significant Concern	No Concern	Uncertain
<b>Legal Concerns:</b> Provision’s implementation may be constrained by legal (i.e. state or federal constitutional) challenges					
<b>Operational Concerns:</b> Provision’s implementation may be constrained by operational factors such as agency roles, capacity of information systems, and standing policies and procedures					
<b>Financial Concerns:</b> Provision’s implementation may be constrained by costs and unmet resource demands					
<b>Practical Concerns:</b> Provision’s implementation may produce adverse collateral public safety consequences					
<b>Political/Legislative:</b> Concerns and/or potential that implementation may be impeded by lack of required legislative action.					

RETROACTIVITY

SORNA guidelines specify that certain individuals convicted of sexual offenses prior to enactment of SORNA and who are not currently registered must be "recaptured" by the system within specified time frames following SORNA implementation (one year for Tier I, 6 months for Tier II, 3 months for Tier III).

- Rate the consistency between your current state policy/practice and SORNA requirements related to retroactivity provisions.

	Highly Inconsistent	Moderately Inconsistent	Partially Consistent	Consistent
<b>Legislative:</b> Consistency with state law				
<b>Administrative:</b> Consistency with prevailing practice				

- Rate the extent of legal, management, financial, and practical challenges associated with implementing SORNA requirements related to retroactivity provisions.

	Very Significant Concern	Significant Concern	Minimally Significant Concern	No Concern	Uncertain
<b>Legal Concerns:</b> Provision’s implementation may be constrained by legal (i.e. state or federal constitutional) challenges					
<b>Operational Concerns:</b> Provision’s implementation may be constrained by operational factors such as agency roles, capacity of information systems, and standing policies and procedures					
<b>Financial Concerns:</b> Provision’s implementation may be constrained by costs and unmet resource demands					
<b>Practical Concerns:</b> Provision’s implementation may produce adverse collateral public safety consequences					
<b>Political/Legislative:</b> Concerns and/or potential that implementation may be impeded by lack of required legislative action.					

## SCOPE OF REQUIRED INFORMATION

SORNA guidelines specify a series of data elements that must be captured and maintained by state registries. Provision details may be accessed through the links below.

9. Rate the consistency between your current state policy/practice and SORNA requirements related to the scope of information to be maintained on the registry

	Highly Inconsistent	Moderately Inconsistent	Partially Consistent	Consistent
<b>Legislative:</b> Consistency with state law				
<b>Administrative:</b> Consistency with prevailing practice				

10. Rate the extent of legal, management, financial, and practical challenges associated with implementing SORNA requirements related to the scope of information to be maintained on the registry.

	Very Significant Concern	Significant Concern	Minimally Significant Concern	No Concern	Uncertain
<b>Legal Concerns:</b> Provision's implementation may be constrained by legal (i.e. state or federal constitutional) challenges					
<b>Operational Concerns:</b> Provision's implementation may be constrained by operational factors such as agency roles, capacity of information systems, and standing policies and procedures					
<b>Financial Concerns:</b> Provision's implementation may be constrained by costs and unmet resource demands					
<b>Practical Concerns:</b> Provision's implementation may produce adverse collateral public safety consequences					
<b>Political/Legislative:</b> Concerns and/or potential that implementation may be impeded by lack of required legislative action.					

## PUBLIC ACCESS AND DISCLOSURE

SORNA guidelines require that states make certain information available to the general public via the registration website. Provision details may be accessed through the links below.

11. Rate the consistency between your current state policy/practice and SORNA requirements related to general public access to registry information.

	Highly Inconsistent	Moderately Inconsistent	Partially Consistent	Consistent
<b>Legislative:</b> Consistency with state law				
<b>Administrative:</b> Consistency with prevailing practice				

12. Rate the extent of legal, management, financial, and practical challenges associated with implementing SORNA requirements related to general public access to registry information.

	Very Significant Concern	Significant Concern	Minimally Significant Concern	No Concern	Uncertain
<b>Legal Concerns:</b> Provision's implementation may be constrained by legal (i.e. state or federal constitutional) challenges					
<b>Operational Concerns:</b> Provision's implementation may be constrained by operational factors such as agency roles, capacity of information systems, and standing policies and procedures					
<b>Financial Concerns:</b> Provision's implementation may be constrained by costs and unmet resource demands					
<b>Practical Concerns:</b> Provision's implementation may produce adverse collateral public safety consequences					
<b>Political/Legislative:</b> Concerns and/or potential that implementation may be impeded by lack of required legislative action.					

**TIER-BASED DURATION OF REGISTRATION REQUIREMENTS**

SORNA guidelines require that states establish the duration of the mandatory registration period consistent with established standards (15 years for Tier I, 25 years for Tier II, and lifetime for Tier III). Provision details may be accessed through the links below.

13. Rate the consistency between your current state policy/practice and SORNA requirements related to duration of registration.

	Highly Inconsistent	Moderately Inconsistent	Partially Consistent	Consistent
<b>Legislative:</b> Consistency with state law				
<b>Administrative:</b> Consistency with prevailing practice				

14. Rate the extent of legal, management, financial, and practical challenges associated with implementing SORNA requirements related to duration of registration.

	Very Significant Concern	Significant Concern	Minimally Significant Concern	No Concern	Uncertain
<b>Legal Concerns:</b> Provision’s implementation may be constrained by legal (i.e. state or federal constitutional) challenges					
<b>Operational Concerns:</b> Provision’s implementation may be constrained by operational factors such as agency roles, capacity of information systems, and standing policies and procedures					
<b>Financial Concerns:</b> Provision’s implementation may be constrained by costs and unmet resource demands					
<b>Practical Concerns:</b> Provision’s implementation may produce adverse collateral public safety consequences					
<b>Political/Legislative:</b> Concerns and/or potential that implementation may be impeded by lack of required legislative action.					

**TIER-BASED FREQUENCY OF UPDATE REQUIREMENTS**

SORNA guidelines require that states establish the mandatory frequency of in-person updates to registration consistent with established standards (annually for Tier I, every 6 months for Tier II, and every three months for Tier III). Provision details may be accessed through the links below.

15. Rate the consistency between your current state policy/practice and SORNA requirements related to in-person registration updates.

	Highly Inconsistent	Moderately Inconsistent	Partially Consistent	Consistent
<b>Legislative:</b> Consistency with state law				
<b>Administrative:</b> Consistency with prevailing practice				

16. Rate the extent of legal, management, financial, and practical challenges associated with implementing SORNA requirements related to the frequency of in-person registration updates.

	Very Significant Concern	Significant Concern	Minimally Significant Concern	No Concern	Uncertain
<b>Legal Concerns:</b> Provision’s implementation may be constrained by legal (i.e. state or federal constitutional) challenges					
<b>Operational Concerns:</b> Provision’s implementation may be constrained by operational factors such as agency roles, capacity of information systems, and standing policies and procedures					
<b>Financial Concerns:</b> Provision’s implementation may be constrained by costs and unmet resource demands					
<b>Practical Concerns:</b> Provision’s implementation may produce adverse collateral public safety consequences					
<b>Political/Legislative:</b> Concerns and/or potential that implementation may be impeded by lack of required legislative action.					

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ACTIONS RELATED TO SUBSTANTIAL COMPLIANCE DETERMINATIONS

**17. In your opinion and based on your understanding, which of the following most closely reflects your state or jurisdiction's current status regarding compliance with SORNA requirements?**

- a) State/jurisdiction has made all necessary adjustments to fully comply with SORNA guidelines as written, pending SMART office approval.
- b) State/jurisdiction has taken definitive steps to bring policy in line with guidelines (for example, passage of legislation), and is on a path to full compliance pending additional adjustments to state policy and/or practice.
- c) State/jurisdiction most likely will comply with provisions, but has not yet taken definitive action to adjust state policy and/or practice.
- d) State/jurisdiction has concerns with certain aspects of the guidelines, but is continuing to weigh the costs and benefits of full compliance.
- e) State/jurisdiction has made an affirmative decision to maintain current policies that conflict with certain aspects of the guidelines.

**18. In your opinion and based on your understanding, which of the following most closely reflects your state or jurisdiction's actions to date or most likely plan regarding SMART SORNA compliance review?**

- a) SMART substantial compliance determination request has been formally submitted and has been deemed compliant.
- b) SMART substantial compliance determination request has been formally submitted and has been deemed non-compliant.
- c) SMART substantial compliance determination request has been formally submitted and has not yet been ruled upon.
- d) SMART substantial compliance determination request will most likely be submitted by July 2009.
- e) State/jurisdiction has already submitted to the SMART office a request for an extension of the July 2009 deadline.
- f) State/jurisdiction will most likely request an extension of the July 2009 deadline.
- g) State/jurisdiction will likely take no action before July 2009.

***Please provide any additional relevant information related to your response to the above questions.***